

THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED:	March 11, 2021	REPORT NO. PC-21-013
HEARING DATE:	March 18, 2021	
SUBJECT:	LISBON HEIGHTS - Process Five Decision	
PROJECT NUMBER:	<u>622368</u>	
OWNER/APPLICANT:	Lisbon Vista Height, LLC, a California Limited	Liability Company

<u>SUMMARY</u>

<u>Issue</u>: Should the Planning Commission recommend approval to the City Council of an application to subdivide an existing 3.73-acre vacant site to create 27 lots and construction of 24 single family units located at 7108-7112 Lisbon Street within the Skyline-Paradise Hills Community Plan Area?

Staff Recommendations:

- 1. Recommend the City Council ADOPT Mitigated Negative Declaration No. 622368 and ADOPT the Mitigation Monitoring and Reporting Program;
- 2. Recommend the City Council APPROVE Neighborhood Development Permit No. 2509264; and
- 3. Recommend the City Council APPROVE Tentative Map No. 2225121.

<u>Community Planning Group Recommendation:</u> On April 9, 2019, the Skyline- Paradise Hills Planning Committee voted 12-0-0 to recommend approval of the Project with no conditions (Attachment 12).

<u>Environmental Review</u>: Mitigated Negative Declaration, Project No. 622368, has been prepared for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines, which addresses potential impacts to Biological Resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce potential impacts to below a level of significance (Attachment 11).

<u>Fiscal Impact Statement</u>: No fiscal impacts. All costs associated with the processing of the application is recovered through a deposit account funded by the applicant.

<u>Housing Impact Statement</u>: The Skyline/Paradise Hills Community Plan designates the 3.7acre vacant site for Residential 0-10 dwelling units per acre, which would allow 37 dwelling units on site. The proposed development consists of 24 single family detached units. One housing unit is proposed as a for sale affordable unit for a buyer at no more than 120 percent Area Median Income (AMI). According to San Diego Housing Commission data from July 2020, there are currently 619 restricted affordable housing units in the Skyline/Paradise Hills community plan area.

DISCUSSION

Project Background:

The Lisbon Heights Project (Project) site located at 7108-7112 Lisbon Street is zoned Residential Single Dwelling (RS-1-7) and within the Very High Fire Severity Overlay Zone in the Skyline-Paradise Hills Community Plan Area. The 3.73-acre site is designated Residential-Low Density (0-10 dwelling units per acre) per the Skyline-Paradise Hills Community Plan (Attachments 1-3).

The vacant panhandled lot is located north of Lisbon Street and east of Imperial Avenue. This site is an undeveloped lot bordered by residential development on all sides.

On-site vegetation consists of non-native grasslands. Topographically, the site elevations range from approximately 315 feet above mean sea level (AMSL) at the southwest corner of the site to 380 AMSL in the northeast corner. Although the site is located within the Very High Fire Zone (VHFZ) brush management is not required due to the following site conditions: site is surrounded by existing development, there is no connectivity or adjacency to a canyon system, there are no steep hillsides, and the site is located more than 100 feet from native/naturalized vegetation.

Discretionary Actions:

The Project requires the following discretionary permits:

- *Neighborhood Development Permit (NDP)* <u>SDMC Section 143.0915(a)(1)</u> Development that includes Affordable Housing, supports development flexibility, and contains environmentally sensitive lands (non-native grassland), Process 2; and
- *Tentative Map (TM)* <u>SDMC Section 125.0410</u> Subdivision of land with public right-of-way and public service easement vacations, Process 5.

All discretionary actions have been consolidated under this application and processed concurrently, pursuant to the Consolidation of Processing regulations contained in <u>SDMC Section 112.0103</u>. Therefore, the decision to approve, conditionally approve, or deny this project will be made by the City Council.

Project Description:

The Project is proposing to subdivide an existing 3.73-acre vacant site into 27 lots and construction of 24 single family units that includes one for-sale affordable unit, to moderate income households at 120 percent Area Median Income (AMI). The Project includes development deviations, and vacations of a public service easement and public right-of-way associated with the subdivision.

Lot	Square footage	Proposed
Lots 1-24	Range from 3,277 to 5,000 square feet	Construction of a two-story, 1,800 square-foot, single family units with attached two car garages on each lot.
Lot 25	29,478 square feet	Private Access -HOA Lot A
Lot 26	4,263 square feet	Floodwater Storage -HOA Lot B
Lot 27	4,980 square feet	Open Space - HOA Lot C

Access to the site will be taken from a single 25-foot wide driveway on Lisbon Street that leads to a circular private street. The two-story single-family units, with attached two car garages, will be orientated perpendicular to the street, and will include two parking spaces within the driveway, for a total 96 spaces within the Project site. The architectural theme for the Project is a Modern design style that includes materials such as stucco and cementitious siding.

The development includes open space for the residents, recreational/playground area, and private entrances. The landscape design emphasizes the use of trees, shrubs and ground cover combinations that harmonize with the architecture and provide shading to interior streets, common open space, and achieves effective slope erosion control. Street trees along the Lisbon Street frontage and the internal private street will be provided at regular intervals to provide shade to streets and sidewalks and soften the structures from public views. The irrigation systems will be equipped with weather based smart controllers.

Grading entails approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet. City Staff has reviewed and accepted a Geotechnical Investigation Report prepared by SWS Engineering, Inc. dated July 19, 2019, which determined the consultant has adequately addressed the soil and geologic conditions for the Project. A condition of approval requires a geotechnical investigation report or update letter specifically addressing the proposed construction plans.

The Project permits contain specific requirements to ensure compliance with the regulations of the implementing San Diego Municipal Code. Permit requirements include the following improvements on Lisbon Street: a six-foot dedication to provide a 14-foot curb-to-property-line distance; construction of a City Standard 25-foot wide driveway; Encroachment Maintenance Removal Agreement for curb outlets; and implementation of construction best management practices (BMPs).

Affordable Housing

The Project is subject to the Inclusionary Housing requirements of San Diego Municipal Code Chapter 14, Article 2, Division 13.

The Project is proposing to develop 24 single family units. The applicant proposes three percent of the Project (24 units x 3% = 0.72 rounded to 1 unit) to be affordable, for-sale, to moderate income households at 120 percent of Area Median Income. By providing this affordable unit, the project meets the requirements of San Diego Municipal Code (<u>SDMC</u>) Section 142.1304(b)(2).

The Project has been conditioned to require an agreement with the San Diego Housing Commission secured by a deed of trust. The for-sale affordable unit must be provided in a comparable mix to the total development. Comparability will be determined by the San Diego Housing Commission.

Deviations

The Project is subject to the Affordable Housing, In-Fill Projects, and Sustainable Regulations pursuant to <u>SDMC Section 143.0915 (a)(1)</u> which provides flexibility of development regulations for projects providing affordable housing opportunities.

The Project proposes deviations from the Development Regulations for the RS-1-7 Zone, <u>SDMC</u> <u>Section 131.0431(b)</u>, <u>Table 131-04D</u> and Fencing <u>Regulations SDMC Section 142.0340(d)</u> as show on the table below:

Deviation	Required	Proposed
Lot Area	5000 square feet	Average lot size 3,975 square
		feet Lots 1-7, 15-16, 19-21
Lot Width	50 feet	48 feet Lot 21
Lot Size	50 feet X 95 feet minimum	Lots 1-9 & 13-21
Street Frontage	50 feet of street frontage	No street frontage /Private
		access
Retaining Walls	Maximum of two 6-foot	Range from 16 inches to 16
	retaining walls if separated by	feet
	a horizontal distance equal to	
	or greater than the height of	
	the upper wall	

The site was designed, to the extent possible, to adhere to the implementing RS-1-7 Zone development regulations. However, due to the lot configuration, grade differential of over 65 feet, and narrow street frontage, the listed deviations were determined to be necessary in order to develop the proposed residential development.

Tentative Map with Public Right-of-Way and Public Service Easement Vacations:

Consistent with SDMC Sections 125.0910(a) and 125.1010(b) the vacations of a public right-of-way and public service easements may be vacated by filing a tentative map and a parcel map or final map pursuant to the Subdivision Map Act. The proposed Public Right-of-Way (PROW) and Public Service Easement vacations are oriented east to west on the site. The PROW along the northern property line, is an unnamed street reservation. The service easement was granted for repairing, maintenance, roadway right of ingress and egress, and incidental purposes. The easement was granted but never dedicated with public improvements.

The PROW and Public Service Easement recorded per Tract Map 2285 on May 21,1945, were determined not to be needed for public purposes. The City currently controls and is liable for an area that does not serve a public benefit. The vacations will allow the utilization of the vacant site and development of 24 single family units, 23 market rate, and one moderate income affordable. The public will benefit by having additional housing opportunities during the housing shortage San Diego is experiencing.



Community Plan Analysis:

LAND USE

The General Plan designates the proposed Project site for Residential use. The Skyline/Paradise Hills Community Plan designates the development site for residential use at low-density ranging from 0-10 dwelling units per acre. The 3.7-acre vacant site would allow for 37 detached dwelling units. The proposed 24 single-family dwelling units would be consistent with the Community Plan and the General Plan land use designations.

MOBILITY

The General Plan focuses on creating walkable and transit friendly communities. The site is located a quarter mile from a retail center and transit stop. The proposed development incorporates shade producing street trees in the internal circulation system for the Project to promote walkability. The Skyline/Paradise Hills Community Plan has no recommendations for unclassified streets; therefore, the proposed vacation of an unclassified street would not adversely affect the Community Plan.

URBAN DESIGN

The General Plan calls for planting of new trees, street trees and other plans for their shading, air quality, and livability benefits and for the use of landscaping to support storm water management. The proposed development would include of a stormwater basin with slender sedge groundcover adjacent to Lisbon Street and gold medallion and peppermint trees all along the internal circulation system.

Environmental Analysis:

The City conducted an Initial Study and determined that the proposed Project could have a significant environmental effect on Biological Resources.

The Project would impact 1.8 acres of Non-native Grasslands; per the Biology Guidelines, impacts to Non-native Grasslands is considered significant and would require mitigation. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct project impacts to non-native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee. A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which mitigates potential significant environmental effects to Biological Resources to below a level of significance.

Conclusion:

With the approval of the requested deviations, the proposed Project meets all applicable regulations and policy documents, and staff finds the Project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Skyline-Paradise Hills Community Plan, SDMC, and the General Plan. In addition, the Project would further the City's affordable housing goals by developing one on-site affordable housing unit. Therefore, staff recommends that the Planning Commission recommend City Council approve the Project.

ALTERNATIVES

1. Recommend the City Council ADOPT Mitigated Negative Declaration No. 622368 and ADOPT the Mitigation Monitoring and Reporting Program; APPROVE Neighborhood Development

Permit No. 2509264, and Tentative Map No. 2225121, with modifications.

 Recommend the City Council NOT ADOPT Mitigated Negative Declaration No. 622368 and NOT ADOPT the Mitigation Monitoring and Reporting Program; DENY Neighborhood Development Permit No. 2509264, and Tentative Map No. 2225121, if the findings required to approve the project cannot be affirmed and if the Housing Crisis Act of 2019 or Senate Bill (S.B.) 330 written finding to deny can be made.

Respectfully submitted,

Tim Daly Assistant Deputy Director Development Services Department

Edith Gutierrez **C** Development Project Manager Development Services Department

Attachments:

- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Street View
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Draft TM Resolution with Findings
- 8. Draft TM Conditions
- 9. Draft Environmental Resolution
- 10. Tentative Map Exhibit
- 11. Mitigated Negative Declaration No. 622368
- 12. Community Planning Group Recommendation
- 13. Ownership Disclosure Statement





Project Location Map

LISBON HEIGHTS Project No. 622368 - 7108-7112 Lisbon Street







LISBON HEIGHTS Project No. 622368 - 7108-7112 Lisbon Street







Aerial Photograph

LISBON HEIGHTS Project No. 622368 – 7108-7112 Lisbon Street







Street View

<u>LISBON HEIGHTS</u> Project No. 622368 – 7108-7112 Lisbon Street



ATTACHMENT 5

CITY COUNCIL RESOLUTION NO. _____ NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2509264 LISBON HEIGHTS PROJECT NO. 622368- MMRP

WHEREAS, Lisbon Vista Height, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a Neighborhood Development Permit (NDP) to create a residential development on an existing 3.73-acre parcel with residential and Home Owner Association (HOA) lots to construct single family dwelling units known as the Lisbon Heights project, located at 7108-7112 Lisbon Street, and legally described as Parcel 1 of No. 9343, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, November 2, 1979 as File No. 79-463698 in the RS-1-7 zone within the Skyline-Paradise Hills Community Plan Area; and

WHEREAS, on ______, the Planning Commission of the City of San Diego considered NDP No. 2509264 pursuant to Resolution No. ______-PC voted to recommend approval of the Permit; and

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

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

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings

with respect to Neighborhood Development Permit No. 2509264:

1. <u>NEIGHBORHOOD DEVELOPMENT PERMIT San Diego Municipal Code (SDMC) Section</u> <u>126.0404</u>

a. Findings for all Neighborhood Development Permits:

(1) The proposed development will not adversely affect the applicable land use plan.

The Lisbon Heights project proposes to subdivide an existing 3.73-acre vacant site to 27 lots for residential development consisting of 24 lots for single family development, with 23 lots as market rate and one lot as moderate income affordable unit; Private Access (Lot 25); Floodwater Storage (Lot 26), and Open Space (Lot 27). Additionally, the project will provide landscaping; and associated onsite and off-site improvements, vacate an unimproved public service easement, and vacate a public right-of-way (PROW). Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-square-foot access road, Lot 26 contains a 4,263-square-foot floodwater storage area, and Lot 27 consists of a 4,980 square feet of open spaces. The 24 residential lots are proposed to be developed with 1,800 square foot, two-story detached single-family units with attached two car garages.

The project requests deviations from the RS-1-7 Zone development regulations pertaining to lot area, lot width, lot size, street frontage, and retaining walls. Pursuant to the Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations, SDMC Section 143.0920, these regulations allow flexibility in the application of development regulations for projects providing affordable housing opportunities, while assuring that the development achieves the purpose and intent of the applicable land use plan.

The General Plan designates the proposed Project site for Residential use. The Skyline/Paradise Hills Community Plan land use designation is Low-Density Residential (0-10 dwelling units per acre). The 3.7-acre vacant site would allow up to 37 detached dwelling units. The proposed 24 single-family dwelling unit development is consistent with the Community Plan and the General Plan land use designations.

The General Plan focuses on creating walkable and transit friendly communities. The site is located a quarter mile from a retail center and transit stop. The proposed development incorporates shade producing street trees in the internal circulation system for the Project to promote walkability.

The General Plan calls for planting of new trees, street trees and other plans for their shading, air quality, and livability benefits and for the use of landscaping to support storm water management. The proposed development includes a stormwater basin

with slender sedge groundcover adjacent to Lisbon Street and gold medallion and peppermint trees along the internal circulation system.

The rear segment of 7108-7112 Lisbon Street is proposed to be vacated and is not part of the Skyline/Paradise Hills Community Plan streets classification network. Unimproved local streets may be considered for a PROW vacation if needs for public access infrastructure are addressed, including feasibility of construction. The public service easement proposed to be vacated was previously granted for repair, maintenance, and roadway renewal with the right of ingress and egress, however, the easement was never dedicated with public improvement. The PROW and public service easement were determined not to be needed for public purposes. The project proposes to incorporate the vacated ROW and public service easement into the total site area for the construction of housing. Based on the above, the proposed development will not adversely affect the applicable land use plan.

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

The proposed development with deviatons is consistent with the relevant SDMC, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of SDMC in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact upon the public health, safety, and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Although the site is located within the Very High Fire Zone (VHFZ) brush management is not required due to the following site conditions: site is surrounded by existing development, there is no connectivity or adjacency to a canyon system, there are no steep hillsides, and the site is located more than 100 feet from native/naturalized vegetation.

