



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: SEPTEMBER 21, 2023 REPORT NO. PC-23-035

HEARING DATE: SEPTEMBER 28, 2023

SUBJECT: 301 SPRUCE STREET, NEIGHBORHOOD DEVELOPMENT PERMIT, PROCESS TWO

PROJECT NUMBER: [1053621](#)

OWNER/APPLICANT: QUINCE COMMERCIAL, LLC/ WORKS PROGRESS ARCHITECTURE

SUMMARY

Issue: Should the Planning Commission grant or deny two separate appeals filed on July 18, 2023, by the Uptown Planners (local Community Planning Group) and on July 21, 2023, by the Citizens Committed to Preserving Maple Canyon of the Development Services Department approval of a new, mixed-use project with 262 dwelling units, 266 parking stalls, and 5,631 square-feet of commercial space, located at 301 Spruce Street (project) within the [Uptown Community Planning area](#)?

Proposed Options:

1. Grant the appeal(s) and reverse or modify the Development Services Department staff decision to approve Neighborhood Development Permit (NDP) No. 3146496;
2. Grant the appeal(s) and grant Neighborhood Development Permit (NDP) No. 3146496 with modifications;
3. Deny the appeal(s) and affirm the Development Services Department staff decision to approve Neighborhood Development Permit (NDP) No. 3146496 with modifications.

Fiscal Considerations: All costs associated with the processing of the application are recovered through a fee paid for by the applicant.

Housing Impact Statement: The development site consists of four connecting parcels: one

northwestern parcel on Spruce Street in the RM-3-7 Zone (0-44 dwelling units per acre (Du/Ac)) and one northeastern parcel and two southeastern parcels on Fourth Avenue in the CC-3-8 Zone (0-109 (Du/Ac)). No housing units currently exist onsite. The General Plan designates the site as Multiple Use and the Uptown Community Plan designates the site as Residential Medium High (30-44 (Du/Ac)) for the northwestern parcel and Community Commercial (0-73 (Du/Ac)) for the northeastern and two southeastern parcels, allowing a total of 52 pre-density bonus units. The project has opted into the City of San Diego's Complete Communities program and approval of the project would add 262 dwelling units which include 22 on-site affordable units (40% of the 52 pre-density bonus units) that fall within the following categories: 15% of Pre-Density Bonus units (8 units) at 50% Area Median Income (AMI); 10% of Pre-Density Bonus units (6 units) at 60% AMI; and 15% of Pre-Density Bonus units (8 units) at 120% AMI.

The development complies with the Complete Communities Housing Solutions (CCHS) Regulations established in San Diego Municipal Code (SDMC) [Chapter 14, Article 3, Division 10](#). It provides neighborhood-serving infrastructure amenities and meets SDMC Section [143.1020\(a\)](#) through payment of a fee to the "Neighborhood Enhancement Fund" as established by City Council Resolution R-313282.

Community Planning Group Recommendation: On February 1, 2023, the Uptown Planners voted 8 – 2 with 1 abstention to deny the project. The Association recommended the project be denied for "Failure to meet the conditions for approving a Neighborhood Development Permit, Section 126.0404." It was also noted that the non-voting chair abstained (Attachment 7).

Environmental Impact: The City of San Diego (City) as Lead Agency, determined that the project is consistent with the Uptown Community Plan Update Program Environmental Impact Report (PEIR) (SCH No. 2016061023) and the Complete Communities: Housing Solutions and Mobility Choices Final Environmental Impact Report (FEIR) (SCH No. 2019060003) under California Environmental Quality Act (CEQA) Guidelines Section 15162. The CEQA Section 15162 Evaluation (15162 Evaluation) prepared for the project is included as Attachment 6.

BACKGROUND

The 0.81-acre site is located at 301 Spruce Street in the RM 3-7 and CC 3-8 zones, Community Plan Implementation Overlay Zone (CPIOZ-A), the CCHS Overlay Tier 2 FAR 8:0 and Tier 3 FAR 6.5, the Complete Communities Mobility Choices Mobility Zone 2 Overlay, Transit Area Overlay Zone (TAOZ), the Parking Standards Transit Priority Area (PSTPA), Transit Priority Area (TPA), Affordable Housing Parking Demand Medium Category, San Diego International Airport Influence Area Review Area 2, and the Federal Aviation Administration (FAA) Part 77 Noticing Area of the Uptown Community Plan area.

Historic Review

The proposed project site contains four parcels with five current structures at 301 Spruce Street, 3170 Fourth Avenue, and 3130 Fourth Avenue. The structure at 301 Spruce Street was designed in

1913 by William S. Hebbard, a Master Architect established by the City's Historical Resources Board (HRB). In 2021, an application was filed for a Preliminary Review under PTS-688539 to determine whether 301 Spruce Street AND 3149-3157 Third Avenue are historically significant under the City's HRB Designation Criteria. On April 21, 2021, City staff determined that 301 Spruce Street and 3149-3157 Third Avenue did not meet the HRB Criteria for historic designation. In April 2023, additional information was provided to staff reviewing the project. Staff was provided an incomplete Historic Resource Research Report dated March 28, 2023. The incomplete report concluded that the property located at 301 Spruce Street is significant under HRB Criterion D – that the building is representative of a notable work of established Master Architect William S. Hebbard. As explained in the Project Issues Report PRJ-1053521, staff did not deem the Historic Resource Research Report complete because of the number of procedural errors. Nonetheless, staff evaluated the new information provided in the report and found no evidence or analysis suggesting that the property is a notable work of an established Master Architect. Staff's evaluation of 301 Spruce Street in the context of William S. Hebbard's overall body of work revealed that the subject property does not express a particular phase in the development of Hebbard's career, an aspect of his work, or a particular idea or theme in the craft. Furthermore, a remodel in 1974 changed the original four-unit storefront glass, changed the storefront footprint, removed the original transom windows, introduced the non-original arched windows, and installed a new large ornate cornice. Due to the cumulative impact of integrity loss from the 1974 remodel to the building's exterior facades, staff concluded that the property no longer retains the integrity of design, materials, and workmanship as it relates to HRB Criterion D and the building is not eligible for designation under any HRB Criteria.

In 2022, an application was filed for a Preliminary Review under PTS-703220 to determine whether the property located at 3104-3130 Fourth Avenue and 3118 Fourth Avenue are historically significant under the City's HRB Designation Criteria. On September 15, 2022, City staff determined that 3104-3130 Fourth Avenue and 3118 Fourth Avenue did not meet the HRB Criteria for historic designation.

Complete Communities Housing Solutions

The project proposes development utilizing the CCHS regulations. Approved by the City Council in December 2020, the CCHS regulations align with the legislative requirements of Senate Bill (SB) 375 and SB 743; help the City meet its Regional Housing Needs Allocation (RHNA) targets for affordable housing; carry out key components of Assembly Bill (AB) 2372, the California Sustainable and Affordable Housing Act (CASA), and AB 1763; and implement the City's Climate Action Plan (CAP). The CCHS Regulations provide a floor area ratio (FAR) based incentive program for project development within Sustainable Development Areas (SDA) (formerly covering Transit Priority Areas (TPAs)) that provide housing for very low-income, low-income, or moderate-income households. Qualifying projects are entitled to an increased FAR and additional incentives and waivers that allow deviation from certain development standards. Qualifying projects are entitled to the increased FAR by restricting 40% of the project site's base units for rental at affordable rates. The project meets the required provisions of the CCHS Regulations on affordable dwelling units pursuant to SDMC Section [143.1015\(a\)](#) by providing a total of 22 units (40% of the 52 pre-density bonus units).

The CCHS program, which includes the CCHS Regulations, Mobility Choices, Play Everywhere (the City's Parks Master Plan), and Build Better SD, is a multi-faceted Citywide program. The program was presented to planning groups throughout the City, and various public hearings were held as each component of the CCHS program was considered. The PEIR for the CCHS Regulations concluded that the proposal was consistent with the City's overarching policy and regulatory documents including the General Plan, the Community Plans (which are community-wide specific applications of the General Plan), and the SDMC.

The CCHS Regulations are an opt-in incentive program that will help the City meet its RHNA targets for affordable housing and CAP goals by incentivizing the construction of housing in multi-family and mixed-use commercial areas served by transit. The strategy aims to increase affordable housing concentrated around mixed-use and multi-family areas served by transit, while also investing in neighborhood amenities, such as parks and urban plazas. The CCHS Regulations accomplish the latter through the provisions of infrastructure amenities pursuant to SDMC Section [143.1020\(a\)](#) requiring qualifying projects to pay a fee into the "Neighborhood Enhancement Fund", as established by City Council Resolution R-313282. The CCHS Regulations follow the City of Villages Strategic Framework Element of the General Plan adopted in 2002, which is built upon close coordination of land use and transportation planning. The strategy calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system. Additionally, the City's CAP identifies the need to focus development on sites near transit, such as SDAs.

The project site is located at the intersection of Fourth Avenue and Spruce Street in an SDA. Fourth Avenue is identified in Figure 2-5 of the Uptown Community Plan as a Mixed-Use Corridor. The location has also been designated in Section 3.3 of the Uptown Community Plan as integral to the Uptown multi-modal transportation network with a current pedestrian walkability corridor, Class II Bicycle Lane, and the future addition of a streetcar service connecting Downtown to Hillcrest by 2035. As such, the proposed project's use of the CCHS regulations helps implement the housing goals of the General Plan and Uptown Community.

A consistency analysis of the policies of the Uptown Community Plan is provided in response to appeal issue 1 below.

DISCUSSION

Project Description:

The project proposes to demolish five existing commercial-use structures with zero existing dwelling units on a four-lot parcel and construct a new 400,152-square-foot, mixed-use structure including 262 dwelling units, 266 parking stalls, and 5,631 square-feet of commercial space with off-site utility work and sidewalks. The proposed project will be an "L" shaped structure with building heights stepping up from 6 stories to 17 stories at 194 feet in height over four levels of subterranean parking, and include a spa, co-working area, gym, community kitchen, dining area, pool, pool deck, BBQ deck, and reception area.

The project site sits on the corner of Spruce Street, running east to west and Fourth Avenue, running north to south. The development site consists of four connecting parcels: a northwestern parcel on Spruce Street in the RM-3-7 Zone, and one northeastern and two southeastern parcels on Fourth Avenue in the CC-3-8 Zone. To the east of the project, zoning is Community Commercial, and most vicinity structures are mixed-use ranging from 1 to 14 stories in height, including a 14-story building at 475 Redwood Street (Alicante), southeast of the proposed project. South of the project site are two-story residential structures. To the immediate west of the project site is Maple Canyon. Beyond the canyon, zoning is residential with structures ranging from 1 to 3 stories in height.

The project is located in a SDA next to several Metropolitan Transit System (MTS) transit stops, including one to the immediate north connecting the site to Downtown San Diego. In addition, Fourth Avenue is built out with a Class II bicycle lane, walking corridors, and two vehicular traffic lanes directed south in one direction towards Downtown San Diego. Ingress and egress of the parking garage will come off of 3rd Avenue to the west of the site providing access to the 3-lane collector streets on Fourth and Fifth Avenue and the 2-lane collector on First Avenue.

The project is being submitted under the CCHS Regulations pursuant to SDMC Section [143.1002\(a\)\(1\)-\(3\)](#), specifically requiring:

1. The development includes dwelling units affordable to very low-income, low-income, and moderate-income households, in accordance with Section [143.1015\(a\)\(1\)-\(3\)](#) or [143.1015\(a\)\(4\)](#).
 - a. The project meets the required provisions of affordable dwelling units pursuant to SDMC Section [143.1015\(a\)\(1\)-\(3\)](#), by providing a total of 22 units (40% of the 52 pre-density bonus units), broken down as such:
 - i. 15% of Pre-Density Bonus units (8 units) at 50% AMI;
 - ii. 10% of Pre-Density Bonus units (6 units) at 60% AMI; and
 - iii. 15% of Pre-Density Bonus units (8 units) at 120% AMI.
2. The development includes neighborhood-serving infrastructure amenities.
 - a. Pursuant to SDMC Section [143.1020\(a\)](#), the project will pay into the "Neighborhood Enhancement Fund" established by City Council Resolution R-313282.
3. The dwelling units within the development shall not be used for a rental term of less than 30 consecutive days.
 - a. The project meets the requirement of the rental term regulation, pursuant to SDMC Section [143.1002\(a\)\(3\)](#), through condition No. 51 in NDP No. 3146496

requiring the dwelling units within the development not to be used for a rental term of less than 30 consecutive days.

By meeting the CCHS Regulations pursuant to SDMC Section [143.1002\(a\)\(1\), \(2\) & \(3\)](#), the proposed project is eligible to use waivers to deviate from the otherwise applicable SDMC and Community Plan development standards with regard to density, FAR, and height as specifically stated below:

1. A FAR allowance for Tier 2, which equates to an 8.0 FAR for the whole of the project site (SDMC Section 143.1010(a)(2));

a. The site consists of four parcels, with two northern parcels located in FAR Tier 2 pursuant to SDMC Section 143.1001(b)(2) as the premises is located within a SDA and a one-mile radius of any university campus that includes a medical center. The two northern parcels have a FAR of 8.0 pursuant to SDMC Section 143.1010(a)(2). The two southern parcels are located in FAR Tier 3 as defined in SDMC Section 143.1001(b)(3) for parcels within an SDA that are located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). The two southern parcels have a FAR of 6.5 as defined in SDMC Section 143.1010(a)(3). SDMC Section 143.1001(b) regulates the differing FAR requirements, defining FAR Tier 2 to mean any premises where any portion of the premises is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a SDA that is located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). Premises is defined in SDMC Section 113.0103 as an "area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit." Because a portion of the premises is within FAR 2, the premises, as a whole, lie within FAR Tier 2 Pursuant to SDMC Section 143.1001(b)(2). Thus, the whole of the project site is subject to a FAR of 8.0.

2. Waiver of the maximum permitted residential density of the land use designations in the applicable land use plan SDMC Section [143.1010\(b\)](#) and compliance with the maximum permitted FAR for the non-residential portion of the proposed project (SDMC Section [143.1010\(a\)](#)); and

a. Specific language in SDMC Section [143.1010\(b\)](#) states that Density shall be limited by the allowable floor area ratio and the requirements of the California Building Code as adopted and amended by the City. The City does not apply a numerical value for the maximum number of dwelling units with a specific FAR as long as the standards within the California Building Code are met. The project's 5,631 square-feet of commercial space complies with the maximum FAR allowed in the RM-3-7 (SDMC Section [131.0431\(e\)](#), Table

131-04G) and CC-3-8 (SDMC Section [131.0531\(c\)](#), Table 131-05E) zones.

3. Waiver of the applicable base zone maximum structure height (SDMC Section [143.1010 \(c\)\(1\)](#)).
 - a. The height limit for the RM-3-7 Zone is 40 feet, and the height limit for the CC-3-8 Zone is 100 feet. The proposed development is 194'-0" (not including elevator/mechanical housing).

Finally, the CCHS regulations allow an applicant to request waivers per SDMC Section 143.1010(j)(4) for any development for which a written agreement to provide affordable dwelling units and a deed of trust securing the agreement is entered into by the applicant and the San Diego Housing Commission. The project requested and was granted the following waivers:

1. Waiver to provide two on-street loading spaces within the public right-of-way on Spruce Street instead of two off-street loading spaces; and
2. Waiver to provide two off-street loading spaces that are 18 feet by 9 feet by 8 feet 2 inches instead of 35 feet by 12 feet by 14 feet.

Permits Required

Under CCHS regulations a project can be developed by right as long as it meets the criteria outlined in SDMC Section [143.1002](#). The project meets the criteria of SDMC Section [143.1002\(a\)\(1\),\(2\) & \(3\)](#), therefore qualifying for the CCHS program.

CCHS Regulations provide Supplemental Development Regulations under SDMC Section [143.1025\(c\)\(1\)](#) that require any development that includes one or more structures over 95 feet in height, or development which exceeds the height limit of the base zone, whichever is greater, to obtain a NDP decided in accordance with Process Two. The height limit for the RM-3-7 Zone is 40 feet, and the height limit for the CC-3-8 Zone is 100 feet. As the proposed development is 194'-0" (not including elevator/mechanical housing), the project requires a Process 2, NDP.

In addition, pursuant to SDMC Section [126.0402\(b\)](#), Supplemental Findings must be provided for Environmentally Sensitive Lands (ESL). Those findings, which were inadvertently left out of the Development Services Department project approval, can be found in Attachment 5.

The proposed project was reviewed by City Staff and the project was determined to be in compliance with the SDMC, CCHS Regulations, and the goals and policies of the Uptown Community Plan. Staff determined all the necessary findings can be made. On July 7, 2023, a Notice of Decision to approve the project was distributed electronically to the applicant, Uptown Planners, and all "Interested Parties" who requested information on the project, per SDMC Section [112.0503\(b\)](#) for a Process Two Decision. The Notice of Decision included appeal instructions to the Planning

Commission with the appeal period ending on July 21, 2022, per SDMC Section [112.0504\(a\)\(2\)\(A\)](#).

Project Appeal:

There were two appeals filed. The Uptown Planners filed an appeal on July 18, 2023 (Attachment 9). Citizens Committed to Preserving Maple Canyon also filed an appeal on July 21, 2023 (Attachment 11). Appeal issues and Staff Responses are below.

In addition, Community Comments were included within the Uptown Planners appeal. Staff reviewed Community Comments and provided responses to those requesting information related to the Uptown Planner's appeal. Staff did not provide responses to comments providing statements of opinion. Staff Responses to Community Comments found within the Uptown Planner's appeal are included in Attachment 10 to this report.

