

REPORT TO THE HEARING OFFICER

HEARING DATE:	August 26, 2015	REPORT NO. HO-15-091	
ATTENTION:	Hearing Officer		
SUBJECT:	HACIENDA HEIGHTS APARTMENTS PROJECT NUMBER 378743		
LOCATION:	Old Town Avenue, approximately northeast of Congress Street, approximately northwest of Hortensia Street.		
APPLICANT:	Ryan Hill		

SUMMARY

<u>Issue(s)</u>: Should the Hearing Officer approve the construction of a fourteen unit apartment project within the Old Town Community Plan area?

Staff Recommendation(s) -

- 1. Adopt Mitigated Negative Declaration No. 378743 and Adopt the Mitigation Monitoring and Reporting Program; and
- 2. Approve Site Development Permit No. 1333786.

Community Planning Group Recommendation - On March 13, 2015 the Old Town Community Planning Committee voted 6:1:1 to recommend approval at their meeting.

Other Public Input - On March 26, 2015 the Old Town San Diego Design Review Board met and voted 4:0:0 to recommend approval.

<u>Environmental Review</u> - A Mitigated Negative Declaration No. 378743 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to a level below significance, all potential impacts identified in the environmental review process.

BACKGROUND

The Old Town Community Plan designates the site for Multi-family residential at a density range from zero to twenty-five units per acre (Attachment 1). The site is located on Old Town Avenue, approximately northeast of Congress Street and approximately northwest of Hortensia Street (Attachment 2). The site is currently undeveloped vacant land (Attachment 3). The 0.41 acre site is located in the Multi-Family Residential zone of the Old Town San Diego Planned District within the Old Town Community Plan area. The site contains very steep topography and was previously graded. This is the last undeveloped site in the Old Town community.

DISCUSSION

Project Description

The Hacienda Heights Apartments project (Project) proposes a Site Development Permit to construct a fourteen unit apartment huilding, including one affordable unit, on a vacant lot (Attachment 4). The apartment building would be developed on a very constrained site. The site is topographically steep, has frontage along two public roads and is an unusual shape. The Project would provide fourteen apartments, one of which would be rented at no more than 30% of 50% of the average median income, so as to be considered affordable to very low income households as defined in San Diego Municipal Code section 143.0720. The restricted rent would be required by the Housing Commission through an agreement with the Owner for no less than 30 years. The agreement with the Housing Commission would be assured by a deed of trust to be recorded on the title of the property.

Required Actions

The Project is requesting an affordable housing density bonus of 32.5 percent to provide a total of fourteen dwelling units, as allowed by state of California law and San Diego Municipal Code Section 143.0700 et seq., with two incentives and four deviations as allowed through a Site Development Permit where an applicant is proposing affordable housing.

Incentives

- 1. An incentive to allow an increase of floor area ratio to 0.76 where the SDMC Section 1516.0302(b) allows a maximum floor area ratio of 0.60.
- 2. An incentive to allow the maximum building height at forty-six feet where the SDMC Section 1516.0302(e) Table 1516-03C allows a maximum building height of thirty feet.

Deviations

1. A deviation from SDMC 142.0340(d) for retaining walls, where two walls with a maximum of six feet each, separated by a minimum horizontal distance equal to the height of the upper wall is allowed, to allow a wall twenty two feet high on the north retaining wall.

- A deviation from SDMC 1516.0302(f) Table 1516-03D, where a Front Yard of 1,121.4 square feet is required per the property frontage length of 74.76 feet, to allow a front yard of 580 square feet.
- 3. A deviation from SDMC 1516.0302(f) Table 1516-03D to allow a reduced Side Yard Setback where fifteen feet is required to allow a side yard setback of six feet on the third floor on the north side.
- 4. A deviation from SDMC 1516.0302(f) Table 1516-03D to allow a reduced Side Yard Setback where fifteen feet is required to allow a side yard setback of eleven feet for the southeastern third floor balcony.

All measurements are approximate subject to adjustment based on final site conditions and construction document drawings.

Community Plan Analysis

The project site is located in the Old Town San Diego Community Plan area. The Old Town San Diego Community Plan (Plan) Land Use map designates the site for Multi-Family Residential Development at a density up to 25 dwelling units per acre. The 0.41-acre project site would allow a maximum density of ten housing units. The applicant is requesting a 32.5% density bonus for constructing on-site affordable housing, which would allow 14 dwelling units to be constructed on the parcel.

In order to recreate the historical atmosphere of the community, the Plan includes policies addressing architectural standards to ensure new development is consistent with the architectural style (Spanish, Mexican, or Early American) and size (one to three stories) of structures that existed in Old Town prior to 1871. Detailed guidance on architectural requirements for development in Old Town is provided in the Old San Diego Architectural and Site Development Standards and Criteria (Architectural Standards and Criteria). All proposed developments in Old Town are reviewed for consistency with these Architectural Standards and Criteria.

The proposed residential structure is three stories (two stories of residential over one story of partially-underground parking) on a sloping site, and is designed in the Mexican period style. The proposed structure features architectural elements including smooth stucco exterior finish; tiled roofs punctuated by parapets: recessed windows with divided lights, wood lintels, and shutters with a wood appearance; porticos with tiled roofs and exposed wood posts and rafters sheltering unit entrances on the north façade; low stucco walls enclosing stairwells; and arched openings enclosed with detailed wrought iron bars on the parking garage level of the south façade. The applicant, at the suggestion of the Old Town Design Review Board, incorporated a knuckle-detailing on the wrought iron bars on the parking garage level and additional shutters on the windows on the south elevation. The architectural style of the proposed project is consistent with the Old Town Community Plan and Architectural Standards and Criteria.