Prior to issuance of any construction permit for the proposed development, the plans require review for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, including the requirement to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors.

Furthermore, the project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

(3) The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The Lisbon Heights project proposes to subdivide an existing 3.73-acre vacant site to 27 lots for residential development consisting of 24 lots for single family development, with 23 lots as market rate and one lot as moderate income affordable unit; Private Access (Lot 25); Floodwater Storage (Lot 26), and Open Space (Lot 27). Additionally, the project will provide landscaping; and associated onsite and off-site improvements, vacate an unimproved public service easement, and vacate a public right-of-way (PROW). Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-squarefoot access road, Lot 26 contains a 4,263-squarefoot floodwater storage area, and Lot 27 consists of 4,980 square feet of open spaces. The 24 residential lots are proposed to be developed with 1,800 square foot, two-story detached single-family units with attached two car garages.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed as development incentives in accordance with the Affordable Housing Regulations, and through the Neighborhood Development Permit process pursuant to SDMC Section 143.0920, which provides flexibility of development regulations for projects providing affordable housing opportunities.

The project requests the following deviations from the RS-1-7 Zone development regulations: Lot areas will average 3,975 square feet (Lot 1-7, 15-16, 19-21) where 5,000 square feet is required; Lot width is less than 50 feet for Lot 21; Lot size does not meet the 50 foot by 95 square foot minimum for Lots 1-9, and 13-21; residences don't have the required 50- foot street frontage, access is through internal private streets; and retaining walls range from 16 inches to 16 feet where the maximum allowable height is six feet.

The deviations are supported because the project is consistent with the community plan policies, is designed to address the physical environment and topographic constraints and would not adversely impact the public's health and safety.

The Project would benefit the community by providing additional market rate and affordable housing opportunities in the Skyline/Paradise Hills Community. The requested deviations are necessary for development of the proposed 24 residential dwelling units and are in accordance with the Affordable Housing, In-fill Projects, and Sustainable Buildings Development Regulations, which provide development flexibly. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the Land Development Code and San Diego Municipal Code. Therefore, the proposed development Code, including any allowable deviations pursuant to the Land Development Code.

b. <u>Supplemental Findings - Environmentally Sensitive Lands</u>

(1) The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The Lisbon Heights project proposes to subdivide an existing 3.73-acre vacant site to 27 lots for residential development consisting of 24 lots for single family development, with 23 lots as market rate and one lot as moderate income affordable unit; Private Access (Lot 25); Floodwater Storage (Lot 26), and Open Space (Lot 27). Additionally, the project will provide landscaping; and associated onsite and off-site improvements, vacate an unimproved public service easement, and vacate a public right-of-way (PROW). Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-square-foot access road, Lot 26 contains a 4,263-square-foot floodwater storage area, and Lot 27 consists of 4,980 square feet of open spaces. The 24 residential lots are proposed to be developed with 1,800 square foot, two-story detached single-family units with attached two car garages.

The vacant panhandled lot is located north of Lisbon Street and East of Imperial Avenue. This site is an undeveloped lot bordered by residential development on all sides.

The vacant, panhandeled lot contains non-native grasslands. Topographically, the site elevations range from approximately 315 feet at the southwest corner of the site to 380 feet above mean sea level (AMSL) in the northeast corner.

Grading entails approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet. City Staff has reviewed and accepted a Geotechnical Investigation Report prepared by SWS Engineering, Inc. dated July 19, 2019, which determined the consultant adequately addressed the soil and geologic conditions for the Project and the site is suitable for the proposed development provided the geotechnical recommendations are incorporated into the project design.

The Project site is subject to the City's Multiple Species Conservation Project (MSCP) Subarea Plan and the City's Biology Guidelines which implement the Environmentally Sensitive Lands Regulations.

The City conducted an Initial Study and determined that the Project could have a significant environmental effect on Biological Resources. The Project would impact 1.8 acres of Non-native Grasslands. Per the City of San Diego Biology Guidelines, impacts to Non-native Grasslands are considered significant and would require mitigation. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. This fee is based on mitigation ratios, per the Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-Habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct project impacts to non-

native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee. A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which mitigates potential significant environmental effects to Biological Resources to below a level of significance.

Based on the above, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

(2) The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The site elevations range from approximately 315 feet above mean sea level (AMSL) at the southwest corner of the site to 380 feet AMSL in the northeast corner. Grading entails approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet. Project grading would create flat development pads for the construction of 24 buildings and balance cut and fill within the site. Internal driveways would generally flow with the sloping topography and buildings would be stepped in specific areas to incorporate the natural drop of the slope.

Although the site is located within the Very High Fire Zone (VHFZ), brush management is not required due to the following site conditions: site is surrounded by existing development, there is no connectivity or adjacency to a canyon system, there are no steep hillsides, and the site is located more than 100 feet from native/naturalized vegetation

According to a geotechnical investigation report prepared by SWS Engineering, Inc., the site is suitable for the proposed development provided the geotechnical recommendations are incorporated into project design. The project has been conditioned to require the preparation of a geotechnical investigation report in accordance with the City's Guidelines for Geotechnical Reports that specifically addresses the proposed grading plans prior to the issuance of any grading permits. Additionally, the project would be required to comply with the California Building Code, City of San Diego Grading Ordinance, as well as the Storm Water Standards, and utilize proper engineering design and construction practices. Therefore, the proposed development will minimize the alternation of natural land forms, and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

(3) The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The City conducted an Initial Study and determined that the proposed Project could have a significant environmental effect on Biological Resources.

The Project would impact 1.8 acres of Non-native Grasslands; per the City of San Diego Biology Guidelines, impacts to Non-native Grasslands is considered significant and would require mitigation. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-Habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct project impacts to non-native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee. A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which mitigates potential significant environmental effects to Biological Resources to below a level of significance.

The project will comply with all applicable water quality regulations, including obtaining and complying with those conditions established in State Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits. Both of these permits include the treatment of all surface runoff from paved and developed areas, the implementation of applicable Best Management Practices (BMPs) during construction activities and the installation and proper maintenance of structural BMPs to ensure adequate long-term treatment of water before entering into any stream course or offsite conservation areas. The project will include the development of an onsite bioretention basin for the capture, treatment and release of project related runoff.

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

(4) The proposed development will be consistent with the City of San Diego's MSCP Subarea Plan and VPHCP.

The 3.73-acre project site is located within the City of San Diego's MSCP Subarea Plan. The site is not located within or adjacent to a Multi-Habitat Planning Area (MHPA), open space or conserved land. Therefore, no conservation or land use adjacency guidelines are applicable.

The City conducted an Initial Study and determined that the proposed Project could have a significant environmental effect on Biological Resources.

The Project would impact 1.8 acres of Non-native Grasslands; per the City of San Diego Biology Guidelines, impacts to Non-native Grasslands are considered significant and would require mitigation. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-Habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct project impacts to non-native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee. A Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which mitigates potential significant environmental effects to Biological Resources to below a level of significance.

(5) The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed development.

The site contains environmentally sensitive lands in the form of Biological Resources. The Project has been conditioned make payment to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 1.8-acres of non-native grasslands (Tier IIIB), which will be mitigated through applicant's contribution to the City of San Diego's Habitat Acquisition Fund. The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed development.

c. Supplemental Findings-Affordable Housing, In-Fill Projects, Sustainable Buildings Deviation

(1) The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable building opportunities.

The Skyline/Paradise Hills Community Plan land use designation is Low-Density Residential (0-10 dwelling units per acre). The 3.7-acre vacant site would allow up to 37 detached dwelling units. The proposed 24 single-family dwelling unit development is consistent with the Community Plan and the General Plan land use designations.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed as development incentives in accordance with the Affordable Housing Regulations, and through the Neighborhood Development Permit process pursuant to SDMC Section 143.0920, which provides flexibility of development regulations for projects providing affordable housing opportunities.

The project would benefit the community by providing additional market rate and affordable housing opportunities in the Skyline/Paradise Hills Community, maximizing housing within this vacant infill development. Therefore, the

development will materially assist in accomplishing the goal of providing affordable housing, in-fill development, and sustainable buildings.

(2) Any proposed deviations are appropriate for the proposed location.

The vacant 3.7-acre panhandled lot is located north of Lisbon Street and East of Imperial Avenue. This site is an undeveloped lot bordered by residential development on all sides.

On-site vegetation consists of non-native grasslands. Topographically, the site elevations range from approximately 315 feet above mean sea level (AMSL) at the southwest corner of the site to 380 feet AMSL in the northeast corner.

Project grading would create flat development pads for the construction of the 24 residential units, and balance cut and fill within the site. Internal driveways would generally flow with the sloping topography and buildings would be stepped in specific areas to incorporate the natural drop of the slope. Building volumes would also incorporate variations in rooflines and wall planes that transition with the flow of the slope.

The project requests the following deviations from the RS-1-7 development regulations: Lot area will average 3,975 square feet (Lot 1-7, 15-16, 19-21) where 5,000 square feet is required; Lot width is less than 50 feet for Lot 21; Lot size does not meet the 50 feet X 95 feet minimum for Lots 1-9, and 13-21; residences don't have the required 50 foot street frontage, access is through private streets; retaining walls range from 16 inches to 16 feet where the maximum allowable height is six feet.

Pursuant to the Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations, SDMC Section 143.0920, these regulations allow flexibility in the application of development regulations for projects providing affordable housing opportunities, while assuring that the development achieves the purpose and intent of the applicable land use plan

Providing 24 residential units within this vacant infill development site furthers General Plan and Skyline/Paradise Hills Community Plan goals and policies related to the provision of housing. The proposed deviations are necessary due to site constraints, on an otherwise underutilized site. The proposed deviations provide a design that is suitable for the proposed development and are appropriate for this location.

The above findings are supported by the minutes, maps and exhibits, all of which are

incorporated herein by this reference.

ATTACHMENT 5

BE IT FURTHER RESOLVED, that Neighborhood Development Permit No 2509264 is granted to Lisbon Vista Height, LLC, a California Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution. RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO CITY CLERK MAIL

INTERNAL ORDER NUMBER: 24008090

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2509264 LISBON HEIGHTS PROJECT NO. 622368- MMRP CITY COUNCIL

This Neighborhood Development Permit No. 2509264 is granted by the Council of the City of San Diego to Lisbon Vista Height, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0402. The 3.73-acre site is located at 7108-7112 Lisbon Street in the RS-1-7 zone within the Skyline-Paradise Hills Community Plan Area. The project site is legally described as: Parcel 1 of Parcel Map No. 9343, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, November 2, 1979 as File No. 79-463698.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create a residential development with 24 single dwelling units subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated ______, on file in the Development Services Department. The project shall include:

- a. The residential development of a 3.73-acre site to create 27 lots;
 - 1. 24 residential lots to be developed with as two-story, 1,800 square-foot, single family residences with attached two car garages (Lots 1-24);
 - 2. HOA Private Access Lot A (Lot 25);
 - 3. HOA Floodwater Storage Lot B (Lot 26);
 - 4. HOA Open Space Lot C (Lot 27);
- b. Deviations include:
 - 1. Lot Areas average 3,976 square feet for Lots 1-7, 15-16, 19-21, and 23 where 5,000 square feet is required
 - 2. Lot Width is less than the 50-foot required for Lot 21
 - 3. Lot Size less than the required 50-foot X 95 foot minimum for Lots 1-9, and 13-21
 - 4. No Street frontage proposed, homes accessed through internal private street
 - 5. Retaining walls range from 16 inches to 16 feet in height where a maximum of six feet is allowed

c. 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 _____.

2. 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.

3. 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.

4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

5. 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.).

6. The Owner/Permittee shall secure all necessary construction 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.

7. 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.

8. 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.

9. 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:

10. 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.

11. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration, No. 622368, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified In Mitigated Negative Declaration, No. 622368, to the satisfaction of the Development Services Department and the City Engineer.

13. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: Biological Resources.

CLIMATE ACTION PLAN REQUIREMENTS:

14. 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:

15. Prior to issuance of any construction permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. 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, the Owner/Permittee shall provide 1 affordable for-sale unit with prices of no more than 120% AMI.

ENGINEERING REQUIREMENTS:

16. This Permit shall comply with the conditions of the Final Map for Tentative Map No. 2225121.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall dedicate an additional six feet on Lisbon Street to provide a 14-foot curb-to-property-line distance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 25-foot wide driveway, adjacent to the site on Lisbon Street, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for proposed curb outlet within Lisbon Street public right of way.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specification.

21. 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.

22. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

LANDSCAPE REQUIREMENTS:

23. Prior to issuance of any construction permit for grading, 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.

24. Prior to issuance of any construction permit for public improvement, 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.

25. Prior to issuance of any construction 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)(5).

26. 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.

27. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

GEOLOGY REQUIREMENTS:

28. Prior to the issuance of any construction permit (either grading or building), the Owner/ Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

29. The Owner/ Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The asgraded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PLANNING/DESIGN REQUIREMENTS:

30. 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.

31. Prior to the issuance of any construction permit, construction documents shall demonstrate compliance with the approved Exhibit "A," including the Lisbon Heights Design Guidelines.

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

33. 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:

34. All 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

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

36. Prior to the issuance of any construction permit, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director 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.

37. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private sewer facilities encroaching into the Public Right-of-Way.

38. Prior to the issuance of any construction permit, the Owner/Permittee shall assure, by permit and bond, the design of the sewer manhole with an eight- inch channel for the existing six-inch public sewer main to achieve a laminar flow within the Lisbon Street as shown on the approved Exhibit "A".

39. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

40. 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.

41. Prior to Final Inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

42. 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.

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 ______ and Resolution No. ______.

ATTACHMENT 6

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 250964 PTS NO. 622368

Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Edith Gutierrez 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.

LISBON VISTA HEIGHT, LLC,

a California Limited Liability Company Owner/Permittee

Ву _____

NAME TITLE

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

CITY COUNCIL RESOLUTION NUMBER R-_____

TENTATIVE MAP NO. 2225121 LISBON HEIGHTS – PROJECT NO. 622368 [MMRP]

WHEREAS, Lisbon Vista Height, LLC, a California Limited Liability Company, Subdivider, and SWS Engineering, Inc., Engineer, submitted an application to the City of San Diego for Tentative Map No. 2225121 with Public Right-of-Way and Easement Vacations to subdivide an existing parcel to construct 24 single family dwelling units. The project site located at 7108-7112 Lisbon Street in the RS-1-7 zone within the Skyline-Paradise Hills Community Plan Area. The property is legally described as: Parcel 1 of Parcel Map No. 9343, in the City of San Diego, County of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, November 2, 1979 as File No. 79-463698; and

WHEREAS, the Map proposes the Subdivision of a 3.73-acre site into 27 lots; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act, California Government Code sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on______, the Planning Commission of the City of San Diego considered Tentative Map No. 2225121 with Public Right-of-Way and Easement Vacations, and pursuant to Resolution No. PC- _____, voted to recommend the Council of the City of San Diego approve the map; and

WHEREAS, under 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; and

WHEREAS, on ______, the Council considered Tentative Map No. 2225121 with

Public Right-of-Way and Easement Vacations, and pursuant to San Diego Municipal Code sections

125.0440, 125.0430, 125.0941, 125.1040, and Subdivision Map Act California Government Code

section 66428, received for its consideration written and oral presentations, evidence having been

submitted, and testimony having been heard from all interested parties at the public hearing, and

the Council having fully considered the matter and being fully advised concerning the same; NOW

THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings

with respect to Tentative Map No. 2225121:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The Lisbon Heights project proposes to subdivide an existing 3.73-acre vacant site to 27 lots for the construction of 24 single family units, 23 market rate and one moderate income affordable residence; vacation of an unimproved public service easement and public right-of-way (PROW); landscaping; and associated onsite and off-site improvements. Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-square-foot access road, Lot 26 contains a 4,263-square-foot floodwater storage area, and Lot 27 contains 4,980 square feet of open spaces. The 24 detached single-family units will be two-stories, and approximately 1,800 square feet with attached two car garages.