Pursuant to SDMC Section [112.0504\(3\)](#), an appeal of a Process Two decision may only be granted with evidence supporting one of the following findings:

1. Factual Error: The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate; or
2. New Information: New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
3. Findings Not Supported: The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
4. Conflicts: The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.

The Planning Commission can only deny the appeal and uphold approval of the project if none of the above-mentioned findings are supported by sufficient evidence or grant the appeal and deny approval of the project if the Planning Commission finds that one of the above-referenced findings is supported by sufficient evidence.

Appeal Issues from Uptown Planners filed July 18, 2023:

1. Appeal Issue:

Per the conditions of the Process 2 for this project, we are obligated to make a determination regarding this project according to Chapter 12, Article 6, Division 4 of the requirements for a Neighborhood Development Permit. Failure to meet all of the

findings in Section 126.0404 means a Neighborhood Development Permit cannot be approved or conditionally approved for a project. However, a comparison of the Land Use and Urban Design sections of the Uptown Community Plan with the Site Development Plans makes clear that the project fails to meet the requirements under Section 126.0404 (a)(1), (2), and (3)






§126.0404 Findings for a Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (h) that are applicable to the proposed *development* as specified in this section.

These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the *development* will exceed the allowed incentives or the *development* deviates from the Climate Action Plan Consistency Regulations as described in Section 143.1403(c).

(a) Findings for all Neighborhood Development Permits

-  (1) 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; and
-  (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.

Staff Response:

The proposed project was reviewed by City Staff and the project was determined to be in compliance with the SDMC, CCHS Regulations, and meets the goals and policies of the Community Plan. Staff determined all the necessary findings can be made and has provided Findings (Attachment 5) that adequately respond to requirements for the project’s conformance to the NDP approval. In addition to items detailed in the Staff Findings, the project meets the criteria of the Uptown Community Plan through the following:

Identifier	Uptown Community Plan	Project Consistency
Guiding Principle	Maintain distinctive neighborhoods by preserving the qualities and resources that make Uptown unique.	The project maintains Bankers Hill as a distinctive neighborhood within the Uptown community with its innovative architecture and thoughtful massing. The project includes measures to preserve Maple Canyon, a neighborhood-specific resource, and increases public

Identifier	Uptown Community Plan	Project Consistency
		views into the canyon.
Guiding Principle	Encourage development diversity by maintaining the demographic, architectural, and economic diversity that have contributed to Uptown’s vitality and aesthetic vibrancy.	The provision of a range of unit types at various affordability levels contributes to demographic diversity. Demographic diversity is further enhanced by providing new residential and commercial uses within a transit rich area. Additionally, project design, materials, and scale contribute to architectural diversity within Uptown.
Guiding Principle	Recognize the environmental, visual, and recreational value of Uptown’s natural canyon landscape.	The project recognizes the environmental and visual value of Maple Canyon by incorporating the canyon into the heart of project design. Maple Canyon is invited into the project design as the project building edges the canyon without intruding into it and provides resident windows and balconies overlooking the canyon. The project has been designed with subterranean parking, to maximize views of the canyon from the ground level. An expansive open plaza element has been incorporated into the ground floor of the building to allow for residents and community members alike to observe the canyon and take passive enjoyment at the canyon rim, with outdoor seating and dining envisioned for the plaza, as well as open gathering space.
Guiding Principle	Develop an urban form that respects neighborhood context through appropriate scale	Project design includes setbacks and stepbacks (where

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	<p>and transitions between existing and infill development and promotes sustainability.</p>	<p>the building mass steps back from the ground-level frontage) from existing development and Maple Canyon. These setbacks and stepbacks occur at Levels 2, 3, 4, 6, 9, 10, 12, and 14. Additionally, the project promotes sustainability via sustainable design, construction, and operation of the project building consistent with the City's CAP and the California Green Building Standards Code (CALGreen) Title 24 requirements.</p> <p>Additionally, the project is located in a Mixed-Use Corridor as identified in the Uptown Community Plan (Figure 2-5). As described in Section 2.3, <i>Villages</i>, of the Uptown Community Plan, Mixed-Use Corridors are locations where medium-high to very-high residential density is envisioned along major commercial transit corridors and nodes. The project location is further designated in Section 3.3, <i>Transit</i>, of the Uptown Community Plan as integral to the Uptown multi-modal transportation network with existing and planned transportation infrastructure.</p>
<i>Land Use Element</i>		
Goal	Residential densities appropriate to each Uptown neighborhood.	The project as designed meets the density allowed by the CCHS Regulations. The project site is located within a medium-high to very-high

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		residential density Mixed-Use Corridor, as identified in the Uptown Community Plan. Developing to the residential density allowed under the CCHS Regulations further reinforces the pedestrian character of the Mixed-Use Corridor and adds additional ridership and users to the transit and multi-modal transportation networks. Therefore, the density of the project is appropriate for the site.
Goal	Multifamily development that does not detract from its surrounding neighborhood.	Project design is similar to recent high-density development throughout the Bankers Hill/Park West neighborhood, including the adjacent Alicante residential development.
Goal	Adequate transitions between new and existing development.	Setbacks and stepbacks at Levels 2, 3, 4, 6, 9, 10, 12, and 14 have been incorporated into project design to provide transition to existing development.
Goal	Compatibility of uses within established neighborhoods.	The project provides residential and neighborhood-serving commercial use within a transit rich, mixed-use commercial corridor.
LU-1.1	Provide a variety of land use types to accommodate both affordable and market rate housing and commercial opportunities.	The project's affordable and market-rate rental housing, as well as neighborhood-serving commercial space, provide for a variety of land use types and the accommodation of affordable housing, market rate housing, and commercial opportunities.
LU-1.2	Encourage mixed-use infill development along	The project represents a

Identifier	Uptown Community Plan	Project Consistency
	commercial corridors and in the core village centers.	mixed-use infill development adjacent to the Fifth Avenue/Sixth Avenue commercial corridors and near the community village of Hillcrest, as well as the neighborhood village at the entrance to Balboa Park.
LU-2.1	Provide a diverse mix of housing types consistent with allowable densities.	The project contributes to the mix of housing types in the Bankers Hill/ Park West neighborhood and the greater Uptown Community Plan area at the density allowed by the CCHS Regulations. The project would provide a mix of 60 studio units, 140 one-bedroom units, 55 two-bedroom units, and six three-bedroom units. The 22 deed-restricted affordable units would be distributed in roughly the same proportion as the market rate units.
LU-2.2	Enable rental and ownership opportunities in all types of housing including alternative housing units such as companion units, live/work studios, and shopkeeper units.	The project provides for expanded rental opportunity, i.e. high density market rate and affordable units, within the community.
LU-2.3	Develop adequate housing for those with special needs such as the elderly, disable persons, low income, and those who need nursing care. Consideration should be given to accessibility and proximity to transit stops, public facilities, public spaces, and safe and pedestrian-oriented streets.	The project provides for deed-restricted affordable housing and a variety of unit types (studio through three-bedroom) to accommodate various household sizes/needs on a centrally located site proximate to transit. A transit corridor is located along Fourth Avenue, which currently facilitates existing bus service (the closest bus stop is located just north of the project site along Fourth

Identifier	Uptown Community Plan	Project Consistency
		<p>Avenue north of Spruce Street) and is planned for a combination of arterial-level rapid bus transit, local and express bus transit, and streetcar transit in the future. Fourth Avenue is designated as a pedestrian corridor and a cycle track is also proposed for Fourth Avenue.</p>
LU-2.6	<p>Locate medium and high density residential development in selected areas with adequate design controls provided to ensure compatibility with existing lower density development.</p>	<p>The project represents high-density residential development in an area identified as appropriate by the CCHS Regulations and the Uptown Community Plan. Design controls, such as façade detailing, setbacks, and stepbacks, are included in the project design. Additionally, the project site is located in a designated Mixed-Use Corridor and is adjacent to another high density residential structure of similar scale and massing.</p>
LU-2.7	<p>Concentrate medium and high density housing: On upper floors as part of mixed use development in commercial areas; Adjacent to commercial areas; Near transit and higher volume traffic corridors.</p>	<p>The project locates high-density housing near transit. Fourth Avenue currently facilitates bus transit (with a bus stop located just north of the project site) and is planned for future rapid, local, and streetcar transit. Fourth Avenue is designated as a higher volume corridor, on which the project site fronts. The project has been designed to include residential on the upper floors of the building, which are part of a mixed-use development containing ground floor retail and</p>

Identifier	Uptown Community Plan	Project Consistency
		additional residential uses.
LU-2.9	Locate higher density residential development in appropriate areas that are situated to promote safer and livelier commercial districts.	The project adds high-density residential development to an area identified in the CCHS Regulations for such growth. The project site is within a fully built-out portion of one of the City's denser urban communities. The project concentrates additional housing in a location where transit, amenities, and lively commercial districts are readily available and within walking distance.
<i>Mobility Element</i>		
Goal	Safe, walkable neighborhoods which utilize pedestrian connections and improved sidewalks to create a comfortable pedestrian experience.	The project provides for an improved pedestrian experience with non-contiguous sidewalks, cohesive street landscaping, street trees, and consolidated curb cuts.
MO-1.7	Increase pedestrian safety from the west side of Bankers Hill to Balboa Park by providing pedestrian improvements, as identified in the Bankers Hill/Park West "Walk the Walk" plan; of particular interest are the following locations: First Avenue at Nutmeg Street, Quince Street and Upas Street; Fourth Avenue at Juniper Street, Spruce Street, and Upas Street; Fifth Avenue at Grape Street and Juniper Street; Sixth Avenue at Grape Street, Juniper Street as Nutmeg Street.	
MO-6.2	Encourage new multifamily residential development to incorporate alternative measures to reduce any need to provide parking spaces in excess of required minimums, which could include, but are not limited to, incorporating car-sharing spaces or providing discounted transit passes to residents.	The project provides minimal parking at approximately one parking space per unit, electric vehicle charging, bicycle facilities on-site and e-bike charging, as well as an easy connection to surrounding bicycle infrastructure.
MO-6.3	Encourage new multifamily residential rental developments to unbundle parking spaces from the rental cost of dwelling units.	The project includes unbundled parking.
MO-7.3	Encourage screening on-site parking by locating it in areas not highly visible from the street corridor or by using landscaped islands and	All project parking will be subterranean and, therefore, fully screened.

Identifier	Uptown Community Plan	Project Consistency
	border landscaping.	
MO-7.4	Implement below-ground parking and parking structures for new development as alternatives when surface parking is inadequate or would result in large paved areas without adequate space for landscaping amenities.	All project parking will be subterranean.
MO-7.5	Limit driveway curb cuts to the extent possible to maximize the curb length available for on-street parking. Driveway access should be provided through alleys or shared driveways.	Driveway curb cuts have been consolidated to one location on Third Avenue.
MO-7.7	Provide electric vehicle charging stations in parking garages, near parks and public facilities and in mixed-use developments.	Electric Vehicle (EV) charging will be provided for approximately 75 percent of project parking (200 spaces). Of the 200 EV charging spaces, 27 (or approximately 10 percent of the total provided parking stalls) will have ready-to-use EV charging capability. The remaining 173 spaces will have the infrastructure installed for future ready-to-charge EV charging capabilities.
<i>Urban Design Element</i>		
UD-1.1	Design buildings to limit their visual impact on views from within or across the canyon through landscape screening and by stepping building volumes down the slope (rather than perching over the canyon on piers).	Project design incorporates stepped massing away from the canyon, as well as an expansive canyon-side plaza. The project adds views into the canyon from several locations, where currently none exist.
UD-1.5	Promote building design that is responsive to the community's unique canyon environment and steep slopes.	
UD-1.6	Ensure that canyon rim and hillside development is unobtrusive and maintains the scale and character of the adjacent buildings.	Additionally, the project massing was designed to echo Alicante, located just to the south of the project site, relative to the building's interface with the canyon.
UD-1.8	Design buildings along the canyon edge to conform to the hillside topography by providing a setback from top of slope where possible. (a) Provide a stepped foundation down the slope,	The project does not intrude into canyon. Rather than stepping down into the canyon, massing steps away

Identifier	Uptown Community Plan	Project Consistency
	rather than cantilevering over the canyon. In order to accommodate a reasonable building size for lots with limited flat area. (b) Design roof pitches to approximate the slope.	from the canyon edge, with no development within the canyon.
UD-1.9	Protect the visual quality of landforms and the character of canyon neighborhoods by: (a) Dividing the building heights into one and two story components, varying the rooflines and wall planes, providing openings, projections, recesses and other building details. (b) Creative building shapes and uses of entries, arcades, stairs, overhangs and angles can help to complement the surrounding topography and vegetation to create and define outdoor space.	The project utilizes a creative building shape and a series of entries, arcades, and angles to complement the surrounding topography and define the new outdoor space provided adjacent to the canyon.
UD-3.3	Landscape the public streetscape with shade producing street trees and other vegetation as a means of adding color and visual interest, softening the urban edges, providing shade, and assisting with air quality and stormwater management.	The project utilizes a variety of trees, including old-growth fruitless olive trees not currently present on-site, to provide visual interest, soften the urban edge, and provide diffuse shade.
UD-3.31	Include a planting strip between the curb and sidewalk to provide a buffer between pedestrians and the street edge.	The project incorporates non-contiguous sidewalks along frontages, where the sidewalk is buffered with a planting strip.
UD-3.63	Utilize street trees to establish a linkage between blocks.	The project utilizes a consistent tree palette along each of the frontages to establish linkages between fronting streets. By providing consistent trees along each frontage, which is distinct from the other frontages, the project utilizes landscaping to reinforce the distinct identity of each fronting street.
UD-3.65	Space trees consistently at equal intervals to provide rhythm and continuity.	The project landscape plan provides street trees at consistent, equal intervals to provide rhythm and continuity.
UD-3.66	Plant trees in areas where sufficient root growth and drainage can be accommodated.	Tree planting areas provide sufficient space for root

Identifier	Uptown Community Plan	Project Consistency
		growth and drainage.
UD-4.1	Vary and articulate building massing and façades to contribute to a fine-grained, pedestrian scale environment at the street level through the use of such features as notched setbacks, projecting bays, balconies, recessed storefront entrances, sidewalk cafes, window bays, and pedestrian passages to create visual interest.	The project design includes setbacks, stepbacks, balconies, recessed elements, and pedestrian passages.
UD-4.2	Employ the use of vertical volumes and changes in height to break up long façades, provide focal features, and identify key locations such as, building entrances, entry to a paseo, and street corners.	Façade articulation and the use of arched elements denote project entrances and break up façade lengths.
UD-4.3	Avoid repeating the same wall surface design horizontally.	Wall surfaces of the project are articulated with organic placement of windows, balconies, setbacks, and stepbacks to avoid repetition.
UD-4.4	Combine changes in depth or horizontal plane with a change in material and character. Changes in façade material or color should be associated with a change in plane.	Changes in plane occur with setbacks, stepbacks, and design elements such as arches and windows.
UD-4.7	Design floor-to-floor heights of between 16 feet and 18 feet as an optimal height for commercial uses and for commercial ground floors in mixed-use buildings.	Expanded ground floor ceiling heights of approximately 16 feet are provided.
UD-4.8	Design ground-floor elevations for commercial uses to be level with the elevation of the adjacent public sidewalk.	Commercial use is located at street level.
UD-4.9	Avoid blank walls. They should be landscaped or decorated in a manner that makes them visually interesting.	Visual interest is provided by design elements (arches, windows, balconies), stepbacks, and setbacks. Wall surfaces are articulated with organic placement of windows, balconies, setbacks, and stepbacks to avoid repetition. The project includes street trees and other landscape elements along street frontages to further enhance visual interest.

Identifier	Uptown Community Plan	Project Consistency
UD-4.10	Where ground floor residential uses are permitted or desired, promote active residential street frontages by designing ground-floor units with living space that fronts the street and/or provides direct access from the street. Landscaped setbacks, planters, front porches, stoops and forecourts are encouraged to buffer residential uses as well as to provide pedestrian interest. Fences, walls and landscaping shall be designed and maintained to provide “eyes on the street” rather than as a visual obstruction.	Ground floor residential units along Fourth Avenue have direct street access and will be buffered from the sidewalk with a landscaped street yard, which will also provide interest at the pedestrian level.
UD-4.11	Design ground-floor residential uses within mixed-use developments to provide a grade change from the public sidewalk to the first floor residence to add an additional level of privacy of residential units.	Residential access on Fourth Avenue has been designed to allow for privacy, in the form of a setback and a landscape buffer.
UD-4.12	Group windows to establish rhythms across the façade and hierarchies at important places on the façade.	Window groupings have been designed to establish rhythms across the project façade. Window hierarchy (sizing) highlights important places on-site, including commercial elements and entrances with full-volume window elements at the ground floor.
UD-4.13	Include windows along all walls visible from the public realm.	Windows are included along all walls visible from the public realm.
UD-4.14	Use high-quality, durable building materials and finishes in all projects.	Project design incorporates high-quality, durable building materials, including locally sourced pre-cast concrete panels for cladding.
UD-4.15	Design buildings with materials and colors that relate to masses and volumes. Changes in material or color should be designed with a change in the wall plane.	The project utilizes light, neutral tones with natural accents that relate to massing and volumes.
UD-4.18	Incorporate lighting that complements and enhances building design and reinforces neighborhood character.	Project lighting complements building entrances and reinforces neighborhood character by highlighting other project features, such as landscaping and design

Identifier	Uptown Community Plan	Project Consistency
		elements.
UD-4.19	Consider the use of lighting to ensure public safety and enhance nighttime activities.	Lighting around the project site ensures safety and enhances nighttime activities. The project has been designed to include sufficient lighting around and within the project site to help ensure public safety and enhance nighttime activities.
UD-4.23	For buildings on corner lots, consider locating entrances at the corner to anchor the intersection and create a seamless transition that captures pedestrian activity from both street frontages.	Entrances at project corners allow for access to the plaza, as well as commercial amenities. The project entrance at Fourth Avenue and Spruce Street allows direct access to the on-site plaza and commercial elements. The project entrance at Third Avenue and Spruce Street allows for direct access to commercial components at the ground floor of the project of this location. The Spruce Street access provides another entrance to the on-site plaza and project commercial elements.
UD-4.24	Accentuate a building's corner location with architectural features that actively engage the public realm and create a visual presence at the corner, such as the inclusion of: Chamfered or rounded corners; Projecting and recessed balconies and entrances; Accentuating features such as embellished doorways and volumetric manipulations (e.g., corner tower); Enhanced window designs that may include floor-to-ceiling windows, display windows, clerestory windows, or distinctive glass design or colors.	Project design includes enhanced window elements, projecting and/or recessed balconies and entrances, and volumetric manipulations.
UD-4.28	Design balconies to add visual variety and interest to building façades.	Project design includes balconies across building façades to add visual interest and variety.