New three-story structures within Old Town should be no more than 9,000 square feet which is based on the historic precedent of the Franklin House structure. To conform with this specific policy, the proposed building is divided by a courtyard on the ground level and connected on the second floor by a pedestrian walkway. This achieves the appearance of two buildings of less than

9,000 square feet in size. The building also includes architectural articulation and tower elements to create visual interest. At the parking garage level, the project has incorporated buttress elements and a break in the arch pattern at the location of the residential floors separation. Large plantings, including bougainvillea, would minimize the visibility of the parking garage.

Conclusion

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the project (Attachments 5 and 7) and draft conditions of approval (Attachment 6). Staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

- 1. Approve Site Development Permit No. 1333786, with modifications.
- 2. Deny Site Development Permit No. 1333786, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Development Project Manager

Attachments:

- 1. Community Plan Land Use Map
- 2. Aerial Photograph
- 3. Project Location Map
- 4. Project Site Plan
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Environmental Resolution with MMRP
- 8. Remaining Project Plans
- 9. Community Planning Group Recommendation
- 10. Old Town San Diego Design Review Board minutes
- 11. Ownership Disclosure Statement



ATTACHMENT 2



Google Maps

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ATTACHMENT 3

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HEARING OFFICER RESOLUTION NO. SITE DEVELOPMENT PERMIT NO. 1333786 HACEINDA HEIGHTS APARTMENTS - PROJECT NO. 378743 [MMRP]

WHEREAS, HILL REALTY, LLC, a California limited liability company. Owner Permittee, filed an application with the City of San Diego for a permit to construct a three-story, fourteen unit apartment building, including one affordable unit, a density bonus of 32.5% pursuant to California Government Code Section 65915 to allow fourteen dwelling units with two development incentives pertaining to floor area ratio and maximum building height, and four deviations pertaining to minimum front yard, retaining wall height, and yard setbacks (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1333786), on portions of a 0.41 acre site;

WHEREAS, the project site is located at an undeveloped parcel without an address approximately northeast of Congress Street and approximately northwest of Hortensia Street within the Multi-Family Residential zone of the Old Town San Diego Planned District within the Old Town Community Plan area;

WHEREAS, the project site is legally described as the northerly half of Lot 1 and all of Lot 4, Block 537 of Old San Diego, Map thereof No. 40, recorded at the San Diego County Recorder's Office:

WHEREAS, on August 26, 2015, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1333786 pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated August 26, 2015.

FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The Hacienda Heights Apartments project (Project) proposes a Site Development Permit to construct a fourteen unit apartment building, including one affordable unit, on a vacant lot. The Old Town San Diego Community Plan (Plan) Land Use map designates the site for Multi-Family Residential Development at a density up to 25 dwelling units per acre. The 0.41-acre project site would allow a maximum density of 10.25 housing units. The Project proposes a 35% density bonus for constructing on-site affordable housing, which will allow 14 dwelling units to be constructed on the parcel.

In order to recreate the historical atmosphere of the community, the Plan includes policies addressing architectural standards to ensure new development is consistent with the architectural style: Spanish, Mexican, or Early American and size, one to three stories, of structures that existed in Old Town prior to 1871. Detailed guidance on architectural requirements for

development in Old Town is provided in the Old San Diego Architectural and Site Development Standards and Criteria (Architectural Standards and Criteria). The proposed Project is consistent with these Architectural Standards and Criteria.

The proposed residential structure is three stories, two stories of residential over one story of partially-underground parking, on a sloping site, and is designed in the Mexican period style. The Project features architectural elements including smooth stucco exterior finish; tiled roofs punctuated by parapets; recessed windows with divided lights, wood lintels, and shutters with a wood appearance; porticos with tiled roofs and exposed wood posts and rafters sheltering unit entrances on the north façade; low stucco walls enclosing stairwells; and arched openings enclosed with detailed wrought iron bars on the parking garage level of the south façade. The Project also incorporated a knuckle-detailing on the wrought iron bars on the parking garage level of the proposed Project is consistent with the Old Town Community Plan and Architectural Standards and Criteria.

New three-story structures within Old Town should be no more than 9,000 square feet which is based on the historic precedent of the Franklin House structure. To conform with this specific policy, the proposed building is divided by a courtyard on the ground level and connected on the second floor by a pedestrian walkway. This achieves the appearance of two buildings of less than 9,000 square feet in size. The building also includes architectural articulation and tower elements to create visual interest. At the parking garage level, the Project has incorporated buttress elements and a break in the arch pattern at the location of the residential floors separation. Large plantings, including bougainvillea, would minimize the visibility of the parking garage. Therefore, 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 Hacienda Heights Apartments project (Project) proposes a Site Development Permit to construct a fourteen unit apartment huilding, including one affordable unit, on a vacant lot.

The proposed Project has been designed to conform with the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The Project is consistent with the Old Town Community Plan, the California Environmental Quality Act and the City's environmental regulations. In addition, prior to construction on the Project site, construction permit drawings will be reviewed to achieve conformance with all applicable construction codes to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare. 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 Hacienda Heights Apartments project (Project) proposes a Site Development Permit to construct a fourteen unit apartment building, including one affordable unit, on a vacant lot, with two incentives and four deviations as allowed through a Site Development Permit where an applicant is proposing affordable housing.

While the Project complies with the majority of the development regulations of the applicable zone there are requested incentives and deviations. The Project proposes two incentives. The first incentive to allow an increase of floor area ratio to 0.76 where the SDMC Section 1516.0302(b) allows a maximum floor area ratio of 0.60 and a second incentive to allow the maximum building height at forty-six feet where the SDMC Section 1516.0302(e) Table 1516-03C allows a maximum building height of thirty feet. The Project proposes four deviations. The first deviation is for retaining walls: SDMC 142.0340(d) requires two walls with a maximum of six feet each, separated by a minimum horizontal distance equal to the height of the upper wall, the deviation will allow a wall twenty two feet high on the north retaining wall. The second deviation is for front vard size: SDMC 1516.0302(f) Table 1516-03D requires a Front Yard of 1.121.4 square feet per the property frontage length of 74.76 feet, the deviation will allow a front yard of 580 square feet. The third deviation is for side vard setbacks: SDMC 1516.0302(1) Table 1516-03D requires fifteen feet for side yard setbacks, and the deviation will allow a setback of six feet on the third floor on the north side. The fourth deviation is also for side yard setbacks: SDMC 1516.0302(f) Table 1516-03D requires fifteen feet for side yard setbacks, and the deviation will allow a setback of eleven feet for the southeastern third floor balcony. All measurements are approximate subject to adjustment based on final site conditions and construction document drawings.