The project requests deviations from the RS-1-7 Zone development regulations pertaining to lot area, lot width, lot size, street frontage, and retaining walls. Pursuant to the Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations, SDMC Section 143.0920, these regulations allow flexibility in the application of development regulations for projects providing affordable housing opportunities, while assuring that the development achieves the purpose and intent of the applicable land use plan.

The General Plan designates the Project site for Residential use. The Skyline/Paradise Hills Community Plan designates the development site for residential at low-density ranging from 0-10 dwelling units per acre. The 3.7-acre vacant site would allow for 37 detached dwelling units. The proposed 24 single-family dwelling units are consistent with the Community Plan and the General Plan land use designations. The General Plan focuses on creating walkable and transit friendly communities. The site is located a quarter mile from a retail center and transit stop. The proposed development incorporates shade producing street trees in the internal circulation system for the Project to promote walkability.

The General Plan calls for planting of new trees, street trees and other plans for their shading, air quality, and livability benefits and for the use of landscaping to support storm water management. The proposed development includes a stormwater basin with slender sedge groundcover adjacent to Lisbon Street and gold medallion and peppermint trees all along the internal circulation system.

The rear segment of 7108-7112 Lisbon Street proposed to be vacated is not part of the Skyline/Paradise Hills Community Plan streets classification network. Public access to the neighborhood is provided via Lisbon Street to the north and south, Imperial Avenue to the west and Woodrow Avenue to the East. Unimproved local streets may be considered for a right-of-way vacation if needs for public access infrastructure are addressed, including feasibility of construction. The public service easement proposed to be vacated was granted right-of-way access for repairing, maintaining, renewing roadway with the right of ingress and egress, and incidental purposes, however, was never dedicated with public improvement. The PROW and public service easement were determined not to be needed for public purposes. The project proposes to incorporate the vacated PROW and public service easement into the total site area for the construction of housing. Based on the above, the proposed development will not adversely affect the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The Lisbon Heights project proposes to subdivide an existing 3.73-acre vacant site to 27 lots for the construction of 24 single family units, 23 market rate and one moderate income affordable residence; vacation of an unimproved public service easement and public right-of-way (PROW); landscaping; and associated onsite and off-site improvements. Lots 1-24 range from 3,277 to 5,000 square feet, Lot 25 consists of a 29,478-square-foot access road, Lot 26 contains a 4,263-square-foot floodwater storage area, and Lot 27 4,980 square feet of open spaces. The 24 detached single-family units will be two-stories, and approximately 1,800 square feet with attached two car garages.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for parking, landscaping, and all other requirements of the development criteria for its zoning, except where deviations are allowed as development incentives in accordance with the Affordable Housing Regulations, and through the Neighborhood Development Permit process pursuant to SDMC Section 143.0920, which provides flexibility of development regulations for projects providing affordable housing opportunities.

The project requests the following deviations from the RS-1-7 Zone development regulations: Lot areas will average 3,975 square feet (Lot 1-7, 15-16, 19-21) where 5,000

square feet is required; Lot width is less than 50 square feet for Lot 21; Lot size does not meet the 50 square feet by 95 square feet minimum for Lots 1-9, and 13-21; residences don't have the required 50-square-foot street frontage, access is through private streets; and retaining walls range from 16 inches to 16 feet where the maximum if 6 feet.

The deviations are supported because the project is consistent with the community plan policies, is designed to address the physical environment and topographic constraints and would not adversely impact the public's health and safety.

The project would benefit the community by providing additional market rate and affordable housing opportunities in the Skyline/Paradise Hills Community. The requested deviations are necessary for the proposed 24 residential units and in accordance with the Affordable Housing, In-fill Projects, and Sustainable Buildings Development Regulations, which provide development flexibility given the topographical site constraints. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the Land Development Code and San Diego Municipal Code. Therefore, the proposed development Code, including any allowable deviations.

3. The site is physically suitable for the type and density of development.

The General Plan designates the Project site for Residential use. The Skyline/Paradise Hills Community Plan designates the development site for residential at low-density ranging from 0-10 dwelling units per acre. The 3.7-acre vacant site would allow for 37 detached dwelling units. The proposed 24 single-family dwelling units are consistent with the Community Plan and the General Plan land use designations.

Topographically, the site elevations range from approximately 315 feet at the southwest corner of the site to 380 feet above mean sea level (AMSL) in the northeast corner. Although the site is located within the Very High Fire Zone (VHFZ) brush management is not required due to the following site conditions: site is surrounded by existing development, there is no connectivity or adjacency to a canyon system, there are no steep hillsides, and the site is located more than 100 feet from native/naturalized vegetation.

Grading entails approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet. Internal driveways would generally flow with the sloping topography and buildings would be stepped in specific areas to incorporate the natural drop of the slope. Building volumes would also incorporate variations in rooflines and wall planes that transition with the flow of the slope. City Staff has reviewed and accepted a Geotechnical Investigation Report prepared by SWS Engineering, Inc. dated July 19, 2019, which determined the consultant adequately addressed the soil and geologic conditions for the Project and the site is suitable for the proposed development and density provided the geotechnical recommendations are incorporated into the project design.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is not located within or adjacent to a Multi-Habitat Planning Area (MHPA), open space or conserved land.

Per REC Biological Resources Report dated July 8, 2019, the site contains developed land, disturbed land and non-native grassland. A total of 1.83 acres of non-native grassland will be directly impacted as a result of the project implementation, which will be mitigated through applicant's contribution to the City of San Diego's Habitat Acquisition Fund. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

The subdivision includes a 6-foot dedication on Lisbon Street to create a 14-foot curb-toproperty-line distance and construction of a 25-foot wide driveway. As a result of these improvements, pedestrian and vehicular circulation will be improved, and public safety will be enhanced for the community.

Furthermore, the proposed development is consistent with the relevant City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact upon the public health, safety, and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The subdivision includes a public right-of way (PROW) vacation and public service easement vacation. The PROW and service easement granted per Tract Map 2285 on May 21,1945 were determined not to be needed for public purposes. The PROW and public services easement do not serve as vehicular or pedestrian access. Public access to the neighborhood is provided via Lisbon Street to the north and south, Imperial Avenue to the west and Woodrow Avenue to the East. The PROW proposed to be vacated is not an identified street in Skyline/Paradise Hills Community Plan. The proposed street vacation would not affect Pedestrian Routes, Existing or Planned Bicycle Network, and Planned Transit Facilities. Therefore, the design of the subdivision or the type of improvements will not conflict with

the easements acquired by the public at large for access through or use of the property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The design of the proposed subdivision provides each residential unit with the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The proposed project would subdivide a 3.73-acre parcel for the construction of 24 single family units, 23 market rate and one moderate income affordable unit at 120% Area Median Income. Balanced needs for public facilities were taken into consideration with the development of the Skyline/Paradise Hills Community Plan and the projected build-out with the applied zone designations. The project is requesting deviations in accordance with Affordable Housing Regulations that allow development flexibility for affordable housing opportunities.

The project site is not located within or adjacent to a Multi-Habitat Planning Area (MHPA), open space or conserved land. A total of 1.83 acres of non-native grassland will be directly impacted as a result of the project implementation, which will be mitigated through applicant's contribution to the City of San Diego's Habitat Acquisition Fund.

The project site is located in an urbanized and developed area with water, sewer, fire, police, public schools, parks, and other services already provided. The subdivision includes a 6-foot dedication on Lisbon Street to create a 14-foot curb-to-property-line distance that will include a contiguous side for pedestrian access.

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region and; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the 24 single family units, 23 market rate and one moderate income affordable unit, are consistent with the housing needs anticipated for the Skyline/Paradise Hills Community Plan area.

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

incorporated by reference.

(R-[Reso Code])

BE IT FURTHER RESOLVED, that portions of the Public Service Easement Vacation and Public

Right-of-Way located within the project boundaries as shown in Tentative Map No. 2225121, shall be

vacated, contingent upon the recordation of the approved Final Map for the project, and that the

following findings are supported by the minutes, maps, and exhibits, all of which are herein

incorporated by reference:

9. 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 3.7-acre vacant site contains a public service easement granted per Tract Map 2285 on May 21,1945. The Public Service Easement located east to west, granted right-of-way access for repairing, maintaining, renewing roadway with the right of ingress and egress, and incidental purposes. The easement was granted but never dedicated with public improvements. The public service easement was determined not to be needed for public purposes. Therefore, there is no present or prospective public use for the public service easement either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

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

The public service easement granted per Tract Map 2285 on May 21,1945, was determined not to be needed for public purposes. The City controls and is liable for an area that cannot be used for public purposes. The vacation will allow the utilization of the vacant site and development of 24 single family units, 23 market rate, and one moderate income affordable. The public will benefit by having additional housing opportunities during the housing shortage San Diego is experiencing.

Because the public service easement was determined not to be needed for public purposes, it is in the public interest to vacate the easement and transfer responsibility of the land to the property owner. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

11. The vacation is consistent with any applicable land use plan.

The public service easement granted per Tract Map 2285 on May 21,1945, was determined not to be needed for public purposes. The Skyline/Paradise Hills Community Plan has no recommendations for unclassified streets; therefore, the proposed vacation of an unclassified street would not adversely affect the Community Plan.
The vacation will allow the construction of 24 single family units, 23 market rate and one moderate income affordable unit on a currently vacant lot, consistent with the Community Plan and the General Plan land use designations. Therefore, the proposed vacation does not adversely affect the applicable land use plan.

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

The public service easement granted per Tract Map 2285 on May 21,1945, was never dedicated with public improvements and determined not to be needed for public purposes. The easement does not serve or support any existing public facility. Therefore, the public facility for which the easement was originally acquired will not be detrimentally affected by the vacation.

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

The public right-of-way (PROW) granted per Tract Map 2285 on May 21,1945 was determined not to be needed for public purposes. The PROW does not serve as vehicular or pedestrian access. Public access to the neighborhood is provided via Lisbon Street to the north and south, Imperial Avenue to the west and Woodrow Avenue to the East. The proposed vacation would not affect Pedestrian Routes, Existing or Planned Bicycle Network, and Planned Transit Facilities. Therefore, there is no present or prospective public use for the public rightof-way either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

14. The public will benefit from the action through improved use of the land made available by the vacation.

The PROW granted per Tract Map 2285 on May 21,1945 was determined not to be needed for public purposes. The City controls and is liable for an area that cannot be used for public purposes. The vacation will allow the utilization of the vacant site and development of 24 single family units, 23 market rate, and one moderate income affordable. The public will benefit by having additional housing opportunities during the housing shortage San Diego is experiencing.

Because the PROW was determined not to be needed for public purposes, it is in the public interest to vacate the PROW and transfer responsibility of the land to the property owner. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

15. The vacation does not adversely affect any applicable land use plan.

The PROW granted per Tract Map 2285 on May 21,1945, was determined not to be needed for public purposes. The Skyline/Paradise Hills Community Plan has no recommendations

for unclassified streets; therefore, the proposed vacation of an unclassified street would not adversely affect the Community Plan.

The vacation will allow the construction of 24 single family units, 23 market rate and one moderate income affordable unit on a current vacant lot, consistent with the Community Plan and the General Plan land use designations. Therefore, the proposed vacation does not adversely affect the applicable land use plan.

16. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The PROW granted per Tract Map 2285 on May 21,1945, was determined not to be needed for public purposes and was never improved. Therefore, the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Council

for Tentative Map No. 2225121 with Public Right of Way and Easement Vacations are hereby granted

to Lisbon Vista Height, LLC, a California Limited Liability Company subject to the attached conditions

which are made a part of this resolution by this reference.

APPROVED: Mara W. Elliott, City Attorney

Ву

[Attorney] Deputy City Attorney

[Initials]:[Initials] [Month]/[Day]/[Year] Or.Dept:[Dept] R-R-[Reso Code]

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24008090

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO. 2225121 LISBON HEIGHTS – Project NO. 622368

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire ______.

- 2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map unless otherwise noted.
- 3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act, California Government Code section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
- 4. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

5. Prior to the recordation of the Final Map, the Subdivider 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 (San Diego Municipal Code §§ 143.0301 et seq.).

ENGINEERING

6. The Tentative Map shall comply with the conditions of Neighborhood Development Permit No. 2509264.

- 7. Prior to the issuance of any construction 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.
- 8. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
- 9. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
- 10. 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.
- 11. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
- 12. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install a new /upgrade existing streetlight adjacent to the site on Lisbon Street.
- 13. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

- 14. Prior to the expiration of the Tentative Map, if approved, a Final Map to subdivide the 3.73acres into 27 Lots shall be recorded with the County Recorder's office.
- 15. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Final Map.

- 16. Prior to the recordation of the Final Map, all private streets and drives shall be shown with bearings and distances along the centerline and width of the streets shown on a non-title sheet on the Final Map. The street names shall be submitted to BDR-Street Name Coordinator for approval and published on the Final Map.
- 17. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

- 18. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
- 19. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
- 20. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
- 21. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-toground shall be shown on the map.

<u>WATER</u>

22. Prior to the recordation of the Final map, the Subdivider is required to develop and record a public water easement as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Director and City Engineer.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24008090

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, on January 14, 2019, to Lisbon Vista Height, LLC, a California Limited Liability

Company, submitted an application to the Development Services Department for a Tentative Map and Neighborhood Development Permit for the Lisbon Heights project (Project); and

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

WHEREAS, the issue was heard by the City Council of the City of San Diego on _____; and

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

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 622368 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, California 92101.

BE IT FURTHER RESOLVED, that Development Services Staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: ______ DEPUTY CITY ATTORNEY

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Tentative Map and Neighborhood Development Permit

PROJECT NO. 622368

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 622368 shall be made conditions of Tentative Map and Neighborhood Development Permit as may be further described below.

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

- 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.**"
- 3. 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

- 4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
- 5. **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 MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: *Not Applicable.*

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, it is also required to call **RE and MMC at (858) 627-3360**
- 2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 622368 and/or Environmental Document No. 622368 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.

Not Applicable

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 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					
lssue 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			
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter			

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Biological Resources

Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall make payment to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 1.8 acres of non-native grasslands (Tier IIIB). This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation required for direct project impacts to non-native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

GENERAL NOTES

- TOTAL NUMBER OF UNITS: 24 RESIDENTIAL UNITS
- GROSS AREA: 3.73 ACRES
- GRADING SHALL BE IN CONFORMANCE WITH CITY OF SAN DIEGO ORDINANCE. 4. 28'-32' PRIVATE DRIVE
- 5. ALL SEWER, WATER, STORMDRAIN SHALL BE INSTALLED WITHIN PRIVATE DRIVE, EXCEPT WHERE OTHERWISE
- SHOWN. . FLAT PADS ARE SHOWN SHALL BE GRADED TO DRAIN AT 1% MIN.
- PROPOSED PRIVATE DRIVE SHALL BE IN CONFORMANCE WITH CITY OF SAN DIEGO PRIVATE STREET STANDARDS.
- STREET SIGHTING DISTANCE AT INTERSECTION AND CURVES SHALL BE PER CALTRANS HIGHWAY DESIGN MANUAL. 9. PUBLIC SIDEWALKS AND RAMPS SHALL CONFORM TO AMERICAN DISABILITY ACT (ADA) REQUIREMENTS.
- 10. ALL ROADS SHALL BE MAINTAINED WITH A VERTICAL CLEARANCE OF 13'-6".
- 11. ALL PROPOSED UTILITIES SHALL BE UNDERGROUND.
- 12. HOA SHALL MAINTAIN ALL PUBLIC FIRE REQUIREMENTS SIGNAGE & PAINTING.
- 13. ALL DWELLINGS SHALL BE AUTOMATIC FIRE SPRINKLE PER NFPA 13D. 14. THE (SWPPP STORM WATER POLLUTION PREVENTION PLAN WILL ADDRESS CONSTRUCTION DUST CONTROL, STREET CLEANING AND EROSION CONTROL MEASURES DURING CONSTRUCTION.
- 15. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT HE SUBDIVIDER SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE. 16. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE SUBDIVIDER SHALL INCORPORATE ANY
- CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATION) OF THE SAN DIEGO MUNICIPAL CODE INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
- 17. PROJECT WILL BE CONDITIONED FOR GRADING PERMIT. 18. ALL ON-SITE WATER AND SEWER UTILITIES SHALL BE PRIVATE.