Identifier	Uptown Community Plan	Project Consistency
UD-4.35	Integrate semi-public outdoor spaces such as on-site plazas, patios, courtyards, paseos, terraces and gardens to address the public realm and support pedestrian activity and community interaction. These are strongly encouraged in larger projects exceeding approximately one acre in size.	The project proposes a semi-public outdoor space in the form of an on-site plaza adjacent to Maple Canyon that will support pedestrian activity and provide a place for community interaction.
UD-4.36	Delineate plazas and courtyards through building and landscape design. Ensure that plazas and courtyards are comfortably scaled, landscaped for shade and ornamentation, furnished with areas for sitting, and lighted for evening use. Courtyards should be surrounded by active façades or landscape treatments.	The plaza element is delineated by its location at the heart of the project site, with defined entrances from surrounding streets and landscaped features throughout.
UD-4.37	Provide a variety of seating options, such as benches, seat walls, and broad steps. Private patios may be located in courtyards if they are defined by a low wall or hedge.	Seating is provided within the plaza area, including movable seating elements, as well as low walls that accommodate seating.
UD-4.39	Orient public spaces within private development towards the public right-of-way and frame with active building façades (e.g., entrances, windows, balconies, etc.) that help activate the space and provide “eyes on the street” for security.	The plaza may be accessed from the three surrounding streets. Additionally, interior project balconies overlook the plaza.
UD-4.49	Design and locate buildings with a strong orientation to the primary street frontage to define the pedestrian environment with main building entrances facing the street rather than parking lots.	Project orientation is toward the fronting streets with pedestrian access and primary building entrances from Third Avenue, Spruce Street, and Fourth Avenue.
UD-4.51	Maintain quality architectural articulation and finishes around all visible sides of the buildings, not just the building fronts.	Project design includes quality architectural articulation and finishes on all sides of the building.
UD-4.52	Discourage surface parking between the building frontage and the public street right-of-way.	All project parking will be subterranean.
UD-4.53	Encourage compatibility with established setbacks within the immediate neighborhood in order to maintain an existing front yard rhythm and character.	Setbacks are consistent with the surrounding neighborhood, particularly the adjacent Alicante residential development.
UD-4.54	Incorporate building features that allow natural ventilation, maximize daylight, reduce water	Building has been designed with stepbacks in massing, as

Identifier	Uptown Community Plan	Project Consistency
	consumption, and minimize solar heat gain.	well as within an L-shape around an open plaza, that allows for natural ventilation, maximized daylight, and minimized solar heat gain. Project consistency with the City's CAP and CALGreen Title 24 results in reduced water consumption.
UD-4.56	Incorporate inset windows and well-designed trims and details that provide shading and reduce solar heat gain.	Windows are inset to allow for shading and reduction in solar heat gain.
UD-4.58	Incorporate white or reflective paint on rooftops and light paving materials to reflect heat away from buildings and reduce the need for mechanical cooling.	Project design includes reflective paint as required by the CAP to reflect heat away from the building.
UD-4.60	Minimize impervious surfaces that have large thermal gain.	The project minimizes impervious surfaces by keeping the development footprint in the previously disturbed site area, leaving the canyon to the south undeveloped.
UD-4.61	Encourage recycled, rapidly renewable, and locally sourced materials that reduce impacts related to material extraction, processing, and transportation.	Materiality has been incorporated into the project's Waste Management Plan, as required by City and State regulations.
UD-4.62	Incorporate sustainable landscape treatments such as artificial turf, drought-tolerant, and climate-appropriate plant species, planting materials, and light-colored paving materials.	Sustainable landscape treatments have been incorporated into the project landscape plan.
UD-4.64	Use internal courtyards to trap cool air. Courtyards visible from the street will also encourage interaction with on-site open space.	The project includes an internal plaza element, visible from the street to encourage community interaction.
UD-4.67	Provide groundcover plantings to keep ground surfaces cooler near building façades particularly in place of concrete and other reflective surfaces.	The project landscape plan includes groundcover plantings.
UD-4.72	Recess upper floors of building above the third story in order to maintain a pedestrian scale on community streets.	The project includes a number of recesses (stepbacks), specifically at Levels 2, 3, 4, 6, 9, 10, 12, and 14. These

Identifier	Uptown Community Plan	Project Consistency
		<p>recesses, in addition to pedestrian-oriented ground-floor details (such as recessed colonnade windows, double volume ground-floor spaces, pedestrian entrances, and landscaping), maintain a pedestrian scale along fronting community streets.</p>
UD-4.77	<p>Design the massing on combined lots to respond to the pattern and rhythm of both adjacent development and the prevailing development within the block.</p>	<p>The project site represents a combination of four parcels that front on three streets (Third Avenue, Fourth Avenue, and Spruce Street). The development pattern along Third Avenue (from Redwood Street to Spruce Street) is characterized by two- and three-story single-family and multi-family residential uses. The development pattern along Spruce Street (from Third Avenue to Fourth Avenue) is characterized by single-, two- and three-story commercial buildings. The development pattern along Fourth Avenue (from Spruce Street to Redwood Street) is characterized by commercial, single-family, and multi-family uses that range in height from single story to 14 stories. As such, there is no prevailing development within the blocks surrounding the project site. The project design mimics the design features of the adjacent Alicante multi-family development, with numerous stepbacks and vailed facade articulation, thereby responding to and reflecting</p>

Identifier	Uptown Community Plan	Project Consistency
		adjacent development.
UD-4.79	Design to conform to the predominant scale of the neighborhood and/or particular block and be sensitive to the scale of adjacent uses.	The project has been designed to conform to the evolving character of Uptown, echoing characteristics of other recent developments and maintaining a sensitivity to scale via the use of setbacks and stepbacks. Additionally, the project structure has been designed to sit back from the canyon edge, avoiding encroachment into the canyon and allowing a viewing area within the on-site plaza. The design provides a sensitive buffer between the project and the canyon.
UD-4.80	Employ a combination of setbacks, upper-story stepbacks, and articulated sub-volumes to sensitively and adequately transition to adjacent lower height buildings.	Project design incorporates setbacks, stepbacks, and articulated sub-volumes.
UD-4.82	Design the massing on combined lots to respond to the pattern and rhythm of both adjacent development and the prevailing development within the block.	The project has been designed to conform to the evolving character of Uptown, echoing characteristics of other recent developments and maintaining a sensitivity to scale via the use of setbacks and stepbacks.
UD-4.84	Use features, such as porches and stoops, deep entry and window openings, balconies, window bays, eaves and rooflines to add variety and interest, and to mitigate apparent massing.	Window openings and balconies have been incorporated into the project design.
UD-4.89	Design the side and rear elevations of buildings with as much quality as the front façade and incorporate windows while respecting the need for light, air, and privacy of the adjacent buildings.	The project has been designed for the same quality of façade across all elevations.
UD-4.90	Design higher scale buildings with compatible transitions in scale, to minimize their visual intrusiveness to lower scale buildings.	The project has been designed to conform to the evolving character of Uptown, echoing characteristics of other recent developments and maintaining a sensitivity to scale via the use
UD-4.91	Utilize a transition plane as a means to minimize the visual intrusiveness of taller scale buildings on neighboring lower scale development.	

Identifier	Uptown Community Plan	Project Consistency
		of setbacks and setbacks.
UD-4.92	Design higher scale buildings with their bulk and massing oriented towards the street except within the blocks east along Fifth Avenue in the Hillcrest core, where the bulk and massing should transition away towards Sixth Avenue in order to preserve and maintain its pedestrian scale.	Project bulk and massing are oriented toward the street, particularly Fourth Avenue and Spruce Street.
<i>Recreation Element</i>		
RE-2.6	Preserve, protect and restore canyons and hillsides as important visual features of community definition.	The project does not impact canyons within the community. It is located directly adjacent to Maple Canyon and includes revegetation of the southern slopes that extend into the project site from Maple Canyon. (NDP Permit No. 3146496, Condition No. 29) No development will occur within Maple Canyon.
RE-2.8	Protect and preserve native species and the unique habitats they depend upon within the open space systems consistent with the MSCP guidelines.	Alden Environmental, Inc., prepared a <i>Biological Resources Letter Report</i> (Biology Report) for the project, which was included as Appendix C of the 15162 Evaluation. Per the Biology Report, the site supports three vegetation communities (non-native grassland, ornamental, and disturbed land) and one land cover type (developed). Non-native grassland occupies 0.05 acre of the project site and is a Tier IIIB common upland considered sensitive by the City. Of the 0.05 acre of non-native grassland on-site, the project's impact is 0.02 acre. Per the City's Biology Guidelines, impacts to Tier IIIB habitat that total less than 0.1

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		<p>acre are not considered significant and do not require mitigation.</p> <p>Ornamental and disturbed land are not considered sensitive by the City. Impacts to these habitats and land cover types are not considered significant and do not require mitigation.</p> <p>No sensitive plant species were observed on-site and there is no potential habitat on-site to support sensitive species with the potential to intersect with the site. No sensitive animal species were observed on-site and there is no potential habitat on-site to support sensitive species with the potential to intersect with the site.</p> <p>There is no adjacent Multi Habitat Planning Area (MHPA) land requiring compliance with the MHPA Land Use Adjacency Guidelines.</p>
RE-4.1	Protect the natural terrain and drainage systems of Uptown’s open space lands and resource-based parks to preserve the natural habitat and cultural resources.	The project drainage has been designed in accordance with City requirements and would not adversely affect the natural terrain of Maple Canyon.
RE-4.2	Protect and enhance the natural resources of open space lands by re-vegetating with native drought tolerant plants and utilizing open wood fences, where needed, adjacent to very sensitive areas to provide additional protection while still allowing views into the area.	Project includes revegetation of onsite non-native plant material with native plant species in Maple Canyon to enhance the natural resource. No development will occur within Maple Canyon.

Identifier	Uptown Community Plan	Project Consistency
RE-4.3	Require all storm water and urban run-off drainage into resource-based parks or open space lands to be filtered or treated before entering the area.	Project drainage will be appropriately filtered or treated, in accordance with City requirements.
<i>Conservation Element</i>		
Goal	Implementation of sustainable development and “green” building practices to reduce dependence on non-renewable energy sources, lower energy costs, reduce emissions and water consumption.	The project will implement sustainable development practices as required by the CAP and CALGreen Title 24, such as EV charging requirements, standards for water efficiency and conservation, and operational efficiency.
Goal	Protection of natural canyon landforms and habitat from building encroachment and incompatible uses.	The project steps away from the canyon, resulting in no encroachment onto Maple Canyon. Additionally, the project will revegetate the southern slopes that extend into the project site from Maple Canyon.
Goal	Application of sustainable storm water management techniques to support the surrounding landscape and reduce impacts on the surrounding canyons.	Project drainage has been designed with the applicable sustainable storm water management techniques.
CE-1.2	Create a meaningful visually and functionally cohesive outdoor gathering space that considers protection from excess noise, shadow impacts, and maximizes the positive effects of prevailing breezes to reduce heat and provide natural ventilation to individual residences within multi-family development.	The project design includes open plaza space that allows for prevailing breezes; set back from Spruce Street to minimize vehicular noise; centrally located for resident and public access; and shaded by building elements, trees, and landscaping.
CE-1.3	Employ sustainable building techniques for the construction and operation of buildings, which could include solar photovoltaic and energy storage installations, electric vehicle charging stations, plumbing for future solar water heating, or other measures.	Sustainable building techniques include those required by the CAP and CALGreen Title, as well as EV charging ultimately provided for 200 parking spaces (approximately 75 percent of project parking.) The EV


Identifier	Uptown Community Plan	Project Consistency
		parking spaces are well in excess of the 10 percent required by current regulations.
CE-1.10	Add or replace street trees to fill existing gaps and provide continuous, regularly spaced tree canopies.	The project's street tree plan creates a continuous, regularly spaced treescape along the project frontages.
CE-2.2	Minimize grading of steep hillsides and other significant natural features within the community.	The project will not grade steep hillsides or other significant natural features, as none are present on-site.
CE-2.9	Preserve undeveloped canyons and hillsides as important features of visual open space, community definition and environmental quality.	The project will not encroach into Maple Canyon. Additionally, the project will revegetate southern slopes that extend into the project site from Maple Canyon, creating greater visual and environmental quality on-site.
CE-2.20	Incorporate sustainable site planning practices (Low Impact Development) that work with the natural hydrology of a site, including the design or retrofit of landscaped or impervious areas to better capture and use storm water runoff on site. Show leadership by incorporating innovative features in public buildings and park projects.	Project drainage incorporates sustainable site planning practices to better capture and/or use storm water runoff on-site, such as onsite BMPs that allow for bioretention and filtration.

2. Appeal Issue:

Fails to meet the requirements under Section 126.0404 (b)(1), (2), (3), (4), and (5)

(b) Supplemental Findings--Environmentally Sensitive Lands

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

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

- ➡ (2) The proposed *development* will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, *flood* hazards, or fire hazards;
- ➡ (3) The proposed *development* will be sited and designed to prevent adverse impacts on any adjacent *environmentally sensitive lands*; and
- ➡ (4) The proposed *development* will be consistent with the City of San Diego's *MSCP Subarea Plan* and *VPHCP*.
- ➡ (5) The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed *development*.

Staff Response:

The project would impact 0.02 acre of non-native grassland. Non-native grassland is identified as a Tier IIIB sensitive habitat in the City's Biology Guidelines and thus the property qualifies as ESL pursuant to SDMC Section [113.0103](#). Staff thus agrees with the Uptown Planners Appellant that the ESL Findings included in SDMC Section [126.0404 \(b\)\(1-5\)](#) are needed to meet the NDP requirements. Staff believes the supplemental ESL Findings can be made and recommends the Planning Commission approve the permit with the additional Findings.

Staff therefore recommends that the Planning Commission grant the Uptown Planners appeal on this appeal issue and adopt the modified NDP resolution (Attachment 5) that includes the supplemental ESL findings. The findings are also addressed below.

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

The project site is a fully developed site, located in the Uptown Community Plan area- an urbanized community proximate to Downtown San Diego. Property to the north, east, and south of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the west of the project site. Maple Canyon is separated from the project site by sloping land that extends into Maple Canyon.

The proposed project would result in grading the entire 0.81-acre project site, as well as 0.23 acre located off-site. Existing landform would not be substantially modified. The project would predominantly be developed within the current footprint of existing buildings and associated improvements and would not occur within steep hillsides or within Maple Canyon. Grading outside the current disturbed area encompasses a small area of southern slopes that extends into the project site from Maple Canyon. Access to the site is readily available from existing streets, and all

infrastructure is in place to serve the development.

Vegetation on the project site is composed of 0.53 acre developed, 0.04 acre disturbed, 0.19-acre ornamental, and 0.02 acre non-native grassland. Vegetation in the 0.23-acre off-site area is composed of 0.21 acre developed and 0.02-acre ornamental. No sensitive habitat occurs within the small off-site slope area.

No native habitats occur on the project site; however, non-native grassland is identified as a Tier IIIB sensitive habitat and thus qualifies as ESL by the SDMC. The project would impact 0.02 acre of Tier IIIB non-native grassland. Per the City's Biology Guidelines, impacts to Tier I through Tier IIIB habitats that total less than 0.1 acre and are surrounded by existing urban developments are not considered significant pursuant to the CEQA and do not require mitigation. Thus, the project's impact to 0.02 acre of Tier IIIB non-native grassland is not considered a significant impact and no mitigation would be required.

Thus, the site is physically suitable for the design and siting of the proposed development, and the development will result in minimum disturbance to ESL.

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

The project site is a fully developed site, located in the Uptown Community Plan area – an urbanized community proximate to Downtown San Diego. Property to the north, east, and south of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the west of the project site. Maple Canyon is separated from the project site by sloping land that extends into Maple Canyon. The proposed project would result in grading the entire 0.81-acre project site, as well as 0.23 acre located off-site. The project minimizes impacts to natural landforms by redeveloping a previously developed project site and minimizing grading of natural landforms.