The incentives and deviations are consistent with the currently adopted Old Town Community Plan. The incentives and deviations are consistent with and implement the principles of the approved Community Design Guidelines, approval of these deviations will allow a project design that is consistent with the existing character of the community. The proposed incentives and deviations implement design principles contained in the Framework Plan and Old Town Community Plan. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

B. Supplemental Findings--Deviation for Affordable Housing

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City. The Hacienda Heights Apartments project (Project) proposes a Site Development Permit to construct a fourteen unit apartment building, including one affordable unit, on a vacant lot, with two incentives and four deviations as allowed through a Site Development Permit where an applicant is proposing affordable housing. This is the last undeveloped site in the Old Town community. The site contains very steep topography and was previously graded.

Without the project specific incentives and deviations the site would continue to remain undeveloped and the opportunity to add to the housing market and specifically to the inventory of affordable dwelling units will not occur at this time. The natural and manufactured topographic conditions and the very unique and unusual shape of the existing lot present a very difficult challenge to design a project that meets all of the development regulations applicable at this site. The conditions of the site are not the result of actions taken by the applicant. Developing fourteen apartments, one of which is an affordable dwelling unit to be rented to very low income households, as defined in San Diego Municipal Code section 143.0720, for no fewer than 30 years will materially assist in accomplishing the goal providing affordable housing opportunities in economically balanced communities throughout the City and specifically in this community.

2. The development will not be inconsistent with the purpose of the underlying

Zone. The Hacienda Heights Apartments project (Project) proposes a Site Development Permit to construct a fourteen unit apartment building, including one affordable unit, on a vacant lot.

The site is located within the Multi-Family Residential zone of the Old Town San Diego Planned District within the Old Town Community Plan area. Generally, the purpose of the Old Town San Diego Planned District is to replicate, retain and enhance the distinctive character of the Old Town San Diego historic area that existed prior to 1871. The intent is to create an exciting and viable community capitalizing on the area's proud heritage and importance as California's birthplace and first European settlement. Development of land in Old Town San Diego is controlled in order to develop the unique village character and atmosphere of Old Town San Diego prior to 1871. Specific to the Multi-Family Residential zone the intent is to allow low to medium density development at a small neighborhood scale, along the southeastern hillsides of the community, providing a link to the adjacent Mission Hills residential community. In order to preserve the hillside area, the development standards must prevail over total density for any one site. In sum total the Project meets the purpose and intent of the Old Town San Diego Planned District and the Multi-Family Residential zone regulations. Therefore, the development will not be inconsistent with the purpose of the underlying Zone.

3. The deviation is necessary to make it economically feasible for the applicant to utilize a density bonus authorized for the development pursuant to Section 143.0725. The Hacienda Heights Apartments project (Project) proposes a Site Development Permit to construct a fourteen unit apartment building, including one affordable unit, on a vacant lot.

This property is the last undeveloped site in the Old Town community. The site contains very steep topography and was previously graded. Without the project specific incentives and deviations the site would continue to remain undeveloped and the opportunity to add to the housing market and specifically to the inventory of affordable dwelling units will not occur at this time of a stated affordable housing emergency. The natural and manufactured topographic conditions and the very unique and unusual shape of the existing lot present a very difficult challenge to design a project that meets all of the development regulations applicable at this site and make the effort economically feasible. The conditions of the site are not the result of actions taken by the applicant. Developing apartments on this specific site without incentives and deviations would result in fewer apartments and very likely no living units affordable to very low income households. The incentives and deviations to relax the strict application of the development regulations make it possible to develop the Project as proposed and gain fourteen apartments, one of which will be affordable to very low income households for thirty years. Therefore, the deviations are necessary to make it economically feasible for the applicant to utilize the density honus authorized for the development pursuant to Section 143.0725.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1333786 is hereby GRANTED by the Hearing Officer to the referenced Owner Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1333786, a copy of which is attached hereto and made a part hereof. John S. Fisher Development Project Manager Development Services

Adopted on: August 26, 2015

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004917

SITE DEVELOPMENT PERMIT NO. 1333786 HACEINDA HEIGHTS APARTMENTS - PROJECT NO. 378743 [MMRP] HEARING OFFICER

This Site Development Permit No. 1333786 is granted by the Hearing Officer of the City of San Diego to HILL REALTY, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.41 acre site is located at an undeveloped parcel without an address approximately northeast of Congress Street and approximately northwest of Hortensia Street within the Multi-Family Residential zone of the Old Town San Diego Planned District within the Old Town Community Plan area. The project site is legally described as the northerly half of Lot 1 and all of Lot 4, Block 537 of Old San Diego, Map thereof No. 40.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a three-story, fourteen unit apartment building, including one affordable unit, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 26, 2015, on file in the Development Services Department.

The project shall include:

- a. Construction of a three-story, fourteen unit apartment building, including one affordable unit;
- b. Density bonus of 32.5% is approved for the project pursuant to California Government Code Section 65915 to allow fourteen dwelling units;
- Two development incentives and four deviations relative to floor area ratio, maximum building height, minimum front yard, retaining wall height and yard setbacks; specifically described as:

•	Incentive Maximum floor area ratio Minimum building height	<u>MF zone</u> 0.60 46 feet	<u>Allowed</u> 0.76 30 feet
	Deviation	MF zone	Allowed
•	Maximum retaining wall height	12 feet	22 feet
•	Front yard area	1,121.4 sq. ft.	580 sq. ft.
•	Two side yard setbacks	15 feet	6 and 11 feet

All measurements are approximate subject to adjustment based on final site conditions and construction document drawings.