DEVIATIONS

- 1. LOTS 1-7, 15, 16, 19-21 AND 23 AVERAGE 3,976 SF WHEN ZONE RS-1-7 REQUIRES A MINIMUM LOT AREA OF
- 5,000 SF. 2. LOT 21 HAS AN AVERAGE LOT WIDTH OF LESS THAN 50-FEET WHEN ZONE RS-1-7 REQUIRES A MINIMUM FRONTAGE WIDTH OF 50-FEET.
- 3. ALL RETAINING WALLS ARE BETWEEN 1'-4" AND 16' WHERE ZONE RS-1-7 ALLOWS FOR A MAXIMUM OF TWO RETAINING WALLS WITH A MAX. HEIGHT OF 6-FEET IF THE TWO RETAINING WALLS ARE SEPARATED BY A HORIZONTAL DISTANCE EQUAL TO OR GREATER THAN THE HEIGHT OF THE UPPER WALL
- 4. LOTS 1-9, 13-21 ARE NOT THE STANDARD 50' x 100' LOTS DUE TO THE SHAPE OF THE PROPERTY. THE AVERAGE LOT SIZE FOR THE 24 LOTS IS 5.160 SF.
- 5. ALL THE LOTS ARE LOCATED ON PRIVATE STREET AND UNABLE TO PROVIDE THE 50' STREET FRONTAGE ON THE PUBLIC STREET. THE STREET FRONTAGE FOR THE PARCEL IS VERY NARROW AND OPENS TO A LARGER LOT. THE BUILDING OF A PUBLIC STREET ON THIS SLOPED IRREGULAR PANHANDLE LOT WILL GREATLY REDUCE THE NUMBER OF AFFORDABLE HOUSING BUILT ON THIS SITE.

NOTE

THE SUBDIVIDER SHALL RECORD A DECLARATION OF COVENANTS AND RESERVATION OF EASEMENTS SHALL STATE: SINCE THE MUTUAL ACCESS EASEMENT AGREEMENT IS A PRIVATE AND NOT A PUBLIC ISSUE, THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR ANY DISPUTE THAT MIGHT ARISE IN THE FUTURE BETWEEN THE PRIVATE PARTIES.

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO. STATE OF CALIFORNIA. DESCRIBED AS FOLLOWS: PARCEL 1 OF PARCEL MAP NO. 9343, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, SATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 2, 1979 AS FILE NO. 79-463698 OF OFFICIAL RECORDS.

ASSESSOR'S PARCEL NUMBER

581-050-00-00 581-050-06-00

ZONING

EXISTING: RS-1-7 OF SKYLINE - PARADISE HILLS COMMUNITY PLAN NO ZONING CHANGE

GROSS SITE AREA

3.73 ACRES = 162,478 SF

EXISTING USES

VACANT LOT

PROPOSED USES

24 SINGLE FAMILY DETACHED RESIDENCES WITH PRIVATE DRIVE AND OPEN SPACE.

PROJECT DESCRIPTION

TYPE V: N CONSTRUCTION OCCUPANCY TYPE: R3 SINGLE FAMILY DWELLING UNITS 2 STORY, 2 BR, WITH 2 CAR GARAGE

OWNERSHIP STATEMENT

WE (I) HEREBY CERTIFY THAT (WE ARE) (I AM) THE OWNER(S) OF OR HAVE AN INTÈREST IN THE LAND EMBRACED WITHIN THE SUBDIVISION TO BE KNOWN AS LISBON HEIGHTS, AND (WE) (I) HEREBY CONSENT TO THE PREPARATION OF THIS TENTATIVE MAP CONSISTING OF 6 SHEETS AND DESCRIBED IN THE CAPTION THEREOF.

CHERYL R.LEE, CEO 1902 WRIGHT PLACE #200

CARLSBAD, CA 92008

SITE ADDRESS

7108-7112 LISBON STREET SAN DIEGO, CA 92114

ENGINEER

SWS ENGINEERING, INC. 261 AUTUMN DRIVE, SUITE 115 SAN MARCOS, CA 92069 P: 760-744-001 *F*: 760–744–0046

OWNER

BAY VISTA METHODIST HEIGHTS. INC CHERYL R. LEE 1902 WRIGHT PLACE #200 CARLSBAD, CA 92008 P: 760 454 7800

ARCHITECT

rAd ARCHITECTS CARYN BAILEY 1286 UNIVERSITY AVE #137 SAN DIEGO, CA 92103 P: 619 991 8194

LANDSCAPE ARCHITECT

ABOVE IT ALL DESIGN, INC BRAIN L KATZ 6479 DWANE AVENUE SAN DIEGO, CA 92120 P: 619 995 9773

GEOTECHNICAL

SCST, INC 6280 RIVERDALE STREET SAN DIEGO, CA 92120 P: 619 280 4321

TM-01

TM-02 TM-03 TM-04 TM-05

TM-06

22703–13–D 1209–D 22703–12–D 3497—B

NAD 83

1840 6317

DATUM: MSL

AMOUNT OF CUT: AMOUNT OF FILL:

PROJECT IS CONDITIONAL FOR GRADING PERMIT









UNIT	BUILDING AREA	OPEN SPACE
1	1,083 SF	2,194 SF
2	1,081 SF	2,244 SF
3	1,081 SF	2,701 SF
4	1,081 SF	3,114 SF
5	1,081 SF	3,136 SF
6	1,083 SF	3,127 SF
7	1,083 SF	3,159 SF
8	1,472 SF	7,451 SF
9	1,082 SF	6,454 SF
10	1,082 SF	4,433 SF
11	1,082 SF	4,433 SF
12	1,082 SF	5,571 SF
13	1,472 SF	7,857 SF
14	1,083 SF	4,314 SF
15	1,083 SF	3,171 SF
16	1,083 SF	3,170 SF
17	1,083 SF	4,430 SF
18	1,391 SF	5,773 SF
19	1,088 SF	2,263 SF
20	1,083 SF	2,253 SF
21	1,083 SF	2,260 SF
22	1,472 SF	4,459 SF
23	1,475 SF	3,508 SF
24	1,472 SF	4,132 SF
LOT C	0 SF	3,794 SF
TOTAL	28,241 SF	99,401 SF
VERAGE LOT		3.976 SF



LOT DIMENSIONS				
UNIT	DEPTH	WDTH		
1	66'	50'		
2	67'	50'		
3	75'	50'		
4	85'	50'		
5	84'	50'		
6	84'	50'		
7	85'	51'		
8	158'	67'		
9	112'	6 3'		
10	110'	50'		
11	110'	50'		
12	115'	65 '		
13	160'	76'		
14	85'	62'		
15	85'	50'		
16	85'	50'		
17	90'	59'		
18	126'	81'		
19	67'	50'		
20	67'	50'		
21	67'	50'		
22	100'	60'		
23	100'	50'		
24	100'	57'		

UNI	T TABL	JLATION	I (PVT)
UNIT	PAD ELEV.	LOT AREA	SEWER B.F. PREVENTOR
1	324.00	3,277 SF	YES
2	330.00	3,325 SF	YES
3	333.50	3,782 SF	NO
4	339.00	4,195 SF	YES
5	342.00	4,217 SF	YES
6	348.50	4,210 SF	YES
7	352.60	4,242 SF	NO
8	354.00	8,923 SF	NO
9	355.00	7,536 SF	NO
10	355.30	5,515 SF	YES
11	356.00	5,515 SF	NO
12	356.30	6,653 SF	NO
13	356.30	9,329 SF	NO
14	353.50	5,397 SF	NO
15	350.50	4,254 SF	YES
16	343.50	4,253 SF	YES
17	340.50	5,513 SF	YES
18	339.30	7,164 SF	YES
19	337.50	3,346 SF	NO
20	336.00	3,336 SF	YES
21	334.50	3,343 SF	YES
22	338.00	5,931 SF	YES
23	344.65	4,983 SF	YES
24	350.00	5,604 SF	YES
	J		
LOT A	ROAD EASE	MENT 29,478	SF
LOT B	OPEN SPAC	E EASEMENT	1,263 SF
LOT C	OPEN SPAC	E EASEMENT 4	1,980 SF
_	DRAINAGE E	ASEMENT 2,0	10 SF

UNIT TABULAION TABLE IS FOR PRIVATE PURPOSE.











LEGEND

PROPOSED TREES PER	
DIRECTION OF TRAVEL	
SIDEWALK	
10' X 10' VISIBILITY ARE	
CURB RAMP	

<u>NOTE:</u>





MITIGATED NEGATIVE DECLARATION

THE CITY OF SAN DIEGO

Project No. 622368 SCH No. N/A

- SUBJECT: Lisbon Heights SDP/PDP/TM: A request for a TENTATIVE MAP, SITE DEVELOPMENT PERMIT, PLANNEDNEIGHBORHOOD DEVELOPMENT PERMIT-and an, PUBLIC SERVICE EASEMENT VACATION, and PUBLIC RIGHT-OF-WAY VACATION for the subdivision of an existing parcel into 287 lots and the subsequent construction of 24 single family dwelling units, private drives, and open space area. Lots 1 through 24 would range from 3,277 to 9,329 square feet. Lots A through C would be Homeowner Association (HOA) lots. HOA Lot A would be 29,478 square feet for private drives, HOA Lot B would be 4,263 square feet with a biofiltration basin, and HOA Lot C would be 4,980 square feet with a biofiltration basin and required open space. An additional 2,010-square foot lot would contain a drainage easement. The project proposes two easement vacations, a Public Street Easement Vacation recorded on Tract Map 2285 located east to west, just north of the southern property line and a Public Utility Easement Vacation recorded on Tract Map 2285 located along the northern property line. The project is requesting deviations from the development regulations including lot area, lot width, retaining walls, lot size, perimeter walls, and street frontage. The vacant project site is located at 7108-7112 Lisbon Street. The project site is designated Residential-Low Density (0-10 dwelling units per net residential acre (DU/NRA)) and zoned RS-1-7 within the Skyline-Paradise Hills Community Plan area. Additionally, the project site is within the Very High Fire Severity Zone. (LEGAL DESCRIPTION: Parcel 1 of Parcel Map No. 9343 in the City of San Diego as file No. 79-463698.) APPLICANT: Cheryl Lee, Bay View Methodist Heights.
- UPDATE: February 17, 2021. Revisions have been made to this document when compared to the final Mitigated Negative Declaration (MND). More Specifically, clarifications have been made to the project description including information pertaining to the easement vacations and easement locations. In accordance with the California Environmental Quality Act (CEQA), Section 15073.5(c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is the identification of new significant environmental impacts or the addition of a new mitigation measure required to avoid a significant environmental impact. The text modifications within the final environmental document do not affect the environmental analysis or conclusions of the MND. Revisions to the MND are reflected in a strikeout/underline format.

I. PROJECT DESCRIPTION:

See attached Initial Study.

II. ENVIRONMENTAL SETTING:

See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Biological Resources**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

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

- 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."
- 3. 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

- 4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
- 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)
 - 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 MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: Not Applicable.

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, it is also required to call RE and MMC at (858) 627-3360
- 2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) No. 622368 and/or Environmental Document No. 622368 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.

Not Applicable

4. MONITORING EXHIBITS: All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 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			
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter			

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Biological Resources

Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall make payment to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 1.8 acres of non-native grasslands (Tier IIIB). This fee is based on mitigation ratios, per the City of San Diego Biology Guidelines, of 0.5:1 ratio if mitigation would occur inside of the Multi-habitat Planning Area (MHPA) and a 1:1 ratio should mitigation occur outside of the MHPA. Therefore, the resulting total mitigation

required for direct project impacts to non-native grasslands would be 0.90 acre inside the MHPA or 1.8 acres outside the MHPA equivalent contribution to the City's Habitat Acquisition Fund (HAF) plus a 10 percent administrative fee.

VI. PUBLIC REVIEW DISTRIBUTION:

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

Federal US Fish and Wildlife Service (23)

<u>State</u> California Department of Fish and Wildlife (32) California Natural Resources Agency (43) State Clearinghouse (46)

City of San Diego Mayor's Office (91) Councilmember Montgomery, District 4 Development Services Department EAS Fire-Plan Review Engineering Geology Landscaping Planning Review Transportation Long-Range DPM Water & Sewer City Attorney's Office (93C)

Other Organizations, Groups and Interested Individuals

US Fish & Wildlife Service (23) California Dept. of Fish & Wildlife (32) Sierra Club (165) San Diego Audubon Society (167) Mr. Jim Peugh (167A) California Native Plant Society (170) Endangered Habitats League (182A) Lisa Cumper Jesse Pinto Clint Linton John Stump Skyline-Paradise Hills Planning Committee (443) Cheryl Lee, Applicant

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

Copies of the draft<u>final</u> Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Development Services Department. associated project-specific technical appendices may be accessed on the City's CEQA webpage at https://www.sandiego.gov/ceqa.

E. Shearer-Nguyen Senior Planner Development Services Department August 13, 2020 Date of Draft Report

February 17, 2021 Date of Final Report

Analyst: M. Dresser

Attachments: Initial Study Checklist Figure 1: Location Map Figure 2: Site Plan DecuSion Envelope ID: 624A37BF-94CB-4836-876E-4F7C31E527FE



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Directo



Morgan Dresser **Development Services Center** City of San Diego 1222 First Avenue, MS 501 San Diego, CA 92101 MDresser@sandiedo.gov

Dear Ms. Dresser:

Lisbon Heights (PROJECT) MITIGATED NEGATIVE DECLARATION (MND) SCH# 2020080143

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of San Diego (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habital conservation planning program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

PROJECT DESCRIPTION SUMMARY

Proponent: Cheryl Lee, Bay View Methodist Heights

Objective: The scope of work on the 3.73-acre Project site includes 24 single-family dwelling units, private drives, two biofiltration basins, and small patches of open space between several of the residences. These dwelling units would range in size from 3,277 to 9.329 square feet.

Biological Setting: The Project toolprint supports 1.83 acres of non-native grassland, 1.73 acres of disturbed land, and 0.17 acres of developed land. As a result of development, the entirety of these vegetation community/land cover categories will be directly impacted. Per Table 3 (Upland Mitigation Ratios) in the City's Biology Guidelines and consistent with acress of the supervision of the supervision of the MILPA. 3. the City's MSCP, the 1.83 acres of non-native grassland (Tier IIIB) outside of the MHPA will be mitigated at a 1:1 ratio. The applicant proposes mitigation for direct impacts to nonnative grasslands through payment to the City's Habitat Acquisition Fund plus a ten

ATTACHMENT 11

City staff response(s) to the Department of Fish and Wildlife comment(s) letter for

Lisbon Heights SDP/PDP/TM Project No. 622368

1. Comment noted.

2. Comment noted. The comment explains the California Department of Fish and Wildlife (CDFW) role. No further response is required.

3. Comment noted. This comment provides description of the project, the biological setting and the location of the project as described within the MND. No further response is required.