The project will not result in undue risk from geologic forces. The site is located in Geologic Hazard Category 52 on the San Diego Seismic Safety Maps. Category 52 is described as other level areas, gently sloping to steep terrain, favorable geologic structure, low risk. The project site is generally underlain by favorable oriented geologic structure, consisting of massively bedded sandstone. No landslides or indications of deep-seated landsliding occur on the project site.

The project site is not located within any State mapped Earthquake Fault Zones or County of San Diego mapped fault zones. The nearest active fault is the Rose Canyon fault zone located approximately 0.8 miles west of the site. The risk associated with ground rupture is low. The project would be required to comply with seismic

requirements of the California Building Code, as well as utilize proper engineering design and standard construction practices, to be verified at the building permit stage, which will ensure geologic risk to people or structures is reduced to an acceptable level or risk.

The project will not result in undue risk due to erosion. The project would require the removal of existing buildings, asphalt, and concrete at the project site and the removal of soil for the subgrade parking. The project would implement an erosion control plan in compliance with the City's grading requirements and the standards in the Land Development Manual, which would ensure grading and construction operations would avoid significant soil erosion impacts. The project would not significantly alter the drainage pattern of the project site or area. Runoff would be routed to on-site treatment best management practices to comply with San Diego Storm Water standards. The project would result in less runoff than the existing condition. Graded and disturbed areas would be re-vegetated and landscaped to minimize erosion. The post construction site would have minimal risks of erosion given proper plant establishment, and transport of sediments downstream would be significantly reduced by means of pretreatment and proposed on-site detention basins with no off-site discharge location. Adherence with the grading requirements and standards in the City's Land Development Manual and San Diego Stormwater Standards Manual would minimize contribution to erosion on- or off-site.

According to a Federal Emergency Management Agency (FEMA) flood insurance rate map, the site is not located within a floodplain. In addition, the site is not located downstream of a dam or within a dam inundation area based on our review of topographic maps. Therefore, the potential for flooding of the site is considered very low.

The project proposes brush management in compliance with the City's Brush Management Regulations to minimize wildland fire hazards through implementation of prevention activities and programs. The project would be constructed to comply with the California Fire Code and SDMC requirements and would not expose people or structures to a significant risk of loss, injury, or death involving wildfire hazards.

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

The project site is a fully developed site, located in the Uptown Community Plan area- an urbanized community proximate to Downtown San Diego. Property to the north, east, and south of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the west of the project site. Maple Canyon is separated from the project site by sloping land that extends into Maple Canyon. The proposed project would result in grading the entire 0.81-acre project site, as well as 0.23 acre located off-site.

Vegetation on the project site is composed of 0.53 acres developed, 0.04 acres disturbed, 0.19-acres ornamental, and 0.02 acres non-native grassland. No native habitats occur on the project site; however, non-native grassland is identified as a Tier IIIB sensitive habitat and thus qualifies as ESL by the SDMC. Grading outside the current disturbed area encompasses a small area of southern slopes that extend into the project site from Maple Canyon, an urban canyon within the Uptown Community Plan area that is located to the south of the project site. Vegetation in the 0.23-acre off-site area is composed of 0.21 acre developed and 0.02-acre ornamental. No sensitive habitat occurs within the portion of the canyon that extends onto the project site.

Drainage from the project will result in lower runoff rates compared to the existing conditions (i.e., no impact downstream). Additionally, stormwater runoff from the project will be treated per City guidelines. The project meets the City hydromodification (retention) requirement by using a series of cisterns to retain stormwater and Modular Wetland systems to treat it, prior to being released to the street with flows that meet the City guidelines. Stormwater from the project will ultimately make its way into the City storm drain system and then get discharged into Maple Canyon through the existing (or recently improved) pipes. The project is not discharging stormwater directly to the canyon on or off the project site.

The project would not grade steep hillsides, and the existing landform would not be substantially modified. The project would predominantly be developed within the current footprint of existing buildings and associated improvements. A small amount of grading (0.23 acre) would occur outside the current disturbed area but not within steep hillsides.

Thus, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

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

The project site does not contain vernal pools or vernal pool habitat; thus the Vernal Pool Habitat Conservation Plan (VPHCP) does not apply. The project site is not within or adjacent to the City's Multiple Species Conservation Plan (MSCP) Subarea MHPA. The nearest MHPA is located approximately 0.32 miles to the east, separated from the project site by urban development, including State Route 163. Thus, the MSCP Subarea Plan and the VPHCP are not applicable to the proposed development.

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



The project has been reviewed and found consistent with the Uptown Community Plan Update PEIR and the CCHS FEIR . The Section 15162 Evaluation prepared for the project determined that the development could result in impacts associated with noise and unknown subsurface historic and paleontological resources. As such, the project would be subject to applicable mitigation measures outlined in the CPU PEIR Mitigation Framework . A Mitigation Monitoring and Reporting Program was prepared and will be implemented.

3. Appeal Issue:

Fails to meet the requirements under Section 126.0404 (c)(1) and (c)(2).

(c) Supplemental Findings--Environmentally Sensitive Lands Deviation

A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Sections 143.0150, 143.0151, and 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b):

-  (1) There are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands*; and
-  (2) The deviation requested is the minimum necessary to afford relief from special circumstances or conditions applicable to the land and not of the *applicant's* making.

Staff Response:

The project is not subject to the requirements of SDMC Section 126.0404 (c), since no Environmentally Sensitive Land (ESL) deviations are requested.

4. Appeal Issue:

Given the discovery of Kumeyaay artifacts and whale fossils in Maple Canyon, it fails to meet the requirements under Section 126.0404 (d)(1) and (2)

(d) Supplemental Findings-- Important Archaeological Sites and Traditional Cultural Properties

A Neighborhood Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or a *traditional cultural property* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- ➡ (1) The site is physically suitable for the design and siting of the proposed *development*, the *development* will result in minimum disturbance to *historical resources*, and measures to fully mitigate for any disturbance have been provided by the *applicant*; and
- ➡ (2) All feasible measures to protect and preserve the special character or the special historical, archaeological, or cultural value of the resource have been provided by the *applicant*.

Staff Response:

The project is not subject to the requirements of SDMC Section 1260404(d), since no important archeological sites or traditional cultural properties exist on the site.

5. Appeal Issue:

Most importantly, as the number of deed-restricted affordable in relation to both the real number and percentage number of total units in this project do not materially assist in providing affordable housing [Section 126.0404 (f)(1)] beyond the minimums already determined by the State Density Bonus Law at the project location [Section 126.0404 (f)(2)] to offset the deviations from the Uptown Community Plan, it does not meet the conditions for approval:

- (f) Supplemental Findings -- Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation

A Neighborhood Development Permit required in accordance with Section 143.0915 because a deviation is requested in accordance with Section 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

- ➡ (1) The *development* will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and
- ➡ (2) Any proposed deviations are appropriate for the proposed location.

Staff Response:

In order to be eligible for the waivers and incentives provided by the CCHS Regulations, a prescribed amount of deed-restricted affordable housing must be included within the development project. SDMC [Section 143.1015](#) provides the two scenarios available to developers to meet the required affordable housing provision and the project application has elected to comply with Sections 143.1015(a)(1-3). Per Sections 143.1015(a)(1-3), the developer must provide:

(1) At least 15 percent of rental dwelling units in the development, excluding any additional dwelling units allowed under a floor area ratio bonus, for rent by very low-income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size.

(2) At least 15 percent of the rental dwelling units in the development, excluding any additional dwelling units allowed under the floor area ratio bonus, for rent by moderate income households, including an allowance for utilities, that does not exceed 30 percent of 120 percent of the area median income, as adjusted for household size.

(3) At least 10 percent of the rental dwelling units in the development, excluding any additional dwelling units allowed under the floor area ratio bonus, for rent by low-income households, including an allowance for utilities, that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size.

The phrase “excluding any additional dwelling units allowed under the floor area ratio bonus” in these subsections means that the percent of affordable units required at each level of affordability is based off the pre-density bonus maximum density permitted by the applicable zone. The project site has two zones: RM-3-7, which permits a maximum density of one dwelling unit for each 1,000 square-feet of lot area (a base density of 43.56 Du/Ac) and CC-3-8, which permits a maximum density of one dwelling unit for each 600 square-feet of lot area (a base density of 72.6 Du/Ac). The RM-3-7 portion of the site is 10,065 square-feet, which equals a maximum base density of 10.07 units, which rounds down to 10 units. The CC-3-8 portion of the site is 25,123 square-feet, which equals a maximum base density of 41.87 units, which rounds up to 42 units. Therefore, the maximum base density of the project site, upon which the requirements of Section 143.1015(a)(1-3) are calculated, is 52 units.

The total required affordable housing provision is 40 percent of the maximum base density. The project provides a total of 22 deed-restricted affordable units, meeting and exceeding the number of affordable units required by the CCHS Regulations. Of this total, eight units (15 percent of the maximum base density) will be provided to households with incomes at 50 percent of AMI, six units (10 percent of the maximum base density) will be provided to households with incomes at 60 percent of AMI, and eight units (15 percent of the maximum base density) will be provided to households with incomes at 120 percent of AMI.

The findings established by SDMC Section [126.0404\(f\)](#) are not required for the proposed project as it is a CCHS project, and the project is not subject to State Density Bonus Law. As discussed in depth, the project meets the requirements of the CCHS program.

Appeal Issues from Citizens Committed to Preserving Maple Canyon filed July 21, 2023:

6. Appeal Issue:

The Project Must Be Revised to Comply with the City's Steep Hillside Regulations.

Staff Response:

The project is not subject to the City's Steep Hillside Guidelines as no steep hillsides exist on the site. Additional information has been submitted in a memorandum prepared by Nasland, dated September 19, 2023 (Engineering Memo: Attachment 15) addressing the issues raised in this appeal.

There are no proposed slopes greater than 2:1 (50 percent slope). The preliminary grading/improvement plan indicates 2:1 as the maximum proposed slope. The existing site conditions do not fall under the Steep Hillside Guidelines. A detailed slope analysis conducted as part of the Engineering Memo, a copy of which was reviewed and approved by staff, indicates that there are no slopes on the project site that are over a 25 percent slope gradient, and which exceed the 50-foot vertical measurement, as defined in SDMC Section [113.0103](#) and the Steep Hills Guidelines, [Section I \(A\) 143.0110](#) and Diagram I-1. This is depicted in cross sections A-A through F-F of the slope analysis. Sections D-D and E-E indicate that the off-site analysis (slope continuing beyond the property line) was conducted as required by the Steep Hillside Guidelines, [Section I \(B\) 143.0113](#) with the toe of slope being off-site. The off-site analysis indicates that the 50-foot elevation difference is still not reached, and the site is not part of a steep hillside system. The maximum vertical height of the slope is 40.9 feet. This complies with Diagram I-2 (page 4) of the Guidelines. Section F-F also depicts that the project site does not meet the 50 foot vertical measurement for "average gradient" based on the Steep Hillside Guidelines Section I (B) 143.0113, Diagram I-3 (page 5). Section F-F depicts the limits of 25 percent "average gradient", which also takes into account the flatter sections of the canyon below the toe of slope for sections above 25 percent gradient. The maximum vertical height of slope is 42.3 feet, when extending the analysis to the limit of the 25 percent average gradient. The topographic information utilized in the slope analysis is based on a field topographic survey by Nasland with one-foot contour intervals, which is more accurate than any topography available through SanGIS or other sources.

Vertical measurements of slope do not apply to the entire canyon system. Measurements for the Steep Hillside Guidelines are from top of slope to toe of slope for which the slope is over 25 percent (Steep Hillside Guidelines, Section I(A) 143.0110).

The appellant alleges the project must be revised to comply with the retaining wall regulations set out in the Steep Hillside Guidelines. As discussed above, the Steep Hillside Guidelines are inapplicable to the project, and, in any event, there are no freestanding retaining walls on the project site. Any walls are included within the structure of the building.

7. Appeal Issue:

The Project Must Be Revised to Avoid Conflicts with the Maple Canyon Restoration Plan and to Mitigate Impacts to the Canyon's Biological Resources.

Staff Response:

The Maple Canyon Restoration Project (Restoration Project) was approved in 2021, to address the excessive erosion in Maple Canyon that resulted in sediment and water flows down the canyon during rain events. The Restoration Project sought to restore and stabilize the canyon floor, stabilize the banks, reduce sediment transport, provide opportunity for wetland plants to establish, revegetate the banks, and increase the acreage of wetlands within the canyon. The Restoration Project would reestablish the main channel and two small, tributary channels in the canyon and add 25 drop structures to slow water velocities, prevent erosion, and reduce the ability for sediment to enter the downstream storm drain system. The drop structures were designed to blend into the landscape, and combined with appropriate plantings, integrate with the surrounding canyon. The Restoration Project included installation of a drainage inlet structure at the downstream end of the canyon to capture and convey flows through the 48-inch pipe proposed as part of Phase I. A pedestrian bridge was included to allow pedestrians to safely cross the channel. The Restoration Project would create up to 2.89 acres of jurisdictional streambed and riparian habitat.

The Restoration Project was planned to occur in two phases. Phase 1 consisted of the replacement of sixteen (16) storm drain systems throughout the Banker Hill neighborhood that outfall into Maple Canyon. A new storm drain system would be constructed within Maple Street, between State Street and the downstream end of Maple Canyon. Construction also included storm drain inlets, clean outs, energy dissipators, trench resurfacing, pavement resurfacing, curb ramps, sidewalk, curb and gutter, retaining wall, street repair, revegetation, access road improvements, stream bed restoration, and pedestrian bridge. Phase 2 consisted of the stabilization and restoration of the canyon floor of structures along the extent of the canyon floor, placement of rip rap at the drop structures, the construction of a drainage inlet at the downstream end of the canyon, construction of a pedestrian bridge crossing, and planting and temporary irrigation of the disturbed areas.

As shown in Figure 1, 2 and 3 below, the project site is located outside the Restoration Project site boundaries. The project site is approximately 25 feet from the closest Restoration Project improvement and is approximately 200 feet from the streambed. The project will have no direct effect on the Restoration Project.

Additionally, the project would have no indirect impacts (such as drainage and erosion) to Maple Canyon or the Restoration Project. Based on the Engineering Memo included as Attachment 15, drainage from the project will not impact the Restoration Plan. The Engineering Memo has been reviewed and approved by the City. Moreover, the Drainage Study prepared for the project (March 10, 2023; 15162 Evaluation, Appendix I) indicates that the project reduces the runoff rates compared to the existing conditions (i.e., no impact downstream). As stated in the Storm Water Quality Management Plan (SWQMP) prepared for the project, dated March 27, 2023, (included as Appendix H to the 15162 Evaluation) stormwater runoff from the project will be treated per City guidelines. The project meets the City hydromodification (retention) requirement by using a series of cisterns to retain stormwater and Modular Wetland systems to treat it, prior to being released to the street with flows that meet the City guidelines. Stormwater from the project will ultimately make its way into the City storm drain system and then get discharged into Maple Canyon through the existing (or recently

improved) pipes. Per the Restoration Project, the proposed storm drain systems all have energy dissipation structures. The project is not discharging stormwater directly to the canyon on or off the project site.

Jurisdictional Features/Wetlands

A Biology Report was prepared for the project and was included as Appendix C of the project's 15162 Evaluation. Alden Environmental subsequently prepared Responses to Comments on the Quince Apartments Project (July 25, 2023) (Biology Memorandum). The Biology Memorandum, a copy of which was reviewed by staff, is included as Attachment 16. This discussion is based on the two aforementioned documents.

The Biology Report included a search of the National Hydrographic Dataset (NHD) relative to Maple Canyon. NHD shows the southern portion of the canyon bottom area on-site as "stream/river." However, no features that would be considered jurisdictional by the U.S. Army Corps of Engineers (Corps) (and Regional Water Quality Control Board), California Department of Fish and Wildlife (CDFW), or the City were observed during the site visit. (Biology Memorandum).

No surface water flow or ponding water was observed on site, and no evidence of water flow or ponding was observed (e.g., there were no rills, gullies, or channels with bed and bank topography; no drift lines; no water marks, etc.). Additionally, no hydrophytic vegetation was observed. (Biology Memorandum).

Based on the above information, the 15162 Evaluation properly concluded that no jurisdictional impacts would result from the project and no mitigation was required.

The appeal letter called out Corps and CDFW jurisdictional streambed and noted that it has "extreme proximity" to the project site. It is important to note that the figure in the letter does not show the project site. In actuality, the mapped streambed feature is more than 200 feet south of the project site and does not have "extreme proximity" with the as shown in Figure 3 below.

In fact, the referenced jurisdictional delineation shows the streambed as being an unvegetated Waters of the State/U.S. and not an actual wetland feature, as suggested in the appeal letter. Furthermore, Figure 4a included in the Biological Technical Report-Addendum for the Restoration Project shows a portion of their construction activities as occurring north of the northern limit of the mapped streambed, and south of the project footprint. From that figure and analysis, it is clear that no impacts to jurisdictional resources were assessed upstream from the mapped streambed limit. Finally, the limits of disturbance for the project occur above the topographic bottom of the canyon where streambed/drainage features could be expected to occur.