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. 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 September 10, 2018.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee sign and return the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

6. Issuance of this Permit by the City of San Diego does not authorize the Owner Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. 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.

9. All of the conditions contained in this Permit have been considered and were determinednecessary 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.

10. 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:

11. 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.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 378743, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 378743, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources – Archeology Paleontological Resources

AFFORDABLE HOUSING REQUIREMENTS:

14. Prior to issuance of any building pennit, Owner/Permittee shall demonstrate compliance with the provisions of Chapter 14, Article 3, Division 7 of the San Diego Municipal Code Affordable Housing Density Bonus Regulations, to the satisfaction of the San Diego Housing Commission. The Owner/Permittee shall enter into a written agreement with the San Diego Housing Commission [Agreement], drafted and approved by the San Diego Housing Commission, executed by the Owner/Permitee, and secured by a deed of trust, that incorporates applicable affordability conditions consistent with the San Diego Municipal Code; specifically including that, in exchange for the City's approval of the Project, which contains a 32.5% density bonus (4 units in addition to what is permitted by the underlying zoning regulations), alone or in conjunction with any incentives or concessions granted as part of Project approval, the Owner/Permittee shall provide 1 unit with rents of no more than 30% of 50% of average median income, so as to be considered affordable to very low income households as defined in San Diego Municipal Code section 143.0720, for no fewer than 30 years.

15. Prior to issuance of any huilding permit. Owner/Permittee shall demonstrate compliance with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code, to the satisfaction of the San Diego Housing Commission. The Agreement referenced in Condition

No. 14 above shall incorporate the applicable affordability conditions consistent with the San Diego Municipal Code and the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual: specifically including that, in exchange for an exemption from the requirement to pay an Inclusionary Affordable Housing Fee and as consideration for the receipt of incentives or concessions pursuant to San Diego Municipal Code section 142.1303(f), which require the Owner Permittee to enter into a contract to restrict rents, the Owner Permittee shall provide 1 unit with rents of 30% of 65% of AMI, so as to be considered affordable to targeted rental households for years 31 through 55.

16. Prior to issuance of any building permit. Owner/Permittee shall record with the County Recorder of the County of San Diego the Agreement referenced in Condition No. 14 above and a deed of trust in favor of the San Diego Housing Commission.

AIRPORT REQUIREMENTS:

17. Prior to the issuance of any building permits, Owner-Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying the structures do not require Federal Aviation Administration notice for Determination of No Hazard to Air Navigation, or provide an Federal Aviation Administration Determination of No Hazard to Air Navigation as specified in DSD Information Bulletin 520.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any building permit, Owner/Permittee shall assure by permit and bond the installation of City standard curb and gutter, along the project frontage on Old Town Avenue, per Standard Drawing SDG-151, satisfactory to the City Engineer.

19. Prior to the issuance of any building permit, Owner/Permittee shall assure by permit and bond the installation of City standard sidewalk, along the project frontage on Old Town Avenue, per Standard Drawing SDG-155, satisfactory to the City Engineer.

20. Prior to the issuance of any building permit, Owner/Permittee shall assure by permit and bond the installation of City standard AC berm, a small portion upstream from the project site and from the new eurb and gutter to the existing improvements located at the intersection of Old Town Avenue and Congress Street, per Standard Drawing G-5, satisfactory to the City Engineer.

21. Prior to the issuance of any building permit, Owner Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the wall, curb outlets and or sidewalk underdrain located within Old Town Avenue and Hortensia Street rights-of-way, satisfactory to the City Engineer.

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

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

24. Prior to the issuance of any construction permit. Owner/Permittee shall submit a Water Pollution Control Plan. The Water Pollution Control Plan shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

25. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

26. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

27. Prior to the issuance of any building permits. Owner Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards and Stormwater Design Manual, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

29. Prior to issuance of any engineering permits for right-of-way improvements. Owner/Permitee 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 forty 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.

30. Prior to issuance of any building permit, Owner Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall provide a forty square foot area around each tree unencumbered by hardscape and utilities unless otherwise approved per SDMC 142.0403(b)5.

31. In the event that a foundation only permit is requested by the Owner Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area." 32. The Owner Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

33. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

34. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans 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 thirty days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

35. 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.

36. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

37. 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

38. No fewer than 28 parking spaces including 1 accessible space and 1 motorcycle space shall be maintained on the property at all times in the approximate locations shown on Exhibit "A." 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 Development Services Department.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

39. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway in a manner satisfactory to the Public Utilities Director and the City Engineer.

40. Prior to the issuance of any building permit, the Owner Permittee shall apply for a plumhing 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. Back flow prevention devices shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

41. 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.

42. All public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

43. The Owner/Permittee shall design and construct all proposed public water 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 use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits bave 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 Hearing Officer of the City of San Diego on August 26, 2015, and Resolution No. HO-XXXX.

Attachment 6

Site Development Permit No. 1333786 Date of Approval: August 26, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

John S. Fisher 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.

HILL REALTY, LLC, a California limited liability corporation Owner/Permittee

By

Ryan Hill President

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

Attachment 7

RESOLUTION NUMBER HO-

ADOPTED ON _____

WHEREAS, on November 10, 2014, HILL REALTY, LLC submitted an application to Development Services Department for a Site Development Permit for the Hacienda Heights Apartments (Project); and

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

WHEREAS, the issue was heard by the Hearing Officer on August 26, 2015; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative Declaration No. 378743 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer 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 Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer 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 Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer 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, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Department 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:

Jobn S. Fisher Development Project Manager

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

Attachment 7

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit No. 1333786

PROJECT NO. 378743

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. 378743 shall be made conditions of Site Development Permit No. 1333786 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.
- 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
- 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

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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:

Archaeological Monitor Native American Monitor Paleontological Monitor

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division – 858-627-3200
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360**
- 2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) Number 378743 and/or Environmental Document Number 378743, 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.