^{*}CEQA is codified in the California Public Resources Code in section 21000 et seg. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000

Ms. Moroan Dresser City of San Diego September 14, 2020 Page 2

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percent administrative fee. No sensitive plant or animal species were observed during the October 2018 on-site survey.

Location: The 3.73-acre Project is located at 7108-7112 Lisbon Street in the Skyline-Paradise Hills Community Planning Area of the City. California State Route 94 is located approximately two miles to the northwest and California State Route 125 is located root approximately 1.8 miles to the east. The site is an infill property and bordered by

development on all sides. The Project is located within the City's MSCP, but not within the Multi-Habitat Planning Area (MHPA). The nearest MHPA land is located approximately one mile south of the site.

Timeframe: No development timeframe was mentioned in the MND.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Easement Vacation

issue: One of the Project requests within the MND is an easement vacation, yet there is no reference throughout the rest of the document to what type of easement this is or where it is located on-site. The vacation of a conservation easement would potentially be significant, but CDFW is unable to determine this because the type of easement being vacated is not discussed in the MND.

Specific Impact: The location of the easement being vacated is not mapped in the MND and the type of easement being vacated is not stated.

Why the impact would occur: The impact would potentially occur if the type of easement being vacated is a conservation easement.

Evidence impact would be significant: There is not enough evidence to determine whether the impact would be significant because it is unclear what type of easement is being vacated.

Recommendation #1:

CDFW recommends the MND include the type of easement that is being vacated, why it is being vacated, and where it is located on the site.

II. Mitigation Measure and Related Impact Shortcoming

COMMENT #2: Raptor Nesting Avoidance Measures

Issue: The only biological resource on-site is 1.83 acres of non-native grassland. The BRLR reported the presence of Botta's pocket gopher (Thomomys bottae) but did not report any observations of raptors. Still, Project site photographs taken in October 2018 do show large established eucalyptus and palm trees adjacent to the northern perimeter of the site at the top of a slope.

5. Specific impacts: While the patch of non-native grassland is small and surrounded by development on all sides, these trees do provide suitable perch sites for raptors foraging in the grassland and as potential nest sites.

Why impact would occur: Impacts to nesting birds could result from ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats. Construction during the

City staff response(s) to the Department of Fish and Wildlife comment(s) letter for

Lisbon Heights SDP/PDP/TM Project No. 622368

- 4. The draft MND inadvertently did not include a description of the easement vacation and the easement locations. The project proposes two easement vacations, a Public Street Easement Vacation recorded on Tract Map 2285 located east to west, just north of the southern property line and a Public Utility Easement Vacation recorded on Tract Map 2285 located along the northern property line. The easements to be vacated would not include a conservation easement, therefore, no impact to a conservation easement would occur. The final MND has been revised to include a description of the easement types and locations. In accordance with the California Environmental Quality Act (CEOA), Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified.
- 5. The site-specific Biological Resources Letter Report prepared by REC Consultants dated July 8, 2019, did not observe raptors on or over the project site during the onsite survey. While raptors could utilize the site for foraging, vegetation on site would not support nesting raptors. Therefore, there is a low potential for raptors to occur onsite. While established eucalyptus and palm trees exist offsite and north of the project site, they would not be impacted by project construction. Thereby, impacts to raptors would not occur.

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Ms. Morgan Dresser City of San Diego September 14, 2020 Page 3

ATTACHMENT 11

City staff response(s) to the Department of Fish and Wildlife comment(s) letter for

Lisbon Heights SDP/PDP/TM Project No. 622368

breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1:

cont

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To minimize significant impacts: CDFW recommends that a mitigation measure be included that reads as follows:

To avoid impacts to nesting birds, preconstruction nesting surveys should be conducted by a qualified biologist no more than three days prior to the initiation of construction activities. The survey area shall cover the limits of disturbance and 300 feet (500 feet for raptors) from the area of disturbance.

Per CEOA Guidelines Section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRR); Attachment A).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The

CNNDB field survey form can be found at the following link: http://www.dg.ca.gov/biogeodata/cnddb/odfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: <u>CNDDB/Swildlife.ca.gov</u>. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/blogeodata/cnddb/glants_and_animals.asg.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative.

vested, and final, (Cal. Code Regs, til. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City of San Diego in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melissa Stepek, Senior Environmental Scientist at (858) 637-5510 or (Melissa: Stepek@wildlife.ca.gov.

Sincerely,

Erinn Wilson-Olgin Erinn Wilson-Olgin Environmental Program Manager

- 6. Comment noted. See response 7. No further response is required.
- Comment noted. The comment does not address the adequacy of the Draft MND. No further response is required.

Comment noted. The comment does not address the adequacy of the Draft MND. No further response is required. Ms. Morgan Dresser City of San Diego September 14, 2020 Page 4

Attachment A: Draft MMRP (CDFW 2020)

ec: Office of Planning and Research, State Clearinghouse, Sacramento David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad Sue Howell, California Department of Fish and Wildlife, San Diago <u>ceaacommentietters@wildlife.ca.qov</u>

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Ms. Morgan Dresser City of San Diego September 14, 2020 Page 5

Attachment A:

CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations

	Biological Resources			
		Mitigation Measures	Timing	Responsible Party
	Recommendation #1	CDFW recommends a discussion be included in the MND as to what type of easement is being vacated, why it is being vacated, and where it is located on-site.	Prior to finalization of the MND	City of San Diego
t	Mitigation Measure #1	To avoid impacts to nesting birds, preconstruction nesting surveys should be conducted no more than three days prior to the initiation of project activities. The survey area shall cover the limits of disturbance and 300 feet (500 feet for raptors) from the area of disturbance.	Before construction	City of San Diego in coordination with the qualified biologist

ATTACHMENT 11

City staff response(s) to the Department of Fish and Wildlife comment(s) letter for

Lisbon Heights SDP/PDP/TM Project No. 622368

9. Comment noted. See response 4. No further response is required.

10. Comment noted. See response 5. No further response is required.

INITIAL STUDY CHECKLIST

- 1. Project title/Project number: Lisbon Heights TM/SDP / 622368
- Lead agency name and address: City of San Diego, 1222 First Avenue, MS 501, San Diego, California 92101
- 3. Contact person and phone number: Morgan Dresser / (619) 446-5404
- 4. Project location: 7108 7112 Lisbon Street, San Diego, California 92114
- 5. Project Applicant/Sponsor's name and address: Bay Vista Methodist Heights, Inc. Cheryl Lee, 140 North Escondido Boulevard, Escondido, CA 92025
- 6. General/Community Plan designation: Residential
- 7. Zoning: RS-1-7
- 8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

A request for a TENTATIVE MAP, SITE DEVELOPMENT PERMIT, PLANNED NEIGHBORHOOD DEVELOPMENT PERMIT-and an, PUBLIC SERVICE EASEMENT VACATION, and PUBLIC RIGHT-OF-WAY VACATION to subdivide an existing parcel into 287 lots and subsequent construction of 24 single-family dwelling units, private drives, and open space area. Lots 1 through 24 would range from 3,277 to 9,329 square feet. The two-story single-family dwelling units would each have a two-car garage. Lots A through C would be Homeowner Association (HOA) lots. HOA Lot A would be 29,478 square feet for private roads, HOA Lot B would be 4,263 square feet with a biofiltration basin, and HOA Lot C would be 4,980 square feet with a biofiltration basin and required open space. An additional 2,010 square foot lot would contain a drainage easement. The project proposes two easement vacations, a Public Street Easement Vacation recorded on Tract Map 2285 located east to west, just north of the southern property line and a Public Utility Easement Vacation recorded on Tract Map 2285 located along the northern property line. The project is requesting deviations from the development regulations minimum lot area, lot width, retaining wall height, lot size, required usable open space, and street frontage. In addition, various site improvements would also be constructed that includes new infrastructure such as electrical lines, water lines, gas lines, other utilities, and associated hardscape and landscape.

The Land Development Code Section §126.0602(b), allows projects to request deviations from applicable development regulations in accordance with a Planned Development Permit (PDP). Deviations requested by the project include:

- 1. Lot Area A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting an average lot size of 3,976-square feet for Lots 1-7, 15, 16, 19-21, and 23 where the RS-1-7 Zone requires a minimum of 5,000-square feet.
- Lot Width A deviation from San Diego Municipal Code (SDMC) Section 131.0431requesting an average lot width of less than 50-feet for Lot 21 where the RS-1-7

Zone requires a lot width of 50-feet.

- Retaining Walls A deviation from San Diego Municipal Code (SDMC) Section 142.0340(d) requesting retaining wall heights between 1-foot 4-inches and 16-feet where the RS-1-7 Zone allows for a maximum of two retaining walls with a maximum height of 6-feet if the two retaining walls are separated by a horizontal distance equal to or greater than the height of the upper wall.
- 4. Lot Size A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting lot sizes which are not the standard 50-foot by 100-foot due to the shape of the property for Lots 1-9, and 13-21.
- 5. Perimeter Walls A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting perimeter walls, which exceed the 6-foot requirement for Lots 1-6, and 13-19.
- 6. Street Frontage A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting a private street with less than the required street frontage on a public street for all lots where 50-feet of street frontage on a public street is required.

The project landscaping has been reviewed by City Landscape staff and would comply with all applicable City of San Diego Landscape ordinances and standards. Drainage would be directed into appropriate storm drain systems designated to carry surface runoff, which has been reviewed and accepted by City Engineering staff. Ingress and egress would be via a private driveway with access from Lisbon Street to the south of the project site. All parking would be provided on-site.

Grading would entail approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet.

9. Surrounding land uses and setting:

The vacant 3.73-acre project site is located at 7108-7112 Lisbon Street. The project site is bounded by Lisbon Street to the south and residential homes to the north, east and west. State Route 94 is located approximately five miles to the north. Vegetation on-site consists of non-native grasslands. Topographically, the site elevations range from approximately 315 feet (96 meters) at the southwest corner of the site to 380 feet (115 meters) above mean sea level (AMSL) in the northeast corner. The site is located in a developed area currently served by existing public services and utilities.

The project site is designated Residential-Low Density (0-10 dwelling units per net residential acre (DU/NRA)) and zoned RS-1-7 within the Skyline-Paradise Hills Community Plan area. Additionally, the project site is within the Very High Fire Severity Zone.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

None required.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

In accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego provided formal notifications to the lipay Nation of Santa Ysabel and the Jamul Indian Village, both traditionally and culturally affiliated with the project area. Consultation was not requested.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics	Greenh	ouse Gas	Popula	tion/Housing
	Agriculture and Forestry Resources		Hazards & Hazardous Materials		Public Services
	Air Quality		Hydrology/Water Quality		Recreation
\boxtimes	Biological Resources		Land Use/Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Tribal Cultural Resources
	Geology/Soils		Noise		Utilities/Service System
				\boxtimes	Mandatory Findings Significance

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS:

- A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as projectlevel, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

I. AESTH	IETICS – Would the project:				
a)	Have a substantial adverse effect on a scenic vista?				\boxtimes
The proj identifie substant	ect site is not located within, or adjac d in the Skyline-Paradise Hills Comm tial adverse effect on a scenic vista. N	cent to a design unity Plan. Ther o impact would	ated scenic vista o efore, the project I result.	or view corridor would not have	r that is e a
b)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				\boxtimes
The proj scenic re would n landmar vicinity.	ect is situated within a developed ne esources (trees, rock outcroppings, or ot result in the physical loss, isolatior k, as none are identified by the Gene Therefore, no impact would result.	ighborhood cor historic buildir n, or degradatio ral Plan or com	mprised of resider igs) located on the n of a community munity plan as oc	ntial uses. There e project site. T identification s curring in the p	e are no he project symbol or roject
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?				
The proj with the zoning c of the si	ect site is generally surrounded by co surrounding development and perm designations. The project would not s te and its surroundings; therefore, no	ommercial and u itted by the Ge ubstantially deg o impact would	residential uses. Tl neral Plan, commu grade the existing result.	he project is co unity plan land visual characte	mpatible use and r or quality
d)	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?			\boxtimes	

Lighting

The project would comply with the outdoor lighting standards in Municipal Code Section 142.0740 (Outdoor Lighting Regulations) that require all outdoor lighting be installed, shielded, and adjusted so that the light is directed in a manner that minimizes negative impacts from light pollution, including trespass, glare, and to control light from falling onto surrounding properties. Therefore, lighting installed with the project would not adversely affect day or nighttime views in the area, resulting in a less than significant lighting impact.

Glare

The project would comply with Municipal Code Section 142.0730 (Glare Regulations) that require exterior materials utilized for proposed structures be limited to specific reflectivity ratings. The structures would consist of wood siding, wood shingles, adobe and concrete blocks, brick, stucco, concrete or natural stone. The project would have a less than significant glare impact.

As such, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area; impacts would be less than significant.

- II. AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:
 - a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

The project site is located within a developed neighborhood surrounded by residential uses. As such, the project site does not contain nor is it adjacent to any lands identified as Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as show on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency. Therefore, the project would not result in the conversion of such lands to non-agricultural use. No impact would result.

b)	Conflict with existing zoning for					
	agricultural use, or a Williamson Act				\boxtimes	
	Contract?					

Refer to response II (a), above. There are no Williamson Act Contract Lands on or within the vicinity of the site. Furthermore, the project would not affect any properties zoned for agricultural use or affected by a Williamson Act Contract, as there are none within the project vicinity. Agricultural land is not present on the site or in the general vicinity of the site; therefore, no conflict with the Williamson Act Contract would result.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No designated forest land or timberland occur onsite. No impacts would result.

d)	Result in the loss of forest land or					
	conversion of forest land to non-forest				\boxtimes	
	use?					

Refer to response II(c) above. Additionally, the project would not contribute to the conversion of any forested land to non-forest use, as surrounding land uses are built out. No impacts would result.
ATTACHMENT 11

Refer to response II (a) and II (c), above. The project and surrounding areas do not contain any farmland or forest land. No changes to any such lands would result from project implementation. Therefore, no impact would result.

- III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations Would the project:
 - a) Conflict with or obstruct implementation of the applicable air quality plan?

The project site is located in the San Diego Air Basin (SDAB) and is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD) and the California Air Resources Board (CARB). Both the State of California and the Federal government have established health-based Ambient Air Quality Standards (AAQS) for the following six criteria pollutants: carbon monoxide (CO); ozone (O3); nitrogen oxides (NOx); sulfur oxides (SOx); particulate matter up to 10 microns in diameter (PM10); and lead (Pb). O₃ (smog) is formed by a photochemical reaction between NOx and reactive organic compounds (ROCs). Thus, impacts from O₃ are assessed by evaluating impacts from NOx and ROCs. A new increase in pollutant emissions determines the impact on regional air quality as a result of a proposed project. The results also allow the local government to determine whether a proposed project would deter the region from achieving the goal of reducing pollutants in accordance with the Air Quality Management Plan (AQMP) in order to comply with Federal and State AAQS.

The SDAPCD and San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The County Regional Air Quality Strategy (RAQS) was initially adopted in 1991 and is updated on a triennial basis (most recently in 2009). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for ozone (O₃). The RAQS relies on information from the CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in San Diego County and the cities in the county, to project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by San Diego County and the cities in the county as part of the development of their general plans.

The RAQS relies on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and by the county as part of the development of their general plans. As such, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. However, if a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The site-specific Air Quality Assessment prepared by Ldn Consulting, Inc. (April 2019) to assess determined the project would be required to implement construction BMPs for grading, which would be

made conditions of approval. With the implementation of construction BMP's both construction and operational emissions would not exceed any of the criteria pollutant thresholds, therefore no impacts would result.

The project would be consistent with the General Plan, Community Plan, and the underlying zone designation. Therefore, the project would be consistent with forecasts in the RAQS and would not obstruct implementation of the RAQS. As such, impacts would be less than significant.

b)	Violate any air quality standard or			
	contribute substantially to an existing or		\boxtimes	
	projected air quality violation?			