In addition to the above, the project would not affect any existing jurisdictional features further downstream of the site via uncontrolled stormwater flows. As mentioned in the SWQMP (Appendix H, 15162 evaluation), there is only one point of compliance for flow control for hydromodification management for the project and it is located at the southeast corner of the project site. All of the

project stormwater would drain through this single point of compliance. Runoff from the project would treat pollutants by utilizing a Modular Wetland System and discharge to point of connection gutter flow down Fourth Avenue to an existing curb inlet at the intersection of Redwood Street and Fourth Avenue. This curb inlet then drains to Maple Canyon before entering the storm drain system and outletting into San Diego Bay. The project would thus not result in any significant alteration of water quality or violate any water quality standards. Additionally, as the SWMQP report states, the post-construction site would have minimal risks of erosion given proper plant establishment, and transport of sediments downstream would be significantly reduced by means of pretreatment and proposed on-site detention basins with no off-site discharge location. Adherence with the City's Stormwater standards would preclude a cumulatively considerable contribution to erosion of siltation on- or off-site.

Figure 1

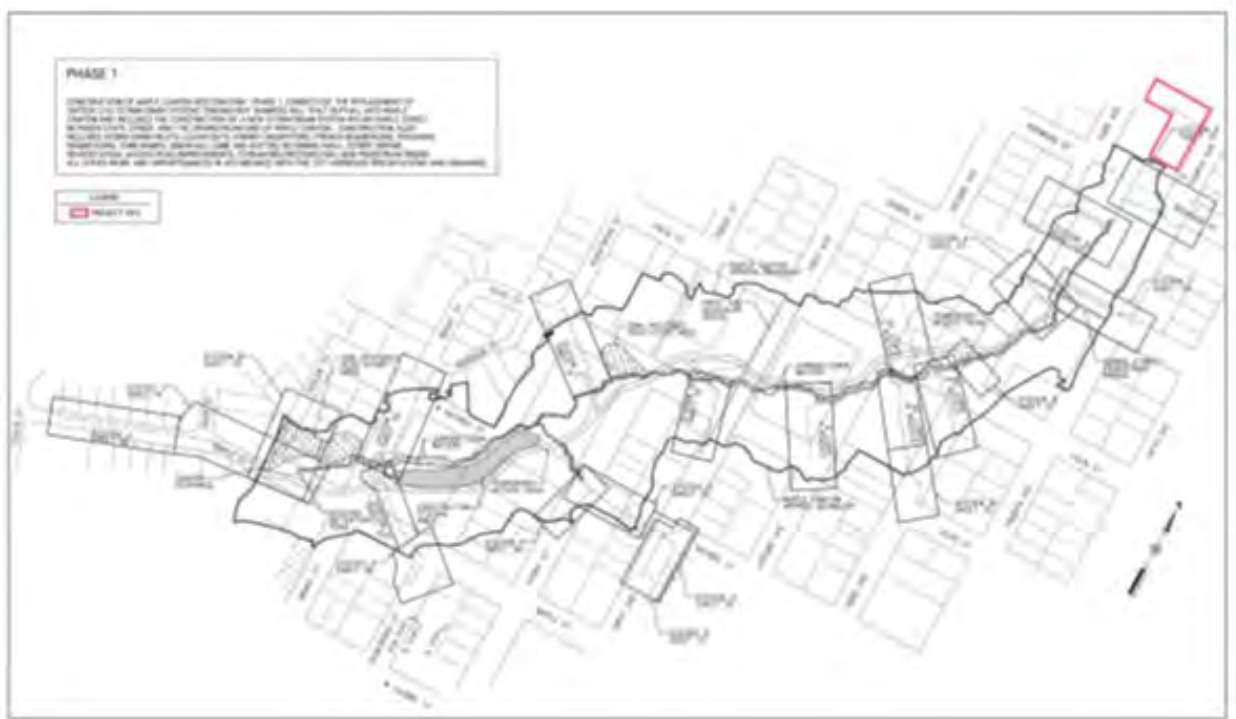


Figure 2

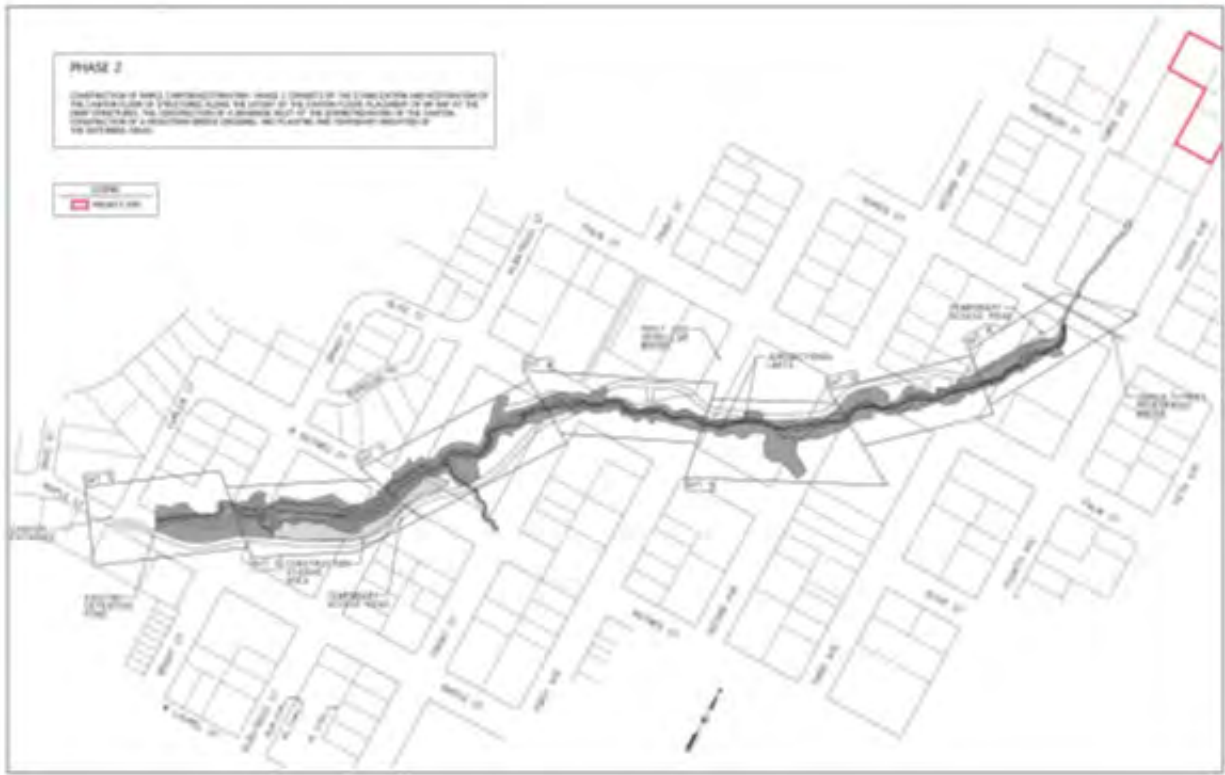
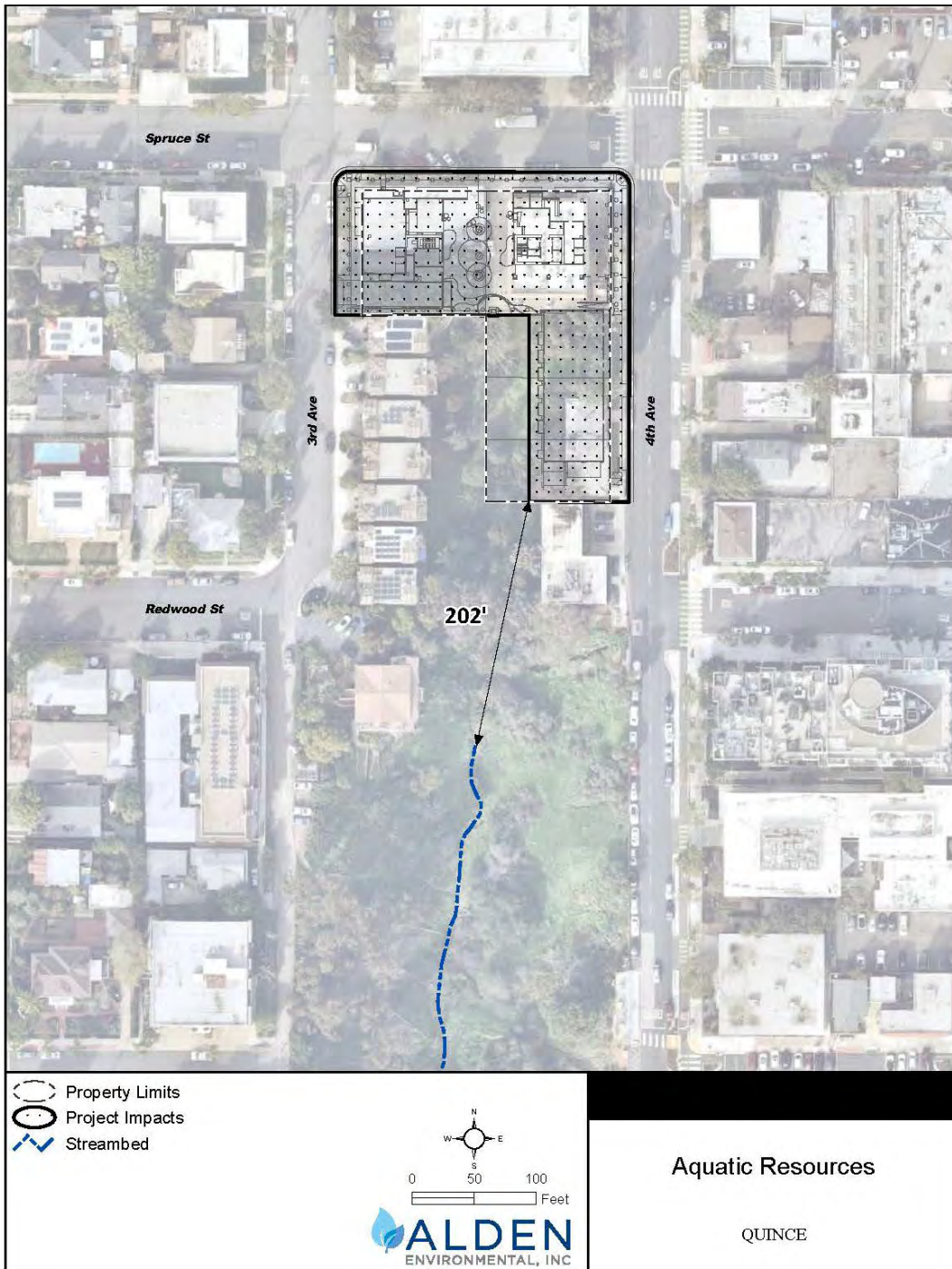


Figure 3



Biology

Sensitive Animal Species

No sensitive animal species were observed or detected on the project site. The California Native Diversity Database (CNDDDB) search identified three sensitive animal species [western spadefoot (*Spea hammondi*), southern California legless lizard (*Anniella stebbinsi*), and peregrine falcon (*Falco peregrinus anatum*)] whose locations, based on the low levels of accuracy, could intersect with the site. However, there is no potential habitat for these species present on-site. The Cooper's hawk was not observed on the project site and is not listed as a potential species to occur (See Attachment 16).

Nesting Birds

The Federal Migratory Bird Treaty Act (MBTA), which restricts the killing, taking, collecting, selling, or purchasing of native bird species or their parts, nests, or eggs, provides legal protection for almost all breeding bird species occurring in the United States. Additionally, pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Section 3503 or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA.

Given the developed nature of most of the project site and the high levels of human activity on the site and in the surrounding area, the potential for birds to nest on-site is relatively low. However, the project must comply with the MBTA and the California Fish and Game Code to avoid/minimize impacts to nesting birds, as required by those regulations.

General adjacent noise impacts to bird species are not an issue unless certain species (i.e., California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird, western snowy plover, or burrowing owl) are present during their breeding season(s) and depending upon the location of the habitat (i.e., within or adjacent to the MHPA). None of these species is present, and the project site is not within or adjacent to the MHPA. Glare also is not a biological resource issue (See Attachment 16).

As for the Cooper's hawk, this species mainly breeds in oak and willow riparian woodlands but also in eucalyptus trees. The Cooper's hawk has not been observed on site (including in the larger Maple Canyon area), but it has been reported from Balboa Park approximately 1,000 feet to the east. This species, if present, could use the project site to forage, but impacts to any on-site foraging would be covered under the City's MSCP Subarea Plan Incidental Take Authorization from the USFWS and CDFW for this MSCP-Covered Species. This hawk also could potentially nest in some of the trees on or adjacent to the site; however, no hawk nests were observed during the biological field survey conducted for the project (See Attachment 16).

Habitat

The project would impact non-native grassland, a Tier IIIB habitat. Per the City's Biology Guidelines, impacts to Tier I through Tier IIIB habitats that total less than 0.1 acre are not considered significant and do not require mitigation. The project would impact 0.02 acre of Tier IIIB non-native grassland, so no mitigation would be required. Therefore, the project will not cause a significant impact on natural vegetation. Indirect impacts from shade are also not significant, given the lack of sensitive habitat within and adjacent to the project footprint (See Attachment 16).

The Restoration project is not a habitat restoration effort, nor is it required to "rehabilitate" existing native species. Rather, the Restoration Project would revegetate a total of 3.95 acres of temporarily impacted upland habitats (e.g., eucalyptus woodland, ornamental) in distinct locations throughout the canyon (south of the project site). These areas would be planted with Diegan coastal sage scrub species with the intent of meeting erosion control requirements in the City's Landscape Standards. While the planted sage scrub vegetation would be of higher habitat value than the vegetation impacted, the Biological Technical Report Addendum for the Restoration Project (Tierra Data, Inc. 2020) indicates that, overall, Maple Canyon "has little natural remaining habitat."

8. Appeal Issue:

The Floor Area Ratio of 8.0 Does Not Apply to the Entire Project.

Staff Response:

Per SDMC Section 143.1011(b)(2), FAR Tier 2 means any premises where any portion of the premises is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a SDA that is located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). The project site is within a one-mile radius of the University of California San Diego (UCSD) Hillcrest Medical Campus.

Premises is defined in SDMC Section 113.0103 as an "area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit." Because the structure of the project encompasses all four parcels, the premises of the project is defined as the unified four-parcel project site. Moreover, the SDMC also defines a lot as "a parcel, tract, or area of land established by plat, subdivision, or other legal means to be owned, used, or developed." If the intent of the CCHS Regulations was to apply FAR to each lot, the regulations would have used "lot" in the determination for FAR, rather than premises.

Under the above, the premises as a whole, lies within FAR Tier 2. Thus, the whole of the project site is subject to an FAR of 8.0.

9. Appeal Issue:

The Project Should Be Revised to Reduce Impacts on Neighboring Homes.

Staff Response:

Linscott Law & Greenspan Engineers prepared a Response to Appeal Comments memo, dated July 25, 2023 (Traffic Memo) to respond to comments raised in the appeal documents. A copy of the Traffic Memo, which was reviewed and approved by staff, is included as Attachment 18. As explained therein, Third Avenue between Spruce Street and the project driveway is an unclassified Local Street per the Uptown Community Plan. Per the City 1998 Traffic Impact Study Manual (TIS) and 2022 Transportation Study Manual (TSM), levels of service (LOS) are not typically evaluated on local streets since their primary purpose is to serve abutting lots, not carry through traffic (see Table 2 of the TIS and Appendix F of the TSM). LOS applies to roads carrying through traffic between major trip generators and attractors.

The project's use of Third Avenue will only be to serve the project site. Project trips will only use Third Avenue between Spruce Street and the project driveway for ingress and egress. Project trips are not expected to travel along Third Avenue south of the project driveway, primarily due to the lack of connectivity.

It is acknowledged that, with the addition of project trips, average daily trips (ADT) on Third Avenue will exceed the LOS C threshold for a local street. However, the local street LOS C capacity exceedance does not result in a significant impact to Third Avenue based on the City's significance criteria since the established thresholds only apply to facilities that operate at LOS E or F with the addition of project trips, pursuant to the City's 2016 Significance Determination Thresholds.¹

The intersections of Spruce Street / Third Avenue and Third Avenue / project driveway are calculated to operate acceptably at LOS B or better without any identified queuing issues with the addition of project trips. Therefore, the segment of Third Avenue between Spruce Street and the2 project driveway is expected to operate acceptably.

10. Appeal Issue:

The Project Conflicts with the Uptown Community Plan and Must Conduct Adequate Environmental Review.

Staff Response:

The City relied on the environmental analysis included in both the Uptown Community Plan Update PEIR and the CCHS FEIR. Staff conducted a 15162 Evaluation that adequately demonstrates the project will not result in significant impacts beyond those disclosed within the previously certified

¹ The 2016 Significance Determination Thresholds were used because the 15162 Evaluation primarily considered the project's potential impacts in the context of the PEIR.

environmental documents.

The proposed project is required to implement the CCHS Regulations and is not required to demonstrate strict conformance with all policies of the Uptown Community Plan. A consistency analysis of the policies of the Uptown Community Plan is provided in response to appeal issue 1. All necessary findings for the NDP can be made, including the requisite ESL Findings, as addressed in Attachment 5.

An inconsistency with a plan is not by itself a significant environmental impact; the inconsistency would have to relate to an environmental issue to be considered significant under CEQA. The project would not result in any new significant impacts from those described in the previously adopted environmental documents, nor would a substantial increase in the severity of impacts result. Land use impacts were concluded to be less than significant.

Based on the information reviewed and analysis conducted by staff, there is no evidence that implementation of the project would require a major change to the previously adopted environmental documents. The project would not result in any new significant impacts from those described in the previously adopted environmental documents, nor would a substantial increase in the severity of impacts result. In conclusion, all project impacts were thoroughly analyzed, and adequate environmental review was conducted.