 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		
Paleontology	Paleontology Reports	Paleontology Site Observation		
Historical Resources	Archaeology Reports	Archaeology/Historic Site Observation		

Final MMRP Inspections Prior to Bond -Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

- 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
- 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
- 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a

letter of verification from the PI stating that the search was completed.

- 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
 - Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit
 (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions

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

III. During Construction

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

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

IV. Discovery of Human Remains

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

- A. Notification
 - Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 - 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

- B. Isolate discovery site
 - Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
 - 2. The Medical Examiner, in consultation with the PL will determine the need for a field examination to determine the provenance.
 - If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
 - The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
 - 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 - The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 - 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 - 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN.
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC:
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.

- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are NOT Native American
 - 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During

Construction and IV-Discovery of Human Remains shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BL as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BL as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
 - For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
 The PL shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

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- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BL as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 - 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 - The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 - 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
 - The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.
PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 - The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was inhouse, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
 - Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.

The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the Pl is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
- 2. Identify Areas to be Monitored Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 - 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.
 - 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter

formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

- 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 - In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
 - 1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before grounddisturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common tossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
- IV. Night and/or Weekend Work

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

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
- For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
- Recording Sites with the San Diego Natural History Museum The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

- 1. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- The PI shall submit revised Draft Monitoring Report to MMC for approval.
- MMC shall provide written verification to the PL of the approved report.
- MMC shall notify the RE or BL as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 - The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 - The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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





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SHEET TITLE:

SHEET COUNT:

TOPOGRAPHIC SURVEY

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HACENDA HEGHTS APARTMENTS OLD TOWN AVENUE SAN DIEGO, CA.

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Landscape Concept Plan

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GENERAL NOTES: 1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE RE-DULATIONS, THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS, AND ALL OTHER LANDSCAPE RE-LED CITY AND REGIONAL 2. MANTENANCE: ALL RECUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER. LANDSCAPE RELEAD CITY AND REGIONAL 3. MANTENANCE: ALL RECUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER. LANDSCAPE READS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED BY THE OWNER. LANDSCAPE AREAS SHALL BE MAINTAINED BY END THE OWNER. LANDSCAPE AREAS IN THE PLANT MATERIAL SHALL BE MAINTAINED BY THE OWNER. LANDSCAPE AREAS SHALL BE MAINTAINED REE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED BY THE OWNER CONDITION. DISEASED OR DCAP DRAIT MATERIAL SHALL BE SATISFACTORING. THREADE OR REPLACED PERT HE CONDITIONS OF THE PERMIT. 3. IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED RINGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION OF POOL PERT AND DRAINED FOR THE VEGETATION IN SHEASE; HEISTANT CONDITION. SYSTEM SHALL BE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED. THE PROPOSED BRUGATION SYSTEM SHALL BE 4. ALL GRADED, OR STURBED, OR EPROPED AND DRIP LINES. 4. ALL GRADED, DISTURBED, OR EROCED AREAS SHAT WILL NOT BE PERMANENTLY PAYED OR CONDERDED BY STRUCTURES SHALL BE PERMANENTLY REVECTIVED ADEQUATE BAND DRIP LINES. 4. ALL GRADED, DISTURBED, OR BRODED AREAS SHAT WILL NOT BE PERMANENTLY PAYED OR CONTREDED BY STRUCTURES SHALL BE PERMANENTLY REVECTIVED ADE ADECIDATED AND SHOWN IN TABLE 12-ORF AND IN ACCODENCE WITH THE STANDARDS WITH LAND DEVELOPMENT MANUAL [142,0411(0)].

PERMUNERALE REPEATED AND INNOVED AS SHOWN IN ADJE 14-CMP AND IN ALCO-HUMAE WITH THE STANDARDS IN THE DEVELOPMENT MANULAL (124 GAT16)). 5. ALL PLANTING PROVIDED SHALL PROVIDE 60% SCREENING OF THE WALL WITHIN TWO YEARS. 6. ARCHTECTURAL ELEVATIONS AND FRATMERS SHALL BE CONSIDERED AND EMANACED WITH PLANTINGS OF SIMILAR DESIGN.

CHARACTER. 7. LANDBCAPE FINISH GRADING OBJECTIVES WILL INCLUDE POSITIVE SURFACE DRAINAGE OF PLANTED AREAS THROUGHOUT THE SITE. 8. THE PLANT PALETTE USITED PROVIDES A LIST OF PLANT MATERIAL TO SELECT FROM WHEN DESIGNING THE LANDSCAPE. HOWEVER, SUBSTITUTIONS MAY BE REQUIRED DUE TO AVAILABILITY, SOLIS TEST RESULTS, OR OTHER INFLUENCES. 8. ALL PLANT MATERIAL SELECTED FOR USE WILL BE OF A TYPE KNOWN TO BE SUCCESSFUL IN THE AREA OR IN SIMILAR CLIMATIC AND SOIL CONDITIONS.