A site-specific Air Quality Assessment was prepared by Ldn Consulting, Inc. (April 2019) to assess potential impacts associated with the project. The technical study evaluated impacts associated with construction and operation of the project. The following is a summary of the report.

Short-Term (Construction) Emissions.

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and construction-related power consumption. Construction operations may temporarily increase the emissions of dust and other pollutants. Construction operations would include standard measures as required by City of San Diego grading permit to limit potential air quality impacts. Construction emissions for the project were modeled assuming construction would last approximately one year. The analysis concluded that projected construction maximum daily emission levels for criteria pollutants would not exceed any screening-level criteria or contribute to existing violations. Also, the project would not result in the generation of 100 pounds per day or more of particulate matter. Therefore, impacts would be less than significant.

Long-Term (Operational) Emissions.

Operational emissions include emissions from natural gas combustion, vehicle trips, area sources and landscape equipment. Based on the estimated operational emissions, the project would not exceed any screening-level criteria. Therefore, project operation would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, nor would the project result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. Impacts would be less than significant, and no mitigation measures are required.



The San Diego Air Basin is considered a non-attainment under Federal standards for O_3 (8-hour standard). As described above in III (b), construction operations temporarily increase the emissions of dust and other pollutants. Additionally, the site-specific analysis concluded that projected construction maximum daily emission levels for criteria pollutants would not exceed any screening-level criteria. Construction

emissions would be temporary and short-term in duration. Implementation of Best Management Practices (BMPs) would reduce potential impacts related to construction activities to a less than significant level.

Construction of the project would not create considerable ozone or PM_{10} from construction and operation. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards. Impacts would be less than significant.

d)	Create objectionable odors affecting a		
	substantial number of people?		

Short-term (Construction)

Odors would be generated from vehicles and/or equipment exhaust emissions during construction of the project. Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors are temporary and generally occur at magnitudes that would not affect a substantial number of people. Therefore, impacts would be less than significant.

Long-term (Operational)

Residential dwelling units, in the long-term operation, are not uses typically associated with the creation of such odors nor are they anticipated to generate odors affecting a substantial number or people. Therefore, project operations would result in less than significant impacts.

IV. BIOLOGICAL RESOURCES - Would the project:

 a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

\boxtimes	

A field survey and a biological technical report was prepared by REC Consultants, Inc. (July 2019) to assess the vegetation communities on the 3.4-acre project site and identify impacts that would result through project implementation. The vegetation community observed onsite was 1.8 acres of Non-native Grassland (Tier IIIB), 1.7 acres of disturbed land (Tier IV), and 0.2 acre of developed land (Tier IV). The project site does not contain wetlands. Although the project is within the City's Multiple Species Conservation (MSCP) Plan Subarea Plan, the project is not within or adjacent to lands identified as Multi-Habitat Planning (MHPA) Area.

No sensitive plant or animal species were identified and/or observed onsite. No narrow endemic species were observed within the survey area.

Wildlife corridors were not identified on-site. The survey area does not currently function as a wildlife movement corridor as it is located immediately N/S/E/W of State Route 94 and bounded by development and roads, which immediately restrict its use by wildlife. While there may be some wildlife movement

within the native habitat, the survey areas as a whole does not provide a major movement corridor for wildlife species.

Approximately 1.7-acres of disturbed lands and 0.2-acre of developed lands would also be impacted. However, according to the Biology Guidelines impacts to Tier IV habitat, which are not considered sensitive, do not require mitigation.

The project would result in impacts to 1.8 acres of Non-native Grassland; per the City's Biology Guidelines, impacts to Non-native Grassland is considered significant and would require mitigation. Mitigation required could occur at a 0.5:1 ratio inside of the MHPA or a 1:1 ratio outside of the MHPA. Consistent with the Biology Guidelines, impacts to small isolated sites with a lower long-term conservation value can mitigate through contribution to the City's Habitat Acquisition Fund. Therefore, Mitigation for direct impacts to 1.8 acre, a Tier IIIB habitat would be achieved through payment into the City's Habitat Acquisition Fund.

Therefore, a Mitigation Monitoring Reporting Program (MMRP), as detailed within Section V of the Mitigated Negative Declaration (MND), would be implemented. With implementation of the monitoring program, potential impacts on biological resources would be reduced to below a level of significance.

b)	Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game	\boxtimes	
	California Department of Fish and Game		
	or U.S. Fish and Wildlife Service?		

Refer to Response IV (a), above. Implementation of the project would impact 1.8 acres of Tier IIIB sensitive habitat, which would be considered significant and would require mitigation. Thus, sensitive upland impacts would be reduced to below a level of significance.

c)	Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		
	means:		

There are no wetlands or water of the United States on or near the site. No impacts would occur.

d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery		\boxtimes
	sites?		

The project site is surrounded by urban development, within a residential setting. The site does not function as a wildlife corridor nor would it function as a wildlife nursery site due to the highly developed nature of the area. Therefore, no impacts would occur.

ATTACHMENT 11

e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?						
The proj No impa	The project would not conflict with any local policies and/or ordinances protecting biological resources. No impact would result.						
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?						
The site is located within the City's MSCP Subarea Plan area; however, the site is within a developed urban area. Additionally, the site is not adjacent to lands identified as City's Multi-Habitat Planning Area (MHPA). The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan. Therefore, no impact would occur.							

V. CULTURAL RESOURCES - Would the project:

a)	Cause a substantial adverse change in the		
	significance of an historical resource as		\boxtimes
	defined in §15064.5?		

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects, which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The City of San Diego criteria for determination of historic significance, pursuant to CEQA, is evaluated based upon age (over 45 years), location, context, association with an important event, uniqueness, or structural integrity of the building. Projects requiring the demolition and/or modification of structures that are 45 years or older can result in potential impacts to a historical resource. The site does not contain any structures; therefore, no impact would result.

b)	Cause a substantial adverse change in the		
	significance of an archaeological resource		\boxtimes
	pursuant to §15064.5?		

Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps. Qualified City

staff conducted a records search of the California Historic Resources Information System (CHRIS) digital database; the search identified several previously recorded historic and prehistoric sites in the project vicinity. Based on this information, there is a potential for buried cultural resources to be impacted through implementation of the project. Therefore, a Cultural Resources Inventory Report was prepared by Spindrift Archaeological Consulting, Inc. (January 2020), which included literature review, records search, Native American consultation, and completion of a pedestrian field survey of the parcel October 5, 2018. The results and conclusions of the technical report are summarized below.

Thirty-five previous cultural resources studies have been conducted within a one-mile radius, and three cultural resources have been recorded within a one-mile radius of the project site. No cultural resources have been previously documented within the project site.

The pedestrian field survey was conducted by walking transects in 5 to 10-meter intervals across the project site. No subsurface investigations or artifact collections were undertaken during the survey. Visibility was nearly 100-percent with exception to the middle terrace, which was obscured by grass. One purple glass artifact was noted in a disturbed area where extensive land and slope modification has occurred. It was determined the glass was most likely manufactured around 1890 to 1920 due to the inclusion of manganese oxide in glass formulas to remove the natural aqua tint from glass bottles. Based upon the survey results, records search, and Native American consultation, with project implementation the potential to encounter sub-surface cultural resources is low. No impact would occur.

c)	Directly or indirectly destroy a unique			
	paleontological resource or site or unique		\boxtimes	
	geologic feature?			

According to the site-specific Paleontological Records Search prepared by the San Diego Natural History Museum (November 2, 2018), the site is underlain by Mission Valley Formation, that has been characterized as having a high sensitivity for paleontological resources. A review of the paleontological collection records housed at the San Diego Natural History Museum was conducted and it was determined that there are 12 recorded fossil collection localities within a one-mile radius of the project site. Due to the high paleontological sensitivity of the Mission Valley Formation as well as the presence of fossil localities in the vicinity of the project site, there is potential for the project to result in impacts to paleontological resources.

According to the City of San Diego's Significance Determination Thresholds, more than 1,000 cubic yards of grading at depths of greater than 10 feet (less than 10 feet if the site has been graded) into formations with a high resource sensitivity rating could result in a significant impact to paleontological resources, and mitigation would be required. Grading would entail approximately 18,400 cubic yards of cut with a maximum cut depth of fifteen feet.

Therefore, the project would require paleontological monitoring during grading and/or excavation activities in accordance with San Diego Municipal Code (SDMC) Section 142.0151 (Paleontological Resources Requirements for Grading Activities). Compliance with the regulations are assured through permit conditions. Implementation of the Paleontological Resources Requirements for Grading Activities, as required by SDMC Section 142.0151, would ensure that impacts to paleontological resources would be less than significant.

d)	Disturb and human remains, including		
	those interred outside of dedicated		\boxtimes
	cemeteries?		

There are no formal cemeteries or known burials in the immediate vicinity of the project site. In the unlikely event of a discovery of human remains, the project would be handled in accordance with procedures of the California Public Resources Code (§5097.98), State Health and Safety Code (§7050.5), and California Government Code Section 27491. These regulations detail specific procedures to follow in the event of a discovery of human remains, i.e. work would be required to halt and no soil would be exported off-site until a determination could be made via the County Coroner and other authorities as required. In addition, the Mitigation, Monitoring, and Reporting Program requires the presence of archaeological and Native American monitors during grading that would ensure that any buried human remains inadvertently uncovered during grading operations are identified and handled in compliance with these regulations (see V.b). Considering compliance with regulations would preclude significant impacts to human remains, impacts would not result.

VI. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based
 Image: Constant and the area or based
 Image: Constant and

The closest known active fault is the Rose Canyon fault zone (Silver Strand fault) located about 4.3 miles west-southwest of the project site. The site is not traversed by an active, potentially active, or inactive fault and is not within an Alquist-Priolo Fault Zone. The project would be required to comply with seismic requirement of the California Building Code, utilize proper engineering design and standard construction practices, to be verified at the building permit stage, in order to ensure that would reduce impacts to people or structures to an acceptable level of risk. Therefore, impacts would be less than significant.

ii) Strong seismic ground shaking?			\boxtimes	
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The site could be affected by seismic activity as a result of earthquakes on major active faults located throughout the Southern California area. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would reduce the potential impacts associated with seismic ground shaking to an acceptable level of risk. Therefore, impacts would be less than significant.

iii) Seismic-related ground failure, Including liquefaction?		
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Liquefaction generally occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. According to the site-specific geotechnical investigation, the site would have a low risk for liquefaction due to the lack of shallow groundwater, and the relatively dense nature of

the materials beneath the site. The project would be required to comply with the California Building Code that would reduce impacts to people or structures to an acceptable level of risk. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would remain less than significant.

iv) Landslides?			\boxtimes	
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According to the site-specific geotechnical investigation, the evidence of landslides or slope instabilities were not observed at the project site and the potential for landslides or slope instabilities to occur at the site is considered low. Due to the topography, the absence of significant nearby slopes or hills, and the planned site grading, the potential for landslides is considered negligible. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts would be reduced to an acceptable level of risk. Impacts would be less than significant.

b)	Result in substantial soil erosion or the		
	loss of topsoil?		

Demolition and construction activities would temporarily expose soils to increase erosion potential. The project would be required to comply with the City's Storm Water Standards, which requires the implementation of appropriate best management practices (BMPs). Grading activities would be required to comply with the City of San Diego Grading Ordinance as well as the Storm Water Standards, which would ensure soil erosion and topsoil loss is minimized to less than significant levels. Furthermore, permanent storm water BMPs would also be required post-construction consistent with the City's regulations. Therefore, the project would not result in substantial soils erosion or loss of topsoil, therefore impacts would be less than significant.

c)	Be located on a geologic unit or soil that			
	is unstable, or that would become			
	unstable as a result of the project, and potentially result in on- or off-site		\boxtimes	
	landslide, lateral spreading, subsidence,			
	liquefaction or collapse?			

As discussed in Section VI(a) and VI(b), the project site has a low potential to be subject to landslides, and the potential for liquefaction and subsidence is low. The soils and geologic units underlying the site are considered to have a "low to medium" expansion potential. The project design would be required to comply with the requirements of the California Building Code ensuring hazards associated with expansive soils would be reduced to an acceptable level of risk. As such, impacts due to expansive soils are expected to be less than significant.

d)	Be located on expansive soil, as defined in		
	Table 18-1-B of the Uniform Building		
	Code (1994), creating substantial risks to		
	life or property?		

The project site is considered to have low to medium expansive soil potential. The project would be required to comply with seismic requirements of the California Building Code that would reduce impacts

to people or structures due to local seismic events to an acceptable level of risk. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would remain less than significant.

e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the		\boxtimes
	disposal of waste water?		

The project site is located within an area that is already developed with existing infrastructure (i.e., water and sewer lines) and does not propose any septic system. In addition, the project does not require the construction of any new facilities as it relates to wastewater, as services are available to serve the project. No impact would occur.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

a)	Generate greenhouse gas emissions, either directly or indirectly, that may have		\boxtimes	
	a significant impact on the environment?			

CAP Consistency Checklist

The CAP Consistency Checklist is utilized to ensure project-by-project consistency with the underlying assumptions in the CAP and to ensure that the City would achieve its emission reduction targets identified in the CAP. The CAP Consistency Checklist includes a three-step process to determine project if the 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 design features compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use and/or zone, but is also in a transit priority area to allow for more intensive development than assumed in the CAP.

Under Step 1 of the CAP Consistency Checklist, the project is consistent with the existing General Plan and Skyline-Paradise Hills Community Plan land use designations and zoning for the site. Therefore, the project is consistent with the growth projections and land use assumptions used in the CAP. Furthermore, completion of Step 2 of the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and actions for reducing GHG emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy. These project features would be assured as a condition of project approval. Thus, the project is consistent with the CAP. Step 3 of the CAP Consistency Checklist would not be applicable, as the project is not proposing a land use amendment or a rezone.

Based on the project's consistency with the City's CAP Consistency Checklist, the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the project's direct and cumulative GHG emissions would have a less than significant impact on the environment.

b)	Conflict with an applicable plan, policy, or			
	regulation adopted for the purpose of reducing the emissions of greenhouse		\boxtimes	
	gases?			

Refer to Section VII (a). Impacts would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

a)	Create a significant hazard to the public			
	or the environment through routine		\boxtimes	
	transport, use, or disposal of hazardous			
	materials?			

Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal. Although minimal amounts of such substances may be present during construction of the project, they are not anticipated to create a significant public hazard. Once constructed, due to the nature of the project, the routine transport, use, or disposal of hazardous materials on or through the subject site is not anticipated. Therefore, impacts would be less than significant.

b)	Create a significant hazard to the public		
	or the environment through reasonably		
	foreseeable upset and accident		
	conditions involving the release of		
	hazardous materials into the		
	environment?		

As noted in previous response VIII (a), no health risks related to the storage, transport, use, or disposal of hazardous materials would result from the implementation of the project. The project would not be associated with such impacts. Therefore, impacts would be less than significant.

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				
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As outlined in VII (a) and (b) above, the project would not store, transport, use or dispose of hazardous materials. Keiller Leadership Academy is located within one-quarter mile of the site. Based on the described conditions no impacts related to emitting or handling hazardous materials waste or substances within one-quarter mile of a school site would occur. Impact would be less than significant.

d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		\boxtimes
	the environment?		

A search of potential hazardous materials sites compiled pursuant to Government Code Section 65962.5 was completed for the project site. Several databases and resources were consulted including the Department of Toxic Substances Control (DTSC) EnviroStor database, the California State Water Resources Control Board GeoTracker database, and other sources of potential hazardous materials sites available on the California EPA website. Based on the searches conducted, no contaminated sites are on or adjacent to the project site. Furthermore, the project site was not identified on the DTSC Cortese List. Therefore, the project would not create a significant hazard to the public or the environment. No impacts would result.