11. Appeal Issue:

The Project Does Not Qualify for a Neighborhood Development Permit.

Staff Response:

Please refer to the submitted Findings (Attachment 5) and discussed in Appeal Issues Number 1 and 2. The proposed project meets the criteria of a NDP under the CCHS Regulations (SDMC Section 143.1001 et seq.) to construct a structure greater than 95 feet in height pursuant to SDMC Section 143.1025(c)(1) and staff believes the required findings can be made to issue a NDP for the project.

Conclusion:

The proposed project meets both regional and community goals. Staff has reviewed the project plans and documents, and all the necessary findings can be made. Staff agrees with Appeal Issue 2 submitted by Uptown Planners, that Supplemental ESL findings are required for the project. As such, staff recommends the Planning Commission grant the appeal from Uptown Planners in regard to Issue 2 and modify the staff decision by approving the project pursuant to the draft resolution included in Attachment 5, which includes modified findings for NDP No. 3146496.

ALTERNATIVES

1. Grant the appeal and reverse the Development Services Department staff decision

to approve NDP No. 3146496.

2. Deny the appeal and affirm the Development Services Department staff decision to approve NDP No. 3146496.

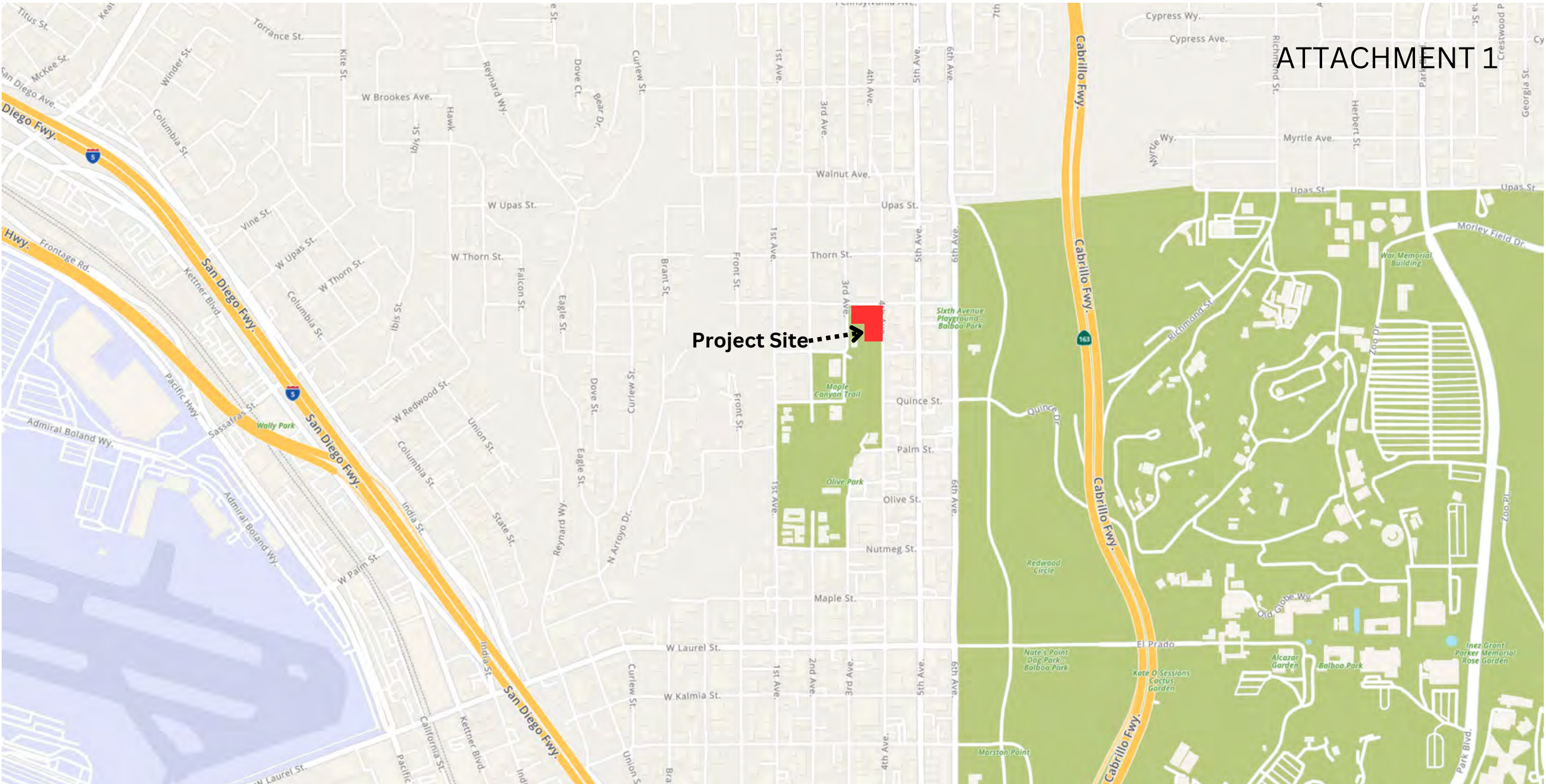
Respectfully submitted,

Renee Mezo
Assistant Deputy Director
Development Services Department

Robin MacCartee
Development Project Manager
Development Services Department

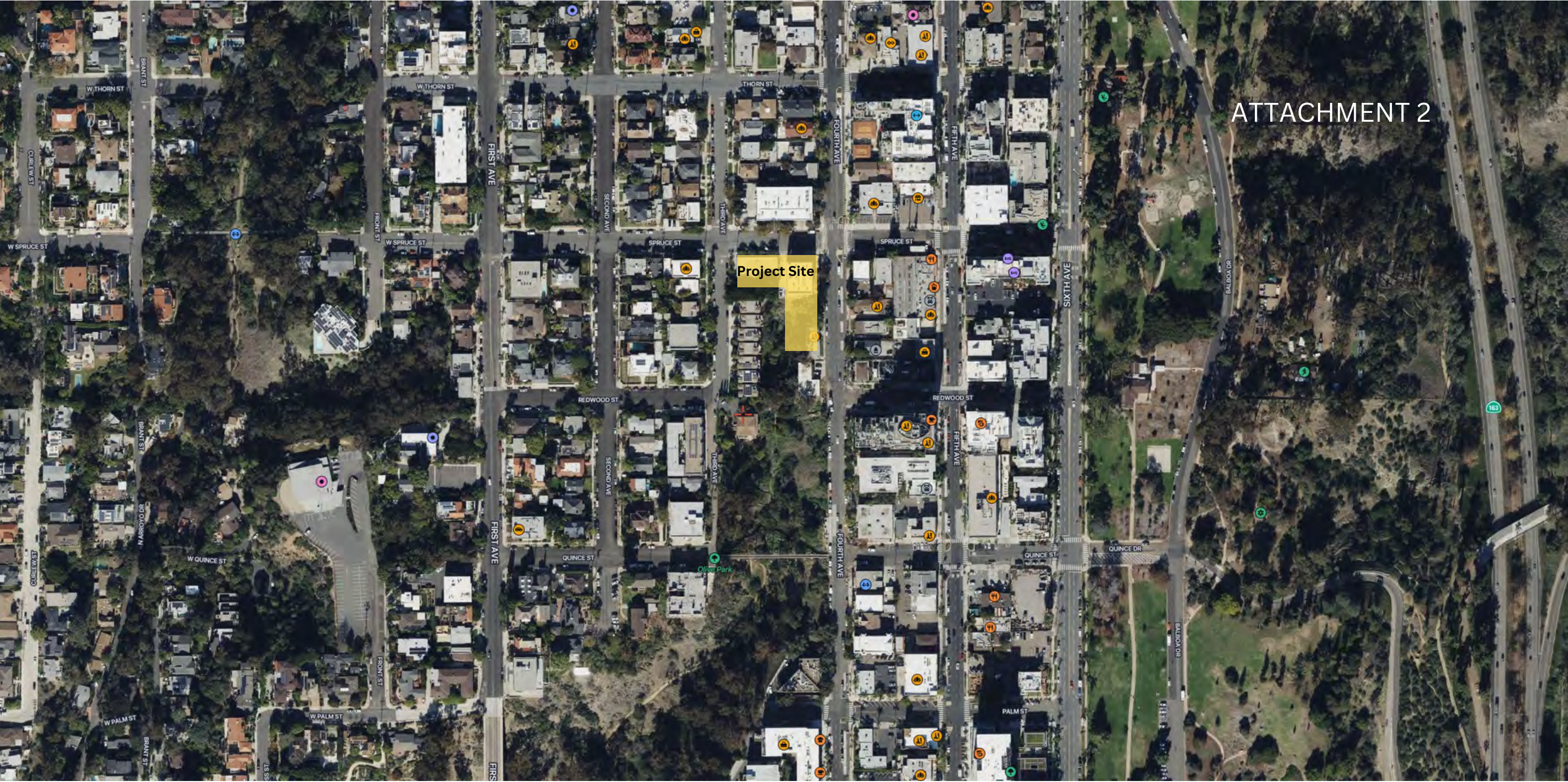
Attachments:

1. Map Location
2. Aerial Photograph
3. Community Plan Land Use Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. Environmental 15162 Evaluation Checklist
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Appeal (Form DS-3031) Uptown Planners Appeal filed 7/18/23.
10. Staff Response: to Community Comments included in Appeal from Uptown Planners
11. Appeal (Form DS-3031) Citizens Committed to Preserving Maple Canyon filed 7/21/23.
12. Site Development Plans
13. Project Renderings
14. Technical Report (Geotechnical)
15. Technical Report (Steep Slopes)
16. Technical Report (Biological Resources)
17. Technical Report (Shoring)
18. Technical Report (Traffic)



Project Site

ATTACHMENT 2

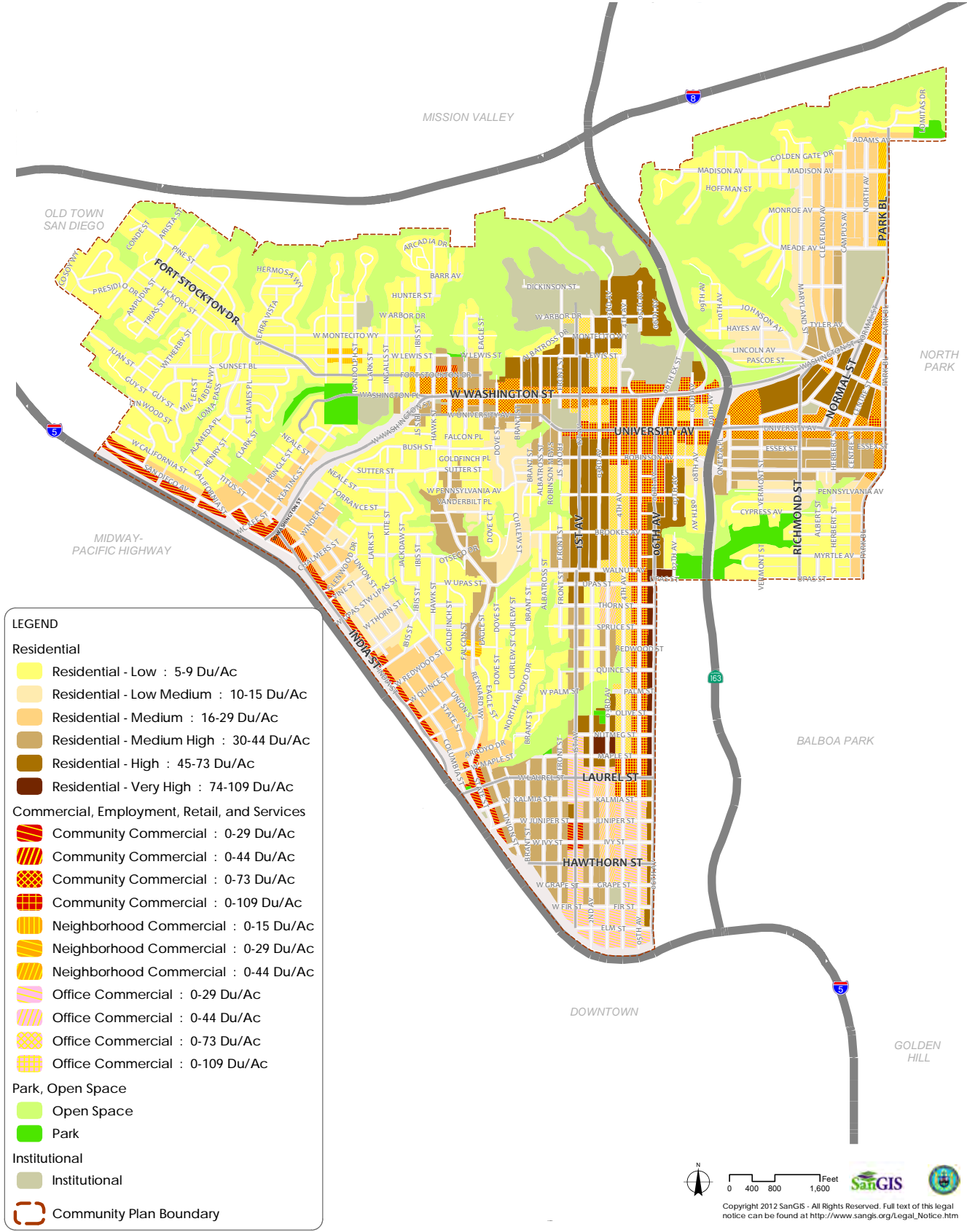


Project Site

Olive Park

163

FIGURE 2-1: COMMUNITY PLAN LAND USE MAP



ADD ATTACHMENT #

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 3146496
301 SPRUCE STREET – PROJECT NO. 1053621
PLANNING COMMISSION

This Neighborhood Development Permit (Permit) is granted by the Planning Commission of the City of San Diego to Quince Commercial LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0402 and 143.1025(c). The 0.81-acre site is located at 301 Spruce Street, also known as Assessor Parcel numbers 452-621-21, 452-621-09, 452-621-08, and 452-621-07, in the RM 3-7 and CC 3-8 zones, Community Plan Implementation Overlay Zone (CPIOZ-A), the Complete Communities Housing Solutions (CCHS) Overlay Tier 2 FAR 8:0 and Tier 3 FAR 6.5, the Complete Communities Mobility Choices Mobility Zone 2 Overlay, Transit Area Overlay Zone (TAOZ), the Parking Standards Transit Priority Area (PSTPA), Transit Priority Area (TPA), Affordable Housing Parking Demand Medium Category, SD International Airport Influence Area Review Area 2, and the Federal Aviation Administration (FAA) Part 77 Noticing Area of the Uptown Community Plan area. The project site is legally described as:

452-621-21 – PARCEL 1 OF PARCEL MAP 3231, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 20, 1974.

452-621-09 – ALL OF LOTS K AND L OF BLOCK THREE HUNDRED FIFTY EIGHT (358) OF HORTON'S ADDITIONS, SAN DIEGO, AS RECORDED IN DEED BOOK NO. 13, PAGE 522, IN THE COUNTY RECORDER'S OFFICE, SAN DIEGO COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHERLY LINE OF SPRUCE STREET AND THE WESTERLY LINE OF FOURTH STREET, THENCE SOUTH ALONG THE WESTERLY LINE OF FOURTH STREET A DISTANCE OF ONE HUNDRED (100) FEET TO A POINT; THENCE WEST AND PARALLEL TO THE SOUTHERLY LINE OF SPRUCE STREET, A DISTANCE OF ONE HUNDRED (100) FEET TO A POINT; THENCE NORTH AND PARALLEL TO THE WESTERLY LINE OF FOURTH STREET A DISTANCE OF ONE HUNDRED (100) FEET TO A POINT ON THE SOUTHERLY LINE OF SPRUCE STREET; THENCE EAST AND ALONG THE SOUTHERLY LINE.

ADD ATTACHMENT #

452-621-08 & 452-621-07 - LOTS "H", "I" AND "J" IN BLOCK 358 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

Subject to the terms and conditions set forth in this Permit, permission is granted to Quince Commercial LLC, Owner/Permittee to demolish five existing commercial-use structures with zero existing dwelling units on a four-lot parcel and construct a new, 400,152-square-foot, mixed-use structure including 262 dwelling units, 266 parking stalls, and 5,631 square-feet of commercial space (project). The proposed development will be 17 stories over four levels of subterranean parking and include a spa, co-working area, gym, community kitchen and dining area, pool deck, Reception, and commercial space described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated September 28, 2023, on file in the Development Services Department.

The project shall include:

- a. Demolition of five existing commercial-use structures with zero existing dwelling units on a four-lot parcel;
- b. Construct a new, 400,152-square-foot, mixed-use structure including 262 dwelling units, 266 parking stalls, and 5,631 square-feet of commercial space;
- c. Landscaping (planting, irrigation and landscape-related improvements);
- d. Off-street parking;
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision-maker. This permit must be utilized by September 28, 2026.

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:

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- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision-maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. 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 determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
10. If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

13. The mitigation measures specified in the MMRP and outlined in the CEQA 15162 Consistency Section Evaluation, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in the Uptown Community Plan Update Program Environmental Impact Report SCH No. 2016061023, to the satisfaction of the Development Services Department and the City Engineer.

15. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer.

16. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- a. The Owner/Permittee shall comply with the MMRP as specified in the 15162 CEQA Consistency Analysis to the satisfaction of the Development Services Department and the City Engineer.
- b. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer.

17. All mitigation measures described in the MMRP shall be implemented for the following impact areas: Historical Resources , Paleontological Resources and Noise.