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PREPARED BY: STOSH THOMAS ARCHITECTS REVISION 1: 10-28-14 4682 NEBO DR. STE. 200 **REVISION 2:** 01-28-15 LA MESA, CA. 91941 PHONE: 619.246.9044 REVISION 3 03-02-15 **REVISION 4:** 03-30-15 LOT NUMBER: **REVISION 5:** 1 **REVISION 6:** 443-520-40-00 ORIGINAL DATE: 06-30-14 APN: PROJECT NAME: HACIENDA APARTMENTS SHEET TITLE: LANDSCAPE CONCEPT PLAN DEPT #: SHEET COUNT 11 OF 11

ATTACHMENT 00

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ATTACHMENT 8

Old Town San Diego Community Planning Group

Thurston Coe, Chairperson 2836 Juan Street San Diego, California, 92110 March 11, 2015

MINUTES v.1

Whaley House this meeting to order at 3:30 pm

- Members Present: Chuck Ambers; Thurston Coe; Vickie Durham; Patricia Fillet; Geoffrey Mogilner; David Swarens; Robert Zink
- Members Absent: Ann Dahlkamp; Fred Grand; Bruce Johnson; Randi Perez; Richard Stegner; David Thornton.
- Guests: Molly Chase, City of San Diego (mchase@sandiego.gov, 619.236.6633); Lavonne Maday Peyrot, Artist, Resident (slodlo35@hotmail.com, 619.764.1952); Gloria Andrade, (gloriaandrade@gmail.com); Mike Arnold. City Resident of San Diego (mrarnold@sandiego.gov); Monica Munoz, City of San Diego (858.573.5080); Wayne Jarrell, City of San Diego; William Cole, Homeowner of Cole House Rental (775.588.2800); Rhett Butler (619.806.0808); Dean Allen (619.500.4180); Masayo Allen (619.500.4580); Mike Arnold, City of San Diego (858.573.5023); Vikie White, City of San Diego Planning (619.533.3945); Blair Pruett, NA (760.802.6588); Chris Dydryl, DMI (760.471.6842)

Non-Agenda Public Comments: None

<u>Modifications:</u> Reverse the order for Action Items to move Hacienda Heights Presentation first, then elections.

Meeting Minutes: February Meeting minutes postponed

<u>Treasurer's report</u>: Vicki Durham, reports amount to date at \$37.00, with a donation of \$19.00 collected during this month's meeting to bring a new total of \$56.00.

Action Items:

6a) Presentation by Architect Stosh on Hacienda Apartment Project, see hand out for "Architectural Detail Booklet", only.

An issue has been pressing in now resolved. Design guidelines and consultant where followed. Planters at the corners are the same. Along interior, we created a colanade as recommendations from the city and other consultants. In addition to physical changes we hired an historical consultant for incorporation into project and as a gateway to OT and want it to improve with community. Ian Steepler and IFA architects were used. We tried to go to great length to get the "flavor" and period for Old Town. 1871 Spanish Mexican – Stosh – details on windows. We went back with the historical consultant to get it "right". There is a Bridge between the two buildings (David Swarens asking for clarification). Stosh: Variance on bldg. height with extreme slope, its difficult to maintain the 30ft. height. DS: Dropping the bldg into the ground. Stosh: there's a meeting place for civil engineering for height adjustment, but

then the driveway would not be accessible. Stosh: Transition would be awkward. DS: What's the height request? 4-5.5ft. are you going to ask? Stosh: yes.

Richard Stegner: How many units? Stosh: 14 total. Thurston Coe: you have parking? Yes, have 8 spaces, along with ADA requirements. Other questions came up about soil, etc...Stosh: this is in a fault zone, we trenched 13 ft. down and type soil is sturdy for the project. The project has been submitted, already. Geoffrey Mogilner: I'd like to thank you for splitting the bldg. Would like to talk about height of bldg., again – at street level, you go up. This is concerning, because the Code allows bldgs to rise up 4.5 ft., tell me if I'm wrong, its not considered a story level? Stosh: there's such a slope, we can't get an additional 9ft. TC: Long range issues: you have some to clear up? Stosh: yes, there are a few things to clear up, tomorrow at the Planning meeting and deviation on height and with long range planning we met every adjustment and tomorrow is the next meeting. There were additional comments, especially on stucco for example. We show illustrated details, since this is not to scale, it's difficult to show that. All issues should be resolved. It is challenging to look at the 2dimensional drawings. And, by tomorrow, we should have a better approach to communicate. DS: more requests, becomes more challenging. Really glad you hired a specialist consultant - commending the project. Disappointed on the certain details that your vignette illustrates. The design would have been better improved if you had gone in that primary façade with height to the street. The plan should specify structural details and you can explain in anyway to the city planners on what you intend, but there should be the detail supporting this on your plan, so that everyone is very clear on what is intended. It's difficult to approve a project without the entire details worked out. If there's any possibility to make the front less patterned, similar to what you provided as examples. Stosh: Mr. Reed placed the parapets. Joe Reed is the historical specialist, and is an architect.

QXs:

Dean Allen asks on Height: according to the footnotes, there is height discrepancy, according to the PDO for Old Town, can you expand on that? Stosh: We're not at 9ft. ceilings. GM: Because of the height issue, I feel like this projects are coming under the projects, before we had the current PDO, I personally don't feel like it's the flavor of Old Town, to put big buildings in. I don't think it's good for anyone to do these kinds of things. I personally feel the project as it stand, meets those goals, but I think you can do it to meet the challenges.

Stosh: providing affordable housing is needed and can help the community.

GM: how does the height issue impact the amount of housing you'll be able to put on the property?

Stosh: it doesn't affect anything. You can relieve the "view" with planters, etc, this is set way back, as much as possible. GM: Very concerned for height and parking. DS: the depth of gables extension facing toward front and facing street façade. What's the depth to the French doors? I'm speaking of front façade, south elevation, far left, there's a tower corner and a dip in, then a section of gable that goes in. What's the difference? Stosh: We don't have that information.

Stosh: we set back 9.5 feet here and 18in. everything at the plane, to leading edges. It's a good shadowing. Guest: are the terraces separated? Stosh: yes, everyone has private space and then go up one, they have layer, tapered. Deck, façade, deck above – wedding cake layering.