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e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?					
The proj use airpo	ect is not located within an airport land u ort. No impact would result.	se plan, or withir	two miles of a p	oublic airport o	r public	
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?					
Refer to impacts	response VIII(e) above. The project site is will occur.	not in proximity	to any private ai	rstrip. Therefor	re, no	
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					
The project would not impair the implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan. No roadway improvements are proposed that would interfere with circulation or access, and all construction would take place on-site. No impacts would occur.						
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?					
The project is located within a developed neighborhood with no wildlands located adjacent to the project site or within the surrounding neighborhood. No impacts would occur.						
IX. HYDR	OLOGY AND WATER QUALITY - Would the project:					
a)	Violate any water quality standards or waste discharge requirements?			\boxtimes		

The project would comply with the City's Stormwater Management and Discharge Control Ordinance (Municipal Code Chapter 4, Article 3, Division 3), Storm Water Runoff and Drainage Regulations (LDC Section 142.02 et al.), and other applicable storm water quality standards during and after construction. Treatment control best management practices (BMPs) have been included that would ensure pollutants are not discharged to receiving waters. Proposed BMPs as fully described in the storm water quality management plan are summarized below.

The project would employ site design, source control and structural BMPs. Site design BMPs include minimizing impervious areas, minimizing soil compaction, dispersing the impervious areas, collecting

runoff in biofiltration basins, and use of native or drought-tolerant species for landscaping purposes. Source control BMPs include the on-site storm drain inlets and placement of trash and storage areas in unit garages to prevent dispersion by rain, run-on, run-off and wind. Structural BMPs include the use of biofiltration basins throughout the site.

These requirements have been reviewed by qualified City staff and would be re-verified during the ministerial building permit process. Adherence to applicable water quality standards would ensure adverse impacts associated with compliance with quality standards and waste discharge requirements are avoided. Impacts would be less than significant.

b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such		
	that there would be a net deficit in		
	aquifer volume or a lowering of the		
	local groundwater table level (e.g.,		\boxtimes
	the production rate of pre-existing		
	nearby wells would drop to a level		
	which would not support existing		
	land uses or planned uses for		
	which permits have been granted)?		

The project does not require the construction of wells or the use of groundwater. Therefore, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The project is located in an urban neighborhood where all infrastructures exist. The project would connect to the existing public water system. No impact would result.

c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation		\boxtimes	
	on- or off-site?			

A site-specific Drainage Study was prepared by SWS Engineering, Inc. (September 2019), which identified the following. Under the existing conditions, site drainage consists of natural sheet flow across the site property from the northern end of the site towards the southwestern corner of the property. From there, the water begins its urban conveyance as it travels along Lisbon Street's gutter away from the site. Development of the project site would increase the runoff from 7.03 cfs to 7.81 cfs due to an increased imperviousness. Aside from the addition of storm drains, the site runoff would continue to sheet flow towards the south west corner of the property. Runoff conveyed through the storm drain system would arrive at the same corner by way of a biofiltration basin system. The excess water would be detained by two proposed biofiltration basins and two 48 -inch proposed detention pipes, which would release the runoff at the pre-development flow rate of 7.03 cfs.

There are no streams or rivers located on-site and thus, no such resources would be impacted through the proposed grading activities. Although grading would be required for the project, the project would implement BMPs to ensure that substantial erosion or siltation on or off-site would not occur. Impacts would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including		
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through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Refer to XI(c), the project would not significantly alter the overall drainage pattern for the site or area, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onor off-site. Although site drainage would be altered, the flows would be directed towards Lisbon Street and would comply with San Diego Municipal Code Section 143.0142(f). Impacts would be less than significant.

e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project would be required to comply with all City storm water standards during and after construction. Appropriate best management practices would be implemented to ensure that water quality is not degraded; therefore, ensuring that project runoff is directed to appropriate drainage systems. Any runoff from the site is not anticipated to exceed the capacity of existing storm water systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

f) Otherwise substantially degrade water quality?

Refer to Section IX (a). The project would be required to comply with all City storm water standards both during and after construction, using appropriate best management practices that would ensure that water quality is not degraded. Impacts would be less than significant.

g) Place housing v hazard area as Flood Hazard B Insurance Rate delineation ma	vithin a 100-year flood napped on a federal oundary or Flood Map or other flood hazard ?				
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The project site is not located within a 100-year flood hazard area or any other known flood area. Therefore, no impacts would occur.

h)	Place within a 100-year flood hazard area,		
	structures that would impede or redirect		\boxtimes
	flood flows?		

The project site is not located within a 100-year flood hazard area or any other known flood area. Therefore, no impacts would occur.

X. LAND	USE AND PLANNING – Would the project:			
a)	Physically divide an established community?		\boxtimes	

The project is compatible with the surrounding development and permitted by the General Plan, community plan land use and zoning designations. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community. The project site is designated Residential-Low Density (0-10 Dwelling Units per Net Residential Acre (DU/NRA)) and zoned RS-1-7 within the Skyline-Paradise Hills Community. The project is consistent with the underlying zone and land use designation.

The Land Development Code Section §126.0602(b), allows projects to request deviations from applicable development regulations in accordance with a Planned Development Permit (PDP). Deviations requested by the project include:

- 1. Lot Area A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting an average lot size of 3,976-square feet for Lots 1-7, 15, 16, 19-21, and 23 where the RS-1-7 Zone requires a minimum of 5,000-square feet.
- Lot Width A deviation from San Diego Municipal Code (SDMC) Section 131.0431requesting an average lot width of less than 50-feet for Lot 21 where the RS-1-7 Zone requires a lot width of 50-feet.
- Retaining Walls A deviation from San Diego Municipal Code (SDMC) Section 142.0340(d) requesting retaining wall heights between 1-foot 4-inches and 16-feet where the RS-1-7 Zone allows for a maximum of two retaining walls with a maximum height of 6-feet if the two retaining walls are separated by a horizontal distance equal to or greater than the height of the upper wall.
- 4. Lot Size A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting lot sizes which are not the standard 50-foot by 100-foot due to the shape of the property for Lots 1-9, and 13-21.
- 5. Perimeter Walls A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting perimeter walls, which exceed the 6-foot requirement for Lots 1-6, and 13-19.
- 6. Street Frontage A deviation from San Diego Municipal Code (SDMC) Section 131.0431 requesting a private street with less than the required street frontage on a public street for all lots where 50-feet of street frontage on a public street is required.

In summary, the project would occur within an urbanized neighborhood with similar development. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. No impact would result.

b)	Conflict with any applicable land use plan,		
	policy, or regulation of an agency with		
	jurisdiction over the project (including but not limited to the general plan, specific		\boxtimes
	plan, local coastal program, or zoning		
	ordinance) adopted for the purpose of		

avoiding or mitigating an environmental effect?

The project site is designated residential and zoned RS-1-7 within the Skyline-Paradise Hills Community Plan area. The project would occur within an urbanized neighborhood with similar development. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. No impact would result.

c)	Conflict with any applicable habitat		
	conservation plan or natural community		\boxtimes
	conservation plan?		

The project is located within a developed neighborhood and would not conflict with any applicable habitat conservation plan or natural community conservation plan. The project would not conflict with the City's Multiple Species Conservation Plan (MSCP), in that the site is not located within or adjacent to the Multi-habitat Planning Area (MHPA). No impact would occur.

XI. MINERAL RESOURCES – Would the project:

a)	Result in the loss of availability of a		
	known mineral resource that would be of value to the region and the residents of		\boxtimes
	the state?		

There are no known mineral resources located on the project site. The urbanized and developed nature of the project site and vicinity would preclude the extraction of any such resources. No impacts would result.

b)	Result in the loss of availability of a locally		
	important mineral resource recovery site		
	delineated on a local general plan,		
	specific plan or other land use plan?		

See XI (a), above. The project site has not been delineated on a local general, specific or other land use plan as a locally important mineral resource recovery site, and no such resources would be affected with project implementation. Therefore, no impacts were identified.

 XII. NOISE – Would the project result in:
 a) Generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

A site-specific Acoustical Analysis Report was prepared by Eilar Associates, Inc. (March 2019) to assess potential impacts associated with the project. The technical study evaluated impacts associated with construction and operation of the project. The following is a summary of the report.

Construction Noise

The City of San Diego Noise Abatement and Control Ordinance (Ordinance) contains the regulations governing construction and operational (stationary) noise levels within the City. The Ordinance prohibits construction activities between the hours of 7:00 p.m. and 7:00 a.m. that create disturbing, excessive or offensive noise. The Ordinance also prohibits construction activities from generating an average noise sound level greater than 75 dB from 7:00 a.m. to 7:00 p.m. at or beyond the property lines of any property zoned residential.

Construction activities would include demolition, grading, building construction, paving, architectural coating, and associated parking lot and landscaping. Construction noise would range from approximately 51.5 to 73.3 A weighted decibels average sound level [dB(A) L_{eq}] at the nearest adjacent property, which includes residential uses. Noise levels would be below 75 dB(A) L_{eq} .

Operational Noise

The project site is located adjacent to Lisbon Street and Imperial Avenue, where vehicular traffic is the dominant noise source. Existing ambient noise levels were measured at 67.7 dB(A) L_{eq} . The future on-site noise environment would be the result of the same noise sources. Future combined noise contours were calculated at ground level without considering shielding from proposed buildings, which showed the noise levels are expected to be between 53 and 68 CNEL.

Permanent project related mechanical equipment was also analyzed. Air conditioning units would be provided for each residence. Future combined exterior noise levels were calculated and show that noise levels would range from 53 CNEL to 59 CNEL, which is below the 65 CNEL requirement for single-family outdoor use areas in the City of San Diego Noise Element of the General Plan. Therefore, impacts would be less than significant.

Current exterior building construction is generally expected to achieve at least 15 decibels of exterior-tointerior noise attenuation, with windows opened, according to the U.S. EPA. Therefore, proposed project building structures exposed to exterior noise levels greater than 60 CNEL could be subject to interior noise levels exceeding the 45 CNEL noise limit in habitable residential space. Calculations show that future noise levels on site are not expected to exceed 60 CNEL at any lots, with the exception of Lot 1. Due to high noise levels at Lot 1, an exterior to interior acoustical report would be required to ensure the interior noise levels are below 45 dBA CNEL. This would be a condition of the permit; therefore, impacts would be less than significant.

 b) Generation of, excessive ground borne vibration or ground borne noise levels? 			\boxtimes	
Pile driving activities that would potentially res not anticipated with construction of the projec	ult in groun t. As describ	d borne vibration o bed in Response to >	r ground borne (II (a) above, po	noise are otential
effects from construction noise would be reduc	ed through	compliance with th	e City's Noise (Ordinance.

Impacts would be less than significant.

c)	A substantial permanent increase in			
	ambient noise levels in the project vicinity		\boxtimes	
	above levels existing without the project?			

The project would not significantly increase long-term noise levels. The project would not introduce a new land use, or significantly increase the intensity of the allowed land use. Post-construction noise levels and traffic would not substantially increase as compared to the existing surrounding residential uses.

Therefore, no substantial permanent increase in ambient noise levels is anticipated. A less than significant impact would occur.

d)	A substantial temporary or periodic		
	increase in ambient noise levels in the		
	project vicinity above existing without the		
	project?		

As discussed in Section XII(a), Construction activities would include demolition, grading, building construction, paving, architectural coating, and associated parking lot and landscaping. Construction noise would range from approximately 51.5 to 73.3 A weighted decibels average sound level [dB(A) L_{eq}] at the nearest adjacent property, which includes residential uses. In addition, the project would be required to comply with the San Diego Municipal Code, Article 9.5, Noise Abatement and Control. Implementation of these standard measures would reduce potential impacts from an increase in ambient noise level during construction to a less than significant level.



There are no airports located within or adjacent to the project site, with the closest airport being Marine Corps Air Station (MCAS) Miramar. The risk of aircraft related noise exposure associated with the implementation of the project is considered low. Therefore, no impacts would occur.

f)	For a project within the vicinity of a		
	private airstrip, would the project expose people residing or working in the project area to excessive noise levels?		\boxtimes

The project is not located within the vicinity of a private airstrip. No impacts would occur.

XIII. POPULATION AND HOUSING - Would the project:

a)	Induce substantial population growth in an area, either directly (for example, by		
	proposing new homes and businesses) or		\boxtimes
	indirectly (for example, through extension		
	of roads or other infrastructure)?		

The project is located within a developed residential neighborhood and is surrounded by similar development. The project site currently receives water and sewer service from the City, and no extension of infrastructure to new areas is required. As such, the project would not induce substantial population growth in the area. Impacts would be less than significant.

b)	Displace substantial numbers of existing		
	housing, necessitating the construction of		\boxtimes
	replacement housing elsewhere?		

No such displacement would result. The project would construct 24 single-family units. No impacts would occur.

c)	Displace substantial numbers of people,		
-,	necessitating the construction of		\boxtimes
	replacement housing elsewhere?		

No such displacement would result. The project would construct 24 single-family units. No impacts would occur.

XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:
 - i) Fire protection

The project site is located in an urbanized area where fire protection services are provided. The project would not adversely affect existing levels of fire protection services to the area and would not require the construction of new or expanded governmental facilities. Impacts to fire protection would be less than significant.

ii)	Police protection			\boxtimes	
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The project site is located in an urbanized area where police protection services are provided. The project would not adversely affect existing levels of police protection services to the area and would not require the construction of new or expanded governmental facilities. Impacts to fire protection would be less than significant.

iii) Schools			\boxtimes	
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The project would not affect existing levels of public services and would not require the construction or expansion of a school facility. The project site is located in an urbanized and developed area where public school services are available. The project would not significantly increase the demand on public schools over that which currently exists and is not anticipated to result in a significant increase in demand for public educational services. Impacts would be less than significant.

iv) Parks			\boxtimes	
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The project site is located in an urbanized and developed area where City-operated parks are available. The project would not significantly increase the demand on existing neighborhood or regional parks or other recreational facilities over that which presently exists and is not anticipated to result in a significant increase in demand for parks or other offsite recreational facilities. Impacts would be less than significant.

V)	Other public facilities			\boxtimes	
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The project site is located in an urbanized and developed area where City services are already available. The project would not adversely affect existing levels of public services and not require the construction or expansion of an existing governmental facility. Impacts would be less than significant.

XV. RECREATION

a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the		
	facility would occur or be accelerated?		

The project would not adversely affect the availability of and/or need for new or expanded recreational resources. The project would not adversely affect existing levels of public services and would not require the construction or expansion of an existing governmental facility. The project would not significantly increase the use of existing neighborhood or regional parks or other recreational facilities. Therefore, the project is not anticipated to result in the use of available parks or facilities such that substantial deterioration occurs, or that would require the construction or expansion of recreational facilities to satisfy demand. Impacts would be less than significant.

b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on		\boxtimes	
	the environment?			

Refer to XV (a) above. The project does not propose recreation facilities nor require the construction or expansion of any such facilities.

XVI. TRANSPORTATION/TRAFFIC - Would the project?



The project is expected to generate approximately 240 Average Daily Trips (ADT), with 19 AM (4 in, 15 out) peak hour trips and 24 PM (17 in, 7 out) peak hour trips based on a rate of 10 trips/dwelling unit for the proposed 24 single-family dwelling units (Linscott, Law & Greenspan Engineers, 2018). Per the City of San Diego Draft Transportation Study Manual (6/10/20), a project expected to generate less than 300 ADT would be presumed to have a less than significant Vehicle Miles Traveled (VMT) impact. Considering the trips anticipated from the project and this screening-level threshold, the project would be expected to have a less than significant impact. The project would re-construct sidewalk along the frontage and does not propose any changes to the public transit system, bicycle lanes, or pedestrian circulation. Therefore, impacts would be less than significant.

b)	Conflict with an applicable congestion management program, including, but not			
	limited to level of service standards and travel demand measures, or other standards established by the county		\boxtimes	
	congestion management agency for designated roads or highways?			