CLIMATE ACTION PLAN REQUIREMENTS:

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

AFFORDABLE HOUSING REQUIREMENTS:

19. Prior to issuance of any building permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the CCHS Regulations of San Diego Municipal Code Chapter 14, Article 3, Division 10 of the San Diego Municipal Code and Inclusionary Affordable Housing Regulations of SDMC Chapter 14, Article 2, Division 13. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the SDMC. The Agreement will specify that in exchange for the City's approval of the Project, which contains a new floor area ratio density bonus of 8.0 FAR, alone or in conjunction with any incentives or concessions granted as part of Project approval, the Owner/Permittee shall provide 8 affordable units with rents of no more than 30% of 50% of Area Median Income (AMI), 6 affordable units with rents of no more than 30% of 60% of AMI, and 8 affordable units with rents of no more than 30% of 120% of AMI for no fewer than 55 years.

ENGINEERING REQUIREMENTS:

20. Prior to the issuance of any building permit The Owner/Permittee shall reconstruct the existing curb ramp at the southeast corner of 3rd Avenue and Spruce Street with current City Standard curb ramps satisfactory to the City Engineer.

21. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond, the construction of a new 20-foot driveway per current City Standards, adjacent to the site on 3rd Avenue to the satisfaction of the City Engineer.

22. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for street trees/landscaping/irrigation along frontages on Spruce Street, 3rd and 4th Avenues and curb outlet on the 4th Avenue public right-of-way.

23. Prior to the issuance of any building permit the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of SDMC in a manner satisfactory to the City Engineer.

24. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

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25. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
26. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
28. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 of Construction BMP Standards Chapter 4 of the City's Storm Water Standards.
29. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Agreement, from the City Engineer, for the underground parking structure encroachment in public right-of-way.

LANDSCAPE REQUIREMENTS:

30. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
31. Prior to the issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
32. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with City Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.
33. In the event that a foundation-only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the

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

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

WATER AND SEWER REQUIREMENTS:

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

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

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

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

39. 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.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

40. The Owner/Permittee shall implement the following requirements in Conditions 40-43 in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.

41. Prior to issuance of any grading permit, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

42. Prior to issuance of any Building Permits, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial

conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

43. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

44. The Brush Management Program shall be maintained at all times in accordance with the City's Standards.

GEOLOGY REQUIREMENTS:

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

PLANNING/DESIGN REQUIREMENTS:

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

47. 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.

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

49. 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.

50. Gated entryways and street yard fencing is prohibited.

51. The dwelling units within the development shall not be used for a rental term of less than 30 consecutive days.

52. The project shall provide 128 bicycle storage parking spaces for the residential component of the project, and four short-term bicycle parking spaces and two long-term bicycle parking spaces (lockers) for the commercial component of the project and an on-site bicycle repair station. At

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resident's request, a bicycle rack will be installed inside the resident's unit. The project shall implement unbundled/priced parking for residents.

53. The project shall provide 27 parking stalls equipped with ready to use electric vehicle charging capability and install infrastructure for an additional 173 parking spaces for future installation of ready to use electric vehicle charging capability.

54. The project, which shall be designed such that wall and/or floor-ceiling assemblies separating commercial uses from residential uses would conform to California Building Code Section 1206, shall include noise reducing attributes consisting of no less than the following:

- a. One-inch-thick lining and elbow turning vanes in the supply duct between the intake louver and supply fan.
- b. One-inch-thick lining and elbow turning vanes in the full length of the radiator exhaust duct.
- c. A Nett Residential grade engine exhaust silencer with a 32-dBA insertion loss, or equivalent.
- d. One-inch-thick lining in the full length of the engine exhaust duct.
- e. An 84-inch Vibro-Acoustics RD-HV-F1 inline silencer, or equivalent, between the room exhaust fan and its outlet.
- f. One-inch-thick lining in the room exhaust duct between the silencer and outlet.

55. Prior to the issue of any construction permits, the Owner/Permittee shall pay a fee to the "Neighborhood Enhancement Fund", established by City Council Resolution R-313282.

INFORMATION ONLY:

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

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APPROVED by the Planning Commission, of the City of San Diego on September 28, 2023, per Resolution No. XXXX.

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Neighborhood Development Permit No. 3146496
Date of Approval: September 28, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Robin MacCartee
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.

By _____

NAME: Lawrence Howard

TITLE: Quince Commercial LLC,
California Limited Liability Company

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

PLANNING COMMISSION RESOLUTION NO. XXXX
NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT 3146496
301 SPRUCE STREET - PROJECT NO. 1053621

WHEREAS, Quince Commercial LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego (City) for a Neighborhood Development Permit (NDP or permit) to demolish five existing commercial-use structures with zero existing dwelling units on a four-lot parcel and construct a new 400,152-square-foot, mixed-use structure including 262 dwelling units, 266 parking stalls, and 5,631 square-feet of commercial space with off-site utility work and sidewalks (project). The proposed project will be an "L" shaped building with building heights stepping up from six stories to 17 stories over four levels of subterranean parking, and include a spa, co-working area, gym, community kitchen, dining area, pool, pool deck, BBQ deck, and reception area (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Permit No. 3146496), on portions of a 0.81-acre site;

WHEREAS, the project site is located at 301 Spruce Street, also known as Assessor's Parcel Numbers: 452-621-21, 452-621-09, 452-621-08, and 452-621-07 in the RM 3-7 and CC 3-8 zones, the Community Plan Implementation Overlay Zone (CPIOZ-A), the Complete Communities Housing Solutions (CCHS) Overlay Tier 2 FAR 8:0 and Tier 3 FAR 6.5, the Complete Communities Mobility Choices Mobility Zone 2 Overlay, Transit Area Overlay Zone (TAOZ), Parking Standards Transit Priority Area (PSTPA), Transit Priority Area (TPA), Affordable Housing Parking Demand Medium Category, San Diego International Airport Influence Area Review Area 2, and the Federal Aviation Administration (FAA) Part 77 Noticing Area of the Uptown Community Plan area;

WHEREAS, the project site is legally described as:

452-621-2100 – PARCEL 1 OF PARCEL MAP 3231, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 20, 1974.

452-621-0900 – ALL OF LOTS K AND L OF BLOCK THREE HUNDRED FIFTY EIGHT (358) OF HORTON'S ADDITIONS, SAN DIEGO, AS RECORDED IN DEED BOOK NO. 13, PAGE 522, IN THE COUNTY RECORDER'S OFFICE, SAN DIEGO COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHERLY LINE OF SPRUCE STREET AND THE WESTERLY LINE OF FOURTH STREET, THENCE SOUTH ALONG THE WESTERLY LINE OF FOURTH STREET A DISTANCE OF ONE HUNDRED (100) FEET TO A POINT; THENCE WEST AND PARALLEL TO THE SOUTHERLY LINE OF SPRUCE STREET, A DISTANCE OF ONE HUNDRED (100) FEET TO A POINT; THENCE NORTH AND PARALLEL TO THE WESTERLY LINE OF FOURTH STREET A DISTANCE OF ONE HUNDRED (100) FEET TO A POINT ON THE SOUTHERLY LINE OF SPRUCE STREET; THENCE EAST AND ALONG THE SOUTHERLY LINE

452-621-0800 & 452-621-0700 - LOTS "H", "I" AND "J" IN BLOCK 358 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

WHEREAS, on July 7, 2023, the City, as Lead Agency, through the Development Services Department, determined that the project is consistent with the Uptown Community Plan Update Program Environmental Impact Report (PEIR) (SCH No. 2016061023) under California Environmental Quality Act (CEQA) Guidelines Section 15162. Subsequently, staff determined that the project was also consistent with the CCHS Final EIR (FEIR) (SCH No. 2019060003) and updated the CEQA Section

15162 Evaluation accordingly. The updated CEQA Section 15162 Evaluation (15162 Evaluation), PEIR, and FEIR are herein incorporated by reference;

WHEREAS the Development Services Department of the City considered NDP No. 3146496 pursuant to the Land Development Code of the City;

WHEREAS, the Development Services Department of the City found the project meets the findings for a NDP per SDMC Section 126.0404(a);

WHEREAS, on July 7, 2023, the Development Services Department of the City approved NDP No. 3146496 pursuant to SDMC Section 112.0503(b) for a Process 2;

WHEREAS, on July 18, 2023, the Uptown Planners (local Community Planning Group) filed an appeal of the Development Services Department approval of NDP No. 3146496 to the Planning Commission of the City citing factual error, conflict with other matters, findings not supported, and new information;

WHEREAS, on July 21, 2023, the Citizens Committed to Preserving Maple Canyon filed an appeal of the Development Services Department approval of NDP No. 3146496 to the Planning Commission of the City citing factual error, conflict with other matters, and findings not supported;

WHEREAS, on September 28, 2023, the Planning Commission of the City considered the appeal of NDP No. 3146496.

BE IT RESOLVED by the Planning Commission of the City, that it adopts the following findings with respect to NDP No. 3146496:

A. NEIGHBORHOOD DEVELOPMENT PERMIT San Diego Municipal Code (SDMC) Section §126.0402) (a) and (b)

1) Findings for all Neighborhood Development Permits

a. The proposed development will not adversely affect the applicable land use plan.

The development proposes the demolition of five existing commercial buildings, surface parking lots, and one underground parking garage, on a four-lot parcel. None of the structures to be demolished contain existing dwelling units. A review of the existing site was conducted by City staff to determine if potential significant historical resources exist on the site in accordance with San Diego Municipal Code SDMC Section 143.0212 for development proposed for any parcel containing a structure that is 45 or more years old. Based on the documentation provided, staff determined the property does not meet local designation criteria as an individually significant historical resource under any adopted Historical Resources Board criteria. The existing structures will be replaced with a mixed-use, in-fill development totaling 400,152 square-feet, comprised of 262 multi-family residential dwelling units, 266 parking stalls, and 5,631 square-feet of commercial space with off-site utility work and sidewalks. The proposed structure will consist of an "L" shaped building configuration, with building heights stepping up from 6 stories to 17 stories at a 194 feet in height over four levels of subterranean parking.

The development site consists of four connecting parcels: one northwestern parcel on Spruce Street in the RM-3-7 Zone (0-44 dwelling units per acre (Du/Ac)), and one northeastern parcel and two southeastern parcels on Fourth Avenue in the CC-3-8 Zone (0-109 (Du/Ac)). The General Plan designates the site as Multiple Use and the Uptown Community Plan designates the site as Residential Medium High (30-44 (Du/Ac) for the northwestern parcel and Community Commercial (0-73 Du/Ac) for the northeastern and two southeastern parcels for a total of 52 pre-density bonus units.

The current project is an application for a NDP as outlined within the CCHS regulations (SDMC 143.1001 et seq.) to construct a structure greater than 95 feet in height pursuant to SDMC Section 143.1025(c)(1). The purpose of the CCHS Regulations is to provide a floor area ratio (FAR)-based density bonus incentive program for development within Sustainable Development Areas (SDA) that provide housing for very low-income, low-income, and/or moderate-income households and provide neighborhood-serving infrastructure amenities. An applicant proposing a development that is consistent with the CCHS criteria outlined in SDMC Section 143.1002 shall be entitled to waivers of the existing FAR, maximum permitted residential density, and certain applicable overlay zone regulations, among others (SDMC Section 143.1010). Subsequently, it was determined, that a Site Development Permit for the site is not applicable even though the northeastern and southeastern lots of the project site are located CPIOZ A of the Uptown Community Plan. Specifically, these lots are within the Maximum Building Height – 65 feet designated area. Per SDMC Section 143.1010(d)(3), the requirement to obtain a Site Development Permit due to site location within the CPIOZ is waived if the development complies with the development standards or criteria in the applicable community plan, excluding maximum permitted residential density and/or maximum structure height.

To qualify for CCHS, any proposed development must meet the purpose, intent and definition of the program as outlined in SDMC Section 143.1001. Additionally, the project must be in a SDA as defined in SDMC Section 113.0103. The proposed project meets the definition of an SDA as it is within walking distance along a pedestrian path of travel from a major transit stop and included in Mobility Zone 2 by reference within SDMC

Section 143.1103 for any premises located either partially or entirely in a SDA. In addition, the development complies with the CCHS definition of SDMC Section 143.1001(a) because it is both within an SDA and meets the definition for SDMC Section 143.1001(b)(2) Tier 2 for premises where any portion of the premises is within a one-mile radius of any university campus that includes a medical center.

Once a project has met the purpose, intent, and definition of the CCHS regulations, it must adhere to the applicable CCHS regulations pursuant to SDMC Section 143.1002(a)(1)-(3), specifically requiring:

- (1) The development includes dwelling units affordable to very low-income, low-income, moderate-income households, in accordance with Section 143.1015(a)(1)-(3) or 143.1015(a)(4).
 - a. The project meets the required provisions of affordable dwelling units pursuant to SDMC Sections 143.1015(a)(1)-(3) by providing a total of 22 units (40% of the 52 pre-density bonus units), broken down as such:
 - (i) 15% of Pre-Density Bonus units (8 units) at 50% AMI;
 - (ii) 10% of Pre-Density Bonus units (6 units) at 60% AMI; and
 - (iii) 15% of Pre-Density Bonus units (8 units) at 120% AMI.
- (2) The development includes neighborhood-serving infrastructure Amenities.
 - a. The project meets the requirement of the infrastructure amenities, pursuant to SDMC Section 143.1020(a), by paying into the "Neighborhood Enhancement Fund", as established by City Council Resolution R-313282.
- (3) The dwelling units within the development shall not be used for a rental term of less than 30 consecutive days.
 - a. The project meets the requirement of the rental term regulation, pursuant to SDMC Section 143.1002(a)(3), as it has been conditioned as such through permit condition No. 51 in NDP No. 3146496.

Based on compliance with the CCHS Regulations pursuant to SDMC Sections 143.1002(a)(1)-(3), the proposed project intends to use waivers to deviate from the otherwise applicable development standards with regard to density, FAR, and height pursuant to SDMC Section 143.1010, specifically stated below:

- (1) A FAR allowance for Tier 2, which equates to an 8.0 FAR for the whole of the project site (SDMC Section 143.1010(a)(2));
 - a. The site consists of four parcels, with two northern parcels located in FAR Tier 2 as defined in SDMC Section 143.1001(b)(2) for premises located within an SDA and a one-mile radius of any university campus that includes a medical center. The two northern parcels have a FAR of 8.0 as defined in SDMC Section 143.1010(a)(2). The two southern parcels are located in FAR

Tier 3 as defined in SDMC Section 143.1001(b)(3), for parcels within an SDA that are located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). The two southern parcels have a FAR of 6.5 as defined in SDMC Section 143.1010(a)(3). The SDMC regulates the differing FAR requirements through SDMC Section 143.1001(b)(2) which states that, FAR Tier 2 means any premises where any portion of the premises (emphasis added) is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a SDA that is located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). Premises is defined in SDMC Section 113.0103 as an “area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.” Under the above, because a portion of the premises is within FAR 2, the premises, as a whole, lies within FAR Tier 2. Thus, the whole of the project site is subject to a FAR of 8.0.¹

(2) Waiver of the maximum permitted residential density of the land use designations in the applicable land use plan (SDMC Section 143.1010(b)) and compliance with the maximum permitted FAR for the non-residential portion of the proposed project (SDMC Section 143.1010(a));

(3) Waiver of the applicable base zone maximum structure height (SDMC Section 143.1010 (c)(1)).

In addition, CCHS regulations allow an applicant to request waivers per SDMC Section 143.1010(j)(4) for any development for which a written agreement to provide affordable dwelling units and a deed of trust securing the agreement is entered into by the applicant and the San Diego Housing Commission. The project requested and was granted the following waivers:

(1) Waiver to provide two on-street loading spaces within the public right-of-way on Spruce Street instead of two off-street loading spaces; and

(2) Waiver to provide two off-street loading spaces that are 18 feet by 9 feet by 8 feet 2 inches instead of 35 feet by 12 feet by 14 feet.

Within the CAP, Section 3.5 outlines focused land use growth and identifies the need for mixed-use development next to transit within the SDA with a goal of reducing per-capita vehicle miles traveled for all trips. The CAP builds off the San Diego General Plan’s 2002 City of Villages Strategy that focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system. The proposed project is located along Fourth Avenue, which is identified in *Figure 2-5* of the Uptown

¹ On March 7, 2023, the San Diego City Council passed Ordinance No. 21618 defining a SDA for housing programs such as the CCHS Regulations with the intent to align those programs with the City's CAP goals to ensure the City's home development incentive programs result in units with convenient access to high-quality transit and safe and enjoyable walking/rolling and biking options.

Community Plan as a Mixed-Use Corridor. The location has also been designated in *Section 3.3* of the Uptown Community Plan as integral to the Uptown multi-modal transportation network with a current pedestrian walkability corridor, Class II Bicycle Lane, and the future addition of a streetcar service connecting Downtown to Hillcrest by 2035.

The Uptown Community Plan Land Use *Section 2.3 Villages*, states that the “community plan supports ‘village-like’ development, with medium-high to very-high residential densities along major commercial transit corridors and nodes.” (Uptown Community Plan, 2019.) It further states that “Uptown represents the City of Villages Strategy by focusing growth into its pedestrian-oriented, mixed-use commercial areas that are served by transit.” (Uptown Community Plan, 2019.) Furthermore, the General Plan states that transit corridors provide valuable new housing opportunities with fewer impacts to the regional freeway system because of their available transit service. The Uptown Community Plan correlates to the CAP and the General Plan by designating growth opportunities within the transit corridors like Fourth Avenue. The proposed project is consistent with all of these planning documents by providing mixed-use development and new housing within the Fourth Avenue transit corridor.