Alana Coons: This is affordable housing, all the units? How many are there? Stosh: 1 affordable unit, 10% of our base unit. You're allowed 32.5; with an incentive and ours is height

limit. 30%of50% AMI, or 800/month for 1000sq ft. This is work force housing, couples, young professionals, etc... Alana: on avg., the rent will be 2k/month. Lavonne: Each residence gets one parking space? Stosh: yes. Lavonne: you've walked here and know the issues? DS: how many parking? You said 28? Stosh: this includes disabled space. There's a secured garage. Bike racks and motorcycle parking. I'm glad we came in as information only, and we'd like to get a vote.

GM: I'm willing to make a motion: support the project without exception to height.

Stosh: With the conditions, we're not able to adjust height. We're going to be over thirty feet. We're setting back 14 ft.; there is relief there. This is the only way this project works. GM: I don't see it! Stosh: This is going to be an issue; we asked for a deviation from the City, we've gone to great length. Property location is 3975 Old Town Avenue.

No Second.

Stosh: Discretionary permit process is to allow minor deviation for height

TC: Other side of bldg, what's the height? This is a garage, there is no story. 20ft. Is the City fine with this aspect? Stosh: Supportive of affordable housing and to use the incentive for height and not for parking. DS: from grade to street façade, what's the height? So, you don't know the height? Stosh: 134.1 ft. total, but we're at 24 ft. Older lady guest: What is the salary range for affordable housing? 30%of50% AMI.

TC: Do we have a motion?

RZ: We can have a "recommendation" motion to approve as-is, RS Second. GM: On condition to include the language recommend, please.

6 yes votes; 1 abstain; 1 no vote

<u>7a. Information Items:</u> 1. An Update on the Juan St. Project by Wayne, et, al. Found existing utilities and we're moving those now. By law we can't tear those. Superintendent can provide more of an update.

Alana Coons: The number of pepper trees that are planned to be removed is now up to 18-21 trees, we have a problem with that. Contractor: Mason/Twiggs, is the only tree to be removed. Alana: has city approved? Yes. Alana: They may have not had enough proper information. BC: The trees along the stables are very precious. They are 60 years old and provides as a shade. Bruce Coons: Root barriers should be placed in there, before you remove. Female city rep: we are not replacing with pepper trees and cannot assume liability. BC: you'll know if those trees are dying. Alana: the community does not now this is being done. The trees are not to be removed without community meeting. There just not pepper trees. They are a character of this community. These are not Brazilian trees. Pepper trees are not invasive. Alana: if the city were able to take better care, pepper trees would not be a problem. This community does not know this is happening. We'd like to have a community

Old Town San Diego Design Review Board MEETING MINUTES

Thursday, March 26, 2015 at 9:00 AM

CONFERENCE ROOM 4C DEVELOPMENT SERVICES DEPARTMENT BUILDING - 4TH FLOOR 1222 FIRST AVE, SAN DIEGO, CA 92101

MEETING WAS CALLED TO ORDER AT 9:05 A.M. BY CHAIRPERSON CHUCK AMBERS

ATTENDANCE

OTDRB Members	
Present	Chuck Ambers (Chair); Conrado Gallardo; David
	McGuire; John Patterson
Absent	None
Recusals	None
<u>City Staff</u>	
Planning	Vickie White
Development Services.	Laura Black, Development Project Manager
Misc	None
Guests	
Item 4	Tommy Crudo, Stosh Podeswik

ITEM 1 - APPROVAL OF MINUTES

• None.

ITEM 2 - PUBLIC COMMENT

ISSUES WITHIN THE JURISDICTION OF THE OLD TOWN SAN DIEGO DESIGN REVIEW BOARD NOT PREVIOUSLY HEARD. REQUEST TO SPEAK SHOULD BE SUBMITTED TO THE SECRETARY AT THE TIME OF THE MEETING. **NOTE:** THREE (3) MINUTES OF TIME PER SPEAKER

None

ITEM 3 - ADMINISTRATIVE ITEMS

- A. Board Administrative Matters and General Information
 - Board members are required to file their Form 700 Statements of Economic Interest for 2014 by April 1, 2015.
- B. Subcommittee Reports
 - None

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- C. Conflict of Interest Declarations
 - None
- D. Staff Report
 - None
- E. Requests for Continuance

None

ACTION ITEMS

ITEM 4: HACIENDA HEIGHTS APARTMENTS

PTS #: 378743

Applicant: Tommy Crudo, Crudo Real Estate, and Stosh Podeswik, Stosh Thomas Architects

Location: 3975-1/3 Old Town Ave.; Old Town Planned District; Council District 3

<u>Description</u>: The project proposes to construct fourteen apartments, including one on-site affordable unit. The applicant is bringing the project to OTDRB for feedback and direction regarding the consistency of the proposed project with the Old San Diego Architectural and Site Development Standards and Criteria and, if the Board sees fit, a recommendation to the decision maker.

<u>Today's Action</u>: Review the design for consistency with the Old San Diego Architectural and Site Development Standards and Criteria, and provide comment and direction to the applicant and staff regarding their consistency. If the Board sees fit, provide a final recommendation before proceeding to the decision maker.

Staff Presentation: None.

Applicant Presentation:

The project site is located on the 3900 block of Old Town Avenue, east of Congress Street, on a vacant lot. The lot is located between an existing bungalow court and an apartment complex. There is no existing sidewalk on the project frontage.

The project is to construct 14 apartment units, including one affordable unit. The site is challenging due to the existing slope. The architect and engineer worked to find a location for the building on the site that would allow optimal access from the street. A geotechnical study was performed on the site to determine whether there are any active faults on site, which there are not.

The parking garage level provides 28 parking spaces and an elevator, as well as storage units. The living units are split into two buildings, each two stories tall. The architectural style is pre-1871 Spanish Mexican style. The architect reviewed the Old Town Architectural and Site Development Guidelines in designing the project, and met with City staff and the Old Town Community Planning Group to get recommendations on project design.