Refer to response XVI (a). The project would not conflict with any applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

c)) Result in a change in air traffic patterns, including either an increase in traffic	_	_	_	_
	levels or a change in location that results			\boxtimes	
	in substantial safety risks?				

The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks in that the project would be consistent with land use plans and underlying zones. Implementation of the project would not result in a change in air traffic patterns, as they would not be constructed at a height that would impair air travel; nor result in either an increase in traffic levels or a change in location that results in substantial safety risks in that the project would be consistent with land use plans and underlying zones. The project would not result in a substantial safety risk. Impacts would be less than significant.

d)	Substantially increase hazards due to a		
	design feature (e.g., sharp curves or		\square
	dangerous intersections) or incompatible		
	uses (e.g., farm equipment)?		

No design features or incompatible uses that would increase potential hazards are proposed. Access would be provided to the project site via Lisbon Street. The project has been designed in accordance with the City's Street Design Manual and Municipal Code regulations and would include adequate sight distances at the project driveways. No impacts would result.

e) R	esult in inadequate emergency access?				\boxtimes
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The project would not result in inadequate emergency access. The project design would be subject to City Fire review and approval for consistency with all design requirements to ensure that no impediments to emergency access occur. No impacts would result.

f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of		\boxtimes
	decrease the performance or safety of		
	such facilities?		

The project would not alter the existing conditions of the project site or adjacent facilities with regard to alternative transportation. Construction of the project would not result in design measures or circulation features that would conflict with existing policies, plan, or programs supporting alternative transportation. No impacts would result.

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XVII. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a)	Listed or eligible for listing in the				
	california Register of Historical Resources, or in a local register of historical				\boxtimes
	resources as defined in Public Resources	—	—	—	_
	Code section 5020.1(k), or				

The project would not cause a substantial adverse effect to tribal cultural resources, as there are no recorded sites listed or sites eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined by the Public Resources Code. No impacts would occur.



Tribal Cultural Resources include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Native American Tribe. Tribal Cultural Resources include "non-unique archaeological resources" that, instead of being important for "scientific" value as a resource, can also be significant because of the sacred and/or cultural tribal value of the resource. Tribal representatives are considered experts appropriate for providing substantial evidence regarding the locations, types, and significance of tribal cultural resources within their traditionally and cultural affiliated geographic area (PRC § 21080.3.1(a)).

The City of San Diego, as Lead Agency, determined that Tribal Cultural Resources pursuant to subdivision Public Resources Code Section 5024.1(c) would not be potentially impacted through project implementation. In accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego provided formal notification to the lipay Nation of Santa Isabel and the Jamul Indian Village, both traditionally and culturally affiliated with the project area, requesting consultation via email on March 25, 2019. Consultation was declined by both Native American tribes within the 30-day formal notification period and the consultation process was concluded. Therefore, impacts no impacts would result.

XVIII. UTILITIES AND SERVICE SYSTEMS - Would the project:

a)	Exceed wastewater treatment			
	requirements of the applicable Regional		\boxtimes	
	Water Quality Control Board?			

Implementation of the project would not interrupt existing sewer service to the project site or other surrounding development. The project is not anticipated to generate significant amount of wastewater. Wastewater facilities used by the project would be operated in accordance with the applicable wastewater

treatment requirements of the Regional Water Quality Control Board (RWQCB). Existing sewer infrastructure exists within roadways surrounding the project site and adequate services are available to serve the project. Thus, impacts would be less than significant.

b)	Require or result in the construction of			
	new water or wastewater treatment facilities or expansion of existing facilities,		\boxtimes	
	the construction of which could cause			
	significant environmental effects?			

See XVII (a) above. Adequate services are available to serve the site and the project would not require the construction or expansion of existing facilities. Impacts would be less than significant.

c)	Require or result in the construction of		
	new storm water drainage facilities or		
	expansion of existing facilities, the		\boxtimes
	construction of which could cause		
	significant environmental effects?		

The project would not exceed the capacity of the existing storm water system and require the construction of new or expanded treatment facilities of which would cause significant environmental effects. The project was reviewed by qualified City staff who determined that the existing facilities are adequately sized to accommodate the proposed development. No impacts would result.

d)	Have sufficient water supplies available to		
	serve the project from existing		
	entitlements and resources, or are new or		
	expanded entitlements needed?		

The project does not meet the CEQA significance thresholds requiring the need for the project to prepare a water supply assessment. The existing project site currently receives water service from the City, and adequate services are available to serve the structures without requiring new or expanded entitlements. Impacts would be less than significant.

e)	Result in a determination by the			
	wastewater treatment provider which			
	serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		\boxtimes	

Construction of the project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the site without requiring new or expanded facilities. Impacts would be less than significant.

f)	Be served by a landfill with sufficient			
	permitted capacity to accommodate the		\boxtimes	
	project's solid waste disposal needs?			

The project would be served by a landfill with sufficient permitted capacity to accommodate the project's disposal needs. Construction debris and waste would be generated from the construction of the 24 new residential units. All construction waste from the project site would be transported to an appropriate facility, which would have adequate capacity to accept the limited amount of waste that would be

generated by the project. Long-term operation of the proposed residential units would be anticipated to generate typical amounts of solid waste associated with residential use. Furthermore, the project would be required to comply with the City's Municipal Code (including the Refuse and Recyclable Materials Storage Regulations (Municipal Code Chapter 14, Article 2, Division 8), Recycling Ordinance (Municipal Code Chapter 6, Article 6, Division 7), and the Construction and Demolition (C&D) Debris Deposit Ordinance (Municipal Code Chapter 6, Article 6, Division 6)) for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. Impacts are considered to be less than significant.

g)	Comply with federal, state, and local			
	statutes and regulation related to solid		\boxtimes	
	waste?			

The project would comply with all Federal, State, and local statutes and regulations related to solid waste. The project would not result in the generation of large amounts of solid waste, nor generate or require the transport of hazardous waste materials, other than minimal amounts generated during the construction phase. All demolition activities would comply with any City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. Impacts would be less than significant.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE -



As documented in this Initial Study, the project may have the potential to degrade the quality of the environment, notably with respect to Biological Resources. As such, mitigation measures have been incorporated to reduce impacts to less than significant as outlined within the Initial Study.



Cumulative environmental impacts are those impacts that by themselves are not significant, but when considered with impacts occurring from other projects in the vicinity would result in a cumulative impact. Related projects considered to have the potential of creating cumulative impacts in association with the project consist of projects that are reasonably foreseeable and that would be constructed or operated

during the life of the project. The project would be located in a developed area that is largely built out. No other construction projects are anticipated in the immediate area of the project.

As documented in this Initial Study, the project may have the potential to degrade the environment as a result of Biological Resources impacts, which may have cumulatively considerable impacts when viewed in connection with the effects of other potential projects in the area. As such, mitigation measures have been identified to fully mitigate and reduce impacts to a less than significant level. Other future projects within the surrounding area would be required to comply with applicable local, State, and Federal regulations to reduce potential impacts to less than significant, or to the extent possible. As such, the project is not anticipated to contribute to potentially significant cumulative environmental impacts. Project impacts would be less than significant.



As discussed throughout this document, it is not anticipated that the demolition, construction, and operation of the project would not cause environmental effects that would significantly directly or indirectly impact human beings. All impacts identified as being significant have been mitigated to below a level of significance. For this reason, all environmental effects fall below the thresholds established by the City of San Diego. Impacts would be less than significant.

INITIAL STUDY CHECKLIST REFERENCES

I. Aesthetics / Neighborhood Character

- City of San Diego General Plan
- Community Plans: Skyline-Paradise Hills Community Plan

II. Agricultural Resources & Forest Resources

- City of San Diego General Plan
- U.S. Department of Agriculture, Soil Survey San Diego Area, California, Part I and II, 1973
- California Agricultural Land Evaluation and Site Assessment Model (1997)
- Site Specific Report:

III. Air Quality

- California Clean Air Act Guidelines (Indirect Source Control Programs) 1990
- Regional Air Quality Strategies (RAQS) APCD
- Site Specific Report:

Air Quality Assessment, Lisbon Heights 24-Unit Residential Development, prepared by Ldn Consulting, Inc., April 2019.

IV. Biology

- City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
- Community Plan Resource Element
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California, "January 2001
- City of San Diego Land Development Code Biology Guidelines
- Site Specific Report:

Biological Resources Letter Report for the Lisbon Heights project, prepared by REC Consultants, Inc., July 2019

V. Cultural Resources (includes Historical Resources and Built Environment)

- City of San Diego Historical Resources Guidelines
- City of San Diego Archaeology Library
- Historical Resources Board List
- Community Historical Survey:
- Site Specific Report:

Cultural Resources Inventory Report for the Bay Vista Methodist Lisbon Heights project, prepared by Spindrift Archaeological Consulting, Inc., January 2020.

VI. Geology/Soils

City of San Diego Seismic Safety Study

- U.S. Department of Agriculture Soil Survey San Diego Area, California, Part I and II, December 1973 and Part III, 1975
- Site Specific Report: Geotechnical Investigation Bay Vista Methodist Heights Development, prepared by SCST, Inc., dated July 2018

VII. Greenhouse Gas Emissions

Site Specific Report:

Climate Action Plan Consistency Checklist

VIII. Hazards and Hazardous Materials

- San Diego County Hazardous Materials Environmental Assessment Listing
- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized
- Airport Land Use Compatibility Plan
- Site Specific Report:

IX. Hydrology/Drainage

- Flood Insurance Rate Map (FIRM)
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map
- Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html
- Site Specific Report:
 - Drainage Study for Lisbon Heights, prepared by SWS Engineering Inc., September 2019.

X. Land Use and Planning

- City of San Diego General Plan
- Community Plan
- Airport Land Use Compatibility Plan
- City of San Diego Zoning Maps
- **FAA** Determination:
- Other Plans:

XI. Mineral Resources

- California Department of Conservation Division of Mines and Geology, Mineral Land Classification
- Division of Mines and Geology, Special Report 153 Significant Resources Maps
- City of San Diego General Plan: Conservation Element
- Site Specific Report:

XII. Noise

- City of San Diego General Plan
- Community Plan
- San Diego International Airport Lindbergh Field CNEL Maps
- Brown Field Airport Master Plan CNEL Maps
- Montgomery Field CNEL Maps
- San Diego Association of Governments San Diego Regional Average Weekday Traffic Volumes

- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- Site Specific Report:

Acoustical Analysis Report, Lisbon Heights, prepared by Eilar Associates, Inc., dated March 2019.

XIII. Paleontological Resources

- City of San Diego Paleontological Guidelines
- Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego,"
 Department of Paleontology San Diego Natural History Museum, 1996
- Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," *California Division of Mines and Geology Bulletin* 200, Sacramento, 1975
- Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977
- Site Specific Report:
 Paleontological Records Search- Bay Vista Methodist Lisbon Heights, prepared by the San
 Diego Natural History Museum, November 2018.

XIV. Population / Housing

- City of San Diego General Plan
- Community Plan
- Series 11/Series 12 Population Forecasts, SANDAG
- Other:

XV. Public Services

- City of San Diego General Plan
- Community Plan

XVI. Recreational Resources

- City of San Diego General Plan
- Community Plan
- Department of Park and Recreation
- City of San Diego San Diego Regional Bicycling Map
- Additional Resources:

XVII. Transportation / Circulation

- City of San Diego General Plan
- Community Plan:
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- San Diego Region Weekday Traffic Volumes, SANDAG
- Site Specific Report:

XVIII. Utilities

Site Specific Report:

XIX. Water Conservation

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

XX. Water Quality

- Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html
- Site Specific Report:

Priority Development Projects (PDP) Storm Water Quality Management Plan (SWQMP), prepared by SWS Engineering, Inc., April 28, 2020

Revised: August 2018

ATTACHMENT 11





Project Location Map

Lesbon Heights TM/SDP-7108-7112 Lesbon Street PROJECT NO. 622368



ATTACHMENT 11





Site Plan

Lisbon Heights SDP/PDP/TM-7108-7112 Lisbon Street PROJECT NO. 622368





Minutes of April 9, 2019

Attendees Wayne English John Mooney Guy Preuss Logan Beltz Harry Bennett Samantha Jenkins Eddie Price

Adrian Chestang William Glover Cathy Ramsey Tim Robinson Ariana Burch Kim Laru Absent Tommy Walker Frank Von Roenn Elizabeth Madrid

- 7:02 p.m. Call to order & Pledge of Allegiance.
- 7:05 p.m. Announcements & Non-agenda Public Comment.
- 7:17 Motion to accept agenda W. English, 2nd W. Glover; approved, 12-0.
- 7:19 Treasurer's Report. \$256 on account.

7:30 p.m. Reports

- 1. San Diego Police Officer Vicki Coore discussed crime stats & prevention measures.
- 2. Eric Hanson provided information & took questions for Councilmember Montgomery. Tate Galloway provided background on the Facilities Financing Plan.
- 3. Edmond Perkins provided information & took questions for Congressperson Susan Davis.
- 4. G. Preuss summarized recent CPC actions.

7:50 Motion to approve May 14, 2019 minutes - W. Glover 2nd - W. English; approved 10-0.

- 7:55 p.m. Information items
 - 1. None.

7:55 p.m. Action items

1. E. Price recommended approval of project 622368, Lisbon St Project., 2nd - S. Jenkins, approved 12-0.

- 2. K. Laru motioned to authorize up to \$200 as needed to supplement Bay Terraces Community Association in procurement and placement of a bulletin board at the Ralph's grocery store. 2nd - W. Glover, approved 12-0.
- 3. The issue of a stop sign at the intersection of Meadowbrook Dr. and San Felipe St. in the Skyline/Lomita area was tabled pending further information. The committee is concerned about too many stop signs too close together vs. pedestrian access.
- 4. Ritchey Street 5th Assessment Letter; Project No. 409608 was not discussed due to no presenter.
- 5. The Vice-Chair proposed Eddie Price as Chair, Ariana Burch & Cathy Ramsey as Secretary, and Wayne English & Logan Beltz as Treasurer. T. Robinson motioned to approve, 2nd K. Laru; motion carries 12-0.

8:45 p.m. Meeting adjourned.

Minutes submitted by John Mooney.

ATTACHMENT 13



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

Ownership Disclosure Statement DS-318

October 2017

Project No. For City Use Only: 622368

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

Project Title: Lisbon Heights

Project Address: 7108-7112 Lisbon Street

San Diego, CA 92114

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

🛛 Corporation 🗅 Limited Liability -or- 🗅 General – What State? CA- Non Profit Corporate Identification No. EIN 95-2570847

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:Bay Vista Methodist Heights- Cheryl Lee		🛛 Owner	Tenant/Lessee	Successor Agency	
Street Address: 140 North Escondido Blvd					
City: _Escondido			State: Ca	7ip: 92025	
Phone No.: Fax No.:		Email: _crlee@b a vista.org			
Additional pages Attached:	X No	Date: Octo	ber 30, 2018		
Applicant					
Name of Individual: Bay Vista Methodist Heights- C	heryl Lee	🛛 Owner	Tenant/Lessee	Successor Agency	
Street Address: 140 North Escondido Blvd					
City: Escondido			State: _CA	Zip: 92025	
Phone No.: 760-781-1393	Fax No.:	Email: crlee@b n vista.org			
Signature Charyer The	-	Date: Octo	ber 30, 2018		
Additional pages Attached:	M No				
Other Financially Interested Persons					
Name of Individual:		🗆 Owner	Tenant/Lessee	Successor Agency	
Street Address:					
City:			State:	Zip:	
Phone No.:	Fax No.:	Email:			
Signature:		Date:			
Additional pages Attached: 🛛 Yes	D No				

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DS-318 (10-17)