Old Town Design Review Board Meeting Minutes, March 26, 2015

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Features of the project include a Spanish tile roof, recessed windows, arch and column supports on the parking garage level and first-floor courtyard, and a shed roof over the second-floor unit entryways. The façade incorporates faux wood headers over large windows and doors, wrought iron railing, and a roofline that provides architectural interest with varying parapet height.

The board has been provided with an architectural features booklet for the project. A historical specialist was hired to help develop the architectural detailing for the project which is important to the Old Town Community Planning Group and Design Review Board. Spanish/Mexican style elements of the project include tan or hrown window frames, adobe stucco finish with soft turns on building exterior, turn pieces and accent pieces will be metal. Windows will be divided and also feature shutters. Carriage lantern-style exterior wall light fixtures will be used.

Public Comment:

• None.

<u>Q&A</u>:

Describer free on Or - C	A Baarda Daaransi
Boardmember Issue or Question	Applicant's Response
McGuire: Are you asking for any	Yes, we are asking for a deviation for
deviations, for example on building height?	building height due to the site's slope.
John Patterson: Are you asking for any	Yes, we've requested a deviation for
deviations for any building elements?	the building height. We have provided
	planters in front of the building to
	provide some visual relief for the
	building height and used columns
Ambers: You said you are using the	Yes. One affordable unit is being
affordable housing density bonus?	provided, which allows an increase in
	allowed density of three units from
	what would otherwise be allowed (11
	units).
Ambers: Which affordable housing	Height deviation and deviation for
incentives are you using?	height of some retaining walls on site.
	Bouganvillea has been added to the
	planting areas to add additional
	screening for the building.
McGuire: Are you providing the required	Yes, we are providing the required 28
number of parking spaces?	parking spots as well as motorcycle
	parking, bicycle parking and storage
	areas in the parking garage.
Patterson: Is the garage naturally	The project has openings are along
ventilating?	three sides of the parking garage
· · · · · · · · · · · · · · · · · · ·	through the archway openings.
McGuire: Are all exterior metal railings	Yes, with wood handles.
going to have detailing?	
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Old Town Design Review Board Meeting Minutes, March 26, 2015

Page 4

Boardmember	Comments
Ambers	The project will address the flooding and erosion that currently occurs and the site and affects the adjacent bungalow apartments, which will be a benefit.
Gallardo	I think it's going to be a great project. I'm glad you're taking advantage of the affordable housing density bonus.
McGuire	I think this is a great project. It will be a vast improvement at the location. We need additional residential density in the neighborhood to support neighborhood infrastructure, with adequate parking.
Patterson	To address the street level appearance of the building, it would be great if you would give consideration to incorporating "knuckles" to the wrought iron grills on the parking garage level. Very happy with the massing of the building. Perhaps there are opportunities to incorporate additional shutters on the south façade. Well thought-out design that takes the heritage of the area into consideration.

Boardmember Discussion and Comment:

Recommended Modifications:

Suggest incorporating "knuckle" detailing on the wrought iron grills on the parking garage level. Also suggest adding additional shutters to windows on the south elevation.

Motion:

MOTION BY BOARDMEMBER AMBERS TO APPROVE THE PROJECT WITH THE ADDITION OF "KNUCKLE" DETAILING ON THE WROUGHT IRON GRILLS ON THE PARKING GARAGE LEVEL AND ADDITIONAL SHUTTERS ON THE SOUTH ELEVATION.

Seconded by Boardmember McGuire

Vote: 4-0-0

Adjourned at 9:35 AM

The next regularly-scheduled Old Town Design Review Board Meeting will be on April 16, 2015 at 9:00 AM.

For more information, please contact Vickie White at <u>wwhite@sandiego.gov</u> or 619-533-3945.

Deve 1222 San I	of San Diego Iopment Services First Ave., MS-302 Diego, CA 92101 446-5000	Ow	nership Disclosure Statement
Neighborhood Developm	ropriate box for type of approval (s) rea nent Permit Site Development Per Map Vesting Tentative Map Ma	ermit Planned Development Pen	mit Conditional Use Permit
Project Title	Heights Apartm	ients	Project No. For City Use Only 378743
VACANT te	st Apr. 443	-520-40-00	
Part I - To be completed	when property is held by Individ	lual(s)	
who have an interest in the pro- ndividuals who own the proper rom the Assistant Executive I Development Agreement (DD Manager of any changes in own	operty, recorded or otherwise, and sta erty). <u>A signature is required of at lea</u> Director of the San Diego Redevelopm (A) has been approved / executed by wnership during the time the application thirty days prior to any public hearing alay in the hearing process.	the the type of property interest (e.g., <u>ist one of the property owners</u> . Attain nent Agency shall be required for all r the City Council. Note: The applic processed or considered	a the names and addresses of all persons tenants who will benefit from the permit, all ch additional pages if needed. A signature project parcels for which a Disposition and ant is responsible for notifying the Project . Changes in ownership are to be given to o provide accurate and current ownership
Name of Individual (type of	or print):	Name of Individual (type	e or print):
Owner Tenant/Le Street Address:	Redevelopment Agency	Cowner CTenant/	Lessee Redevelopment Agency
City/State/Zip:	FAT AVE, St. 340	City/State/Zip:	
Phone No:	CA 92031 Fax No:	Phone No;	Fax No:
Sigheture:	Date:	Signature :	Datë:
Name of Individual (type of		Name of Individual (type	or print):
Owner Tenant/Les	see Redevelopment Agency	Cowner Tenanl/L	essee Redevelopment Agency
Street Address:		Street Addrass:	
		City/State/Zip:	
City/State/Zip:		Phone No:	Fax No:
	Fax No:		
Phone No:	Fax No: Date:	Signature :	Date:
Phone No:			Date:
City/State/Zip: Phona No: Signature :			Date:

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