Uptown Community Plan Policy LU-1.1 states that development should “provide a variety of land use types to accommodate both affordable and market-rate housing and commercial opportunities.” (Uptown Community Plan, 2019.) In meeting the required affordable dwelling unit provisions of the CCHS Regulations pursuant to SDMC Section 143.1015, the proposed project will provide a variety of market-rate and deed-restricted affordable housing units, as well as proposed commercial opportunities within the building design within an SDA.

Uptown Community Plan Guiding Principles 1.3 states that development should “recognize the environmental, visual, and recreational value of Uptown’s natural canyon landscape.” (Uptown Community Plan, 2019.) Maple Canyon has been identified in the Uptown Community Plan as Open Space and a Community Identifier. The proposed project design is oriented to retain the visual connection to Maple Canyon, which is located immediately south of the site. Views of the canyon via a three-story atrium, situated in between the two main building massings, provide recognition of the environment and enhance the visual value of Uptown’s natural canyon landscape. In addition, the atrium provides a semi-public gathering for project residents and the community to enjoy the visual and communal space in proximity to Maple Canyon.

Uptown Community Plan Policy UD-4.35 states that development should “integrate semi-public outdoor spaces such as on-site plazas, patios, courtyards, paseos, terraces, and gardens to address the public realm and support pedestrian activity and community interaction.” (Uptown Community Plan, 2019.) The project realizes this policy by providing a semi-public plaza private property accessible to the public during the regular business hours of the tenant(s) of the commercial space and leasing office, utilizing seating and landscaping within the atrium of the private development to support public pedestrian activity and community interaction.

Through compliance with the CCHS Regulations, including the provision of affordable housing dwelling units, the use of waivers, location on a mixed-use transit corridor, and provision of a semi-public plaza with a visual connection to Maple Canyon, the development is consistent with the Uptown Community Plan policies and guiding principles and will not adversely affect the applicable land use plan.

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

Staff reviewed project grading, drainage, architecture, landscape, and environmental analysis, and has confirmed the project design conforms with the City of San Diego's codes, policies, and regulations with the primary focus of protecting the public's health, safety, and welfare.

The project conditions of approval require compliance with several operational constraints and specific development controls from City staff as defined in Permit No. 3146496. Examples include conditions for Engineering for new curb ramps and wider driveways, maintenance controls in the Public Right of Way for Landscaping, design standards within the Public Right of Way for Water and Sewer, maintenance and combustibility guidelines for Brush Management, and outdoor light shading for Planning. These conditions of approval are intended to assure the continued public health, safety, and welfare for those who would work within the site and within the community.

The proposed project has been the subject of several technical studies (as described in and by reference to the CEQA Section 15162 Evaluation prepared for the project and corresponding conditions of approval for the associated Permit No. 3146496) reviewed and accepted by staff that have found the project site to be suitable for the proposed development. The studies include the following:

Geotechnical Study, dated 10/5/2022 by Leighton and Associates, Inc., found the site "suitable to receive the proposed improvements (as described in and by reference to the CEQA Section 15162 Evaluation Appendix D, and corresponding conditions of approval for the associated Permit No. 3146496).

Biology Survey Report, dated 4/6/2023 by Alden Environmental, Inc., found that "the project would not result in significant impacts to biological resources, and no mitigation is required." (as described in and by reference to the CEQA Section 15162 Evaluation Appendix C and corresponding conditions of approval for the associated Permit No. 3146496).

Noise Study, dated 4/6/2023 by dBF Associates, Inc., found that "No recommendations, mitigation, or project features are required" with respect to Vehicular Traffic Noise, Operational (Non-Construction) Noise, and Construction Noise. (as described in and by reference to the CEQA Section 15162 Evaluation Appendix N and corresponding conditions of approval for the associated Permit No. 3146496).

Traffic Impact Analysis, dated 3/13/2023 by Linscott, Law & Greenspan Engineers, found that “Based on the established significance criteria, no significant LOS (Level of Service) impacts are anticipated for the project. Therefore, mitigation measures are not required.” (as described in and by reference to the CEQA Section 15162 Evaluation Appendix M and corresponding conditions of approval for the associated Permit No. 3146496).

Sewer Study, dated 1/5/2023 by Nasland Engineering, found that “After analyzing the sewer system downstream of the Quince Apartments project, it is determined that the sewer contributions will not negatively impact the existing sewer system.” (as described in and by reference to the CEQA Section 15162 Evaluation Appendix K and corresponding conditions of approval for the associated Permit No. 3146496).

The project has been reviewed by the City Fire and Rescue Department and found consistent with all fire access/response requirements. As such, the site location, project impact on surrounding areas, and emergency contingencies have been found to meet acceptable standards for public health, safety, and welfare.

Additionally, all public improvements will be constructed to applicable City standards. All California Building, Fire, Plumbing, Electrical, Mechanical, California Green Building Standards Code (CGBSC), and City regulations governing the construction and continued operation of the development will apply. These regulations mitigate any potential for adverse effects on those persons or properties in the vicinity of the project.

Finally, staff prepared Section 15162 Evaluation incorporated herein by reference and determined that the proposed project was consistent with the previously certified Uptown Community Plan PEIR and the previously certified CCHS FEIR. Specifically, regarding public health and safety, the report determined less than significant impacts or no mitigation requisites for the following:

- Hazardous Materials within a quarter-mile of a school.
- Emergency Response and Evacuation Plans.
- Hazardous Materials Sites.

The 15162 Evaluation found the project would not result in new impacts or any substantial changes to any significant effects previously identified in the PEIR and the FEIR. Specifically, staff determined that the proposed project would not result in any significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified PEIR or the FEIR. There are no substantial changes proposed in the project or its circumstances that would result in new, significant impacts or a substantial increase in the severity of impacts. Based on the above analysis, project features, and conditions of approval, the proposed development will not be detrimental to public health, safety, and welfare.

- c. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As outlined in Finding A.1. above and incorporated here by reference, the proposed development complies with the CCHS regulations by being within an SDA and meeting the definition for SDMC Section 143.1001(b)(2) for premises where any portion of the premises is within a one-mile radius of any university campus that includes a medical center. The development will also meet SDMC Section 143.1001(a) and SDMC Section 143.1020(a) by paying a fee to the “Neighborhood Enhancement Fund”, as established by City Council Resolution R-313282. The proposed project requires a NDP per the CCHS Regulations since it will construct a structure greater than 95 feet in height where the structure exceeds the height limit of the base zone (SDMC 143.1025(c)(1)) (RM-3-7 – 40-foot height limit; CC-3-8 – 100-foot height limit).

Based on its compliance with the CCHS Regulations pursuant to SDMC Section 143.1002(a)(1)-(3), the proposed project intends to use waivers to deviate from the otherwise applicable development standards with regard to density, FAR, and height as specifically stated below:

(1) A FAR allowance for Tier 2, which equates to an 8.0 FAR for the whole of the project site (SDMC §143.1010(a)(2));

- a. The site consists of four parcels, with two northern parcels located in FAR Tier 2 as defined in SDMC Section 143.1001(b)(2) for premises located within an SDA and a one-mile radius of any university campus that includes a medical center. The two northern parcels have a FAR of 8.0 as defined in SDMC Section 143.1010(a)(2). The two southern parcels are located in FAR Tier 3 as defined in SDMC Section 143.1001(b)(3), for parcels within an SDA that are located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). The two southern parcels have a FAR of 6.5 as defined in SDMC Section 143.1010(a)(3). The SDMC regulates the differing FAR requirements through SDMC 143.1001(b)(2) which states that, FAR Tier 2 means any premises where any portion of the premises (emphasis added) is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a SDA that is located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). Premises is defined in SDMC Section 113.0103 as an “area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.” Under the above, because a portion of the premises is within FAR 2, the premises, as a whole, lies within FAR Tier 2. Thus, the whole of the project site is subject to a FAR of 8.0.

(2) Waiver of the maximum permitted residential density of the land use designation(s) in the applicable land use plan (SDMC Section 143.1010(b)) and compliance with the maximum permitted FAR for the non-residential portion of the proposed project (SDMC Section 143.1010(a));

(3) Waiver of the applicable base zone maximum structure height (SDMC Section 143.1010(c)(1)).

In addition, the CCHS regulations allow additional affordable housing waivers per SDMC Section §143.1010(j)(4) for any development for which a written agreement to provide affordable dwelling units and a deed of trust securing the agreement is entered into by the applicant and the San Diego Housing Commission. The project requested and was granted the following waivers:

(1) Waiver to provide two on-street loading spaces within the public right-of-way on Spruce Street instead of two off-street loading spaces; and

(2) Waiver to provide two off-street loading spaces that are 18 feet by 9 feet by 8 feet 2 inches instead of 35 feet by 12 feet by 14 feet.

The project meets the required provisions of the CCHS regulations pursuant to SDMC Section 143.1015(a)(1)-(3) by providing a total of 22 units (40% of the 52-unit pre-density bonus units) that fall within the following categories:

- 15% of Pre-Density Bonus units (8 units) at 50% AMI;
- 10% of Pre-Density Bonus units (6 units) at 60% AMI; and
- 15% of Pre-Density Bonus units (8 units) at 120% AMI.

Through compliance with the CCHS regulations, including the provision of affordable housing dwelling units, use of waivers permitted by the CCHS program, the development will comply with the applicable regulations of the Land Development Code.

2) **Supplemental Findings--Environmentally Sensitive Lands**

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

The project site is a fully developed site, located in the Uptown Community Plan area—an urbanized community proximate to Downtown San Diego. Property to the north, east, and south of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the west of the project site. Maple Canyon is separated from the project site by sloping land that extends into Maple Canyon.

The proposed project would result in grading the entire 0.81-acre project site, as well as 0.23-acre located off-site. Existing landform would not be substantially modified. The project would predominantly be developed within the current footprint of existing buildings and associated improvements and would not occur within steep hillsides or within Maple Canyon. Grading outside the current disturbed area encompasses a small area of southern slopes that extends into the project site from Maple Canyon. Access to the site is readily available from existing streets, and all infrastructure is in place to serve the development.

Vegetation on the project site is composed of 0.53 acre developed, 0.04 acre disturbed, 0.19-acre ornamental, and 0.02 acre non-native grassland. Vegetation in the 0.23-acre off-site area is composed of 0.21 acre developed and 0.02-acre ornamental. No sensitive habitat occurs within the small off-site slope area.

No native habitats occur on the project site; however, non-native grassland is identified as a Tier IIIB sensitive habitat and thus qualifies as Environmentally Sensitive Land (ESL) by the SDMC. The project would impact 0.02 acre of Tier IIIB non-native grassland. Per the City's Biology Guidelines, impacts to Tier I through Tier IIIB habitats that total less than 0.1 acre and are surrounded by existing urban developments are not considered significant pursuant to the CEQA and do not require mitigation. Thus, the project's impact to 0.02 acres of Tier IIIB non-native grassland is not considered a significant impact and no mitigation would be required.

Thus, the site is physically suitable for the design and siting of the proposed development, and the development will result in minimum disturbance to ESL.

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

The project site is a fully developed site, located in the Uptown Community Plan area – an urbanized community proximate to Downtown San Diego. Property to the north, east, and south of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the west of the project site. Maple Canyon is separated from the project site by sloping land that extends into Maple Canyon. The proposed project would result in grading the entire 0.81-acre project site, as well as 0.23-acre located off-site. The project minimizes impacts to natural landforms by redeveloping a previously developed project site and minimizing the grading of natural landforms.

The project will not result in undue risk from geologic forces. The site is located in Geologic Hazard Category 52 on the San Diego Seismic Safety Maps. Category 52 is described as other level areas, gently sloping to steep terrain, favorable geologic structure, and low risk. The project site is generally underlain by favorably oriented geologic structure, consisting of massively bedded sandstone. No landslides or indications of deep-seated landsliding occur on the project site.

The project site is not located within any State mapped Earthquake Fault Zones or County of San Diego-mapped fault zones. The nearest active fault is the Rose Canyon fault zone located approximately 0.8 miles west of the site. The risk associated with ground rupture is low. The project would be required to comply with seismic requirements of the California Building Code, as well as utilize proper engineering design and standard construction practices, to be verified at the building permit stage, which will ensure geologic risk to people or structures is reduced to an acceptable level or risk.

The project will not result in undue risk due to erosion. The project would require the removal of existing buildings, asphalt, and concrete at the project site and the removal of soil for the subgrade parking. The project would implement an erosion control plan in compliance with the City's grading requirements and standards in the Land Development Manual, which would ensure grading and construction operations would avoid significant soil erosion impacts. The project would not significantly alter the drainage pattern of the project site or area. Runoff would be routed to on-site treatment best management practices to comply with San Diego Storm Water standards. The project would result in less runoff than the existing condition. Graded and disturbed areas would be re-vegetated and landscaped to minimize erosion. The post construction site would have minimal risks of erosion given proper plant establishment, and transport of sediments downstream would be significantly reduced by means of pretreatment and proposed on-site detention basins with no off-site discharge location. Adherence with the grading requirements and standards in the City's Land Development Manual and San Diego Stormwater Standards Manual would minimize contribution to erosion on- or off-site.

According to a Federal Emergency Management Agency (FEMA) flood insurance rate map, the site is not located within a floodplain. In addition, the site is not located downstream of a dam or within a dam inundation area based on our review of topographic maps. Therefore, the potential for flooding of the site is considered very low.

The project proposes brush management in compliance with the City's Brush Management Regulations to minimize wildland fire hazards through the implementation of prevention activities and programs. The project would be constructed to comply with the California Fire Code and SDMC requirements and would not expose people or structures to a significant risk of loss, injury, or death involving wildfire hazards.

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

The project site is a fully developed site, located in the Uptown Community Plan area— an urbanized community proximate to Downtown San Diego. Property to the north, east, and south of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the west of the project site. Maple Canyon is separated from the project site by sloping land that extends into Maple Canyon. The proposed project would result in grading the entire 0.81-acre project site, as well as 0.23-acre located off-site.

Vegetation on the project site is composed of 0.53 acres developed, 0.04 acres disturbed, 0.19 acres ornamental, and 0.02 acres non-native grassland. No native habitats occur on the project site; however, non-native grassland is identified as a Tier IIIB sensitive habitat and thus qualifies as ESL by the SDMC. Grading outside the current disturbed area encompasses a small area of southern slopes that extend into the project site from Maple Canyon, an urban canyon within the Uptown Community Plan area that is located to the south of the project site. Vegetation in the 0.23-acre off-site area is composed of

0.21-acre developed and 0.02-acre ornamental. No sensitive habitat occurs within the portion of the canyon that extends onto the project site.

Drainage from the project will result in lower runoff rates compared to the existing conditions (i.e., no impact downstream). Additionally, stormwater runoff from the project will be treated per City guidelines. The project meets the City hydromodification (retention) requirement by using a series of cisterns to retain stormwater and Modular Wetland systems to treat it, prior to being released to the street with flows that meet the City guidelines. Stormwater from the project will ultimately make its way into the City storm drain system and then get discharged into Maple Canyon through the existing (or recently improved) pipes. The project is not discharging stormwater directly to the canyon on or off the project site.

The project would not grade steep hillsides, and the existing landform would not be substantially modified. The project would predominantly be developed within the current footprint of existing buildings and associated improvements. A small amount of grading (0.23 acre) would occur outside the current disturbed area but not within steep hillsides.

Thus, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

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

The project site does not contain vernal pools or vernal pool habitat, thus the Vernal Pool Habitat Conservation Plan (VPHCP) does not apply. The project site is not within or adjacent to the City's Multiple Species Conservation Plan (MSCP) Subarea Multi Habitat Planning Area (MHPA). The nearest MHPA is located approximately 0.32 mile to the east, separated from the project site by urban development, including State Route 163. Thus, the MSCP Subarea Plan and the VPHCP are not applicable to the proposed development.

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

The project has been reviewed and found consistent with the Uptown Community Plan Update PEIR and the CCHS FEIR. The 15162 Evaluation prepared for the project determined that the development could result in impacts associated with noise and unknown subsurface historic and paleontological resources. As such, the project would be subject to applicable mitigation measures outlined in the PEIR Mitigation Framework for those environmental impacts. A Mitigation Monitoring and Reporting Program was prepared and will be implemented.

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

BE IT FURTHER RESOLVED that, the appeal of Citizens Committed to Preserving Maple Canyon is denied, the appeal of the Uptown Community Planning Group is granted and based on these findings adopted by the Planning Commission, NDP No. 3146496 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 3146496, a copy of which is attached hereto and made a part hereof.

Robin MacCartee
Development Project Manager
Development Services

Adopted on: September 28th, 2023.



THE CITY OF SAN DIEGO
M E M O R A N D U M

DATE: September 9, 2023

TO: Environmental/Project File
Development Services Department

FROM: Elizabeth Shearer-Nguyen, Program Manager
Development Services Department

SUBJECT: Quince Apartments (Project No. 1053621)
Updated California Environmental Quality Act – Section 15162 Evaluation

The Development Services Department (DSD) has completed an updated California Environmental Quality Act (CEQA) Section 15162 – Subsequent Environmental Impact Reports and Negative Declarations consistency evaluation for the proposed Quince Apartments Project. See 14 C.C.R. §15162. This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15162 would require preparation of additional CEQA review for the proposed Neighborhood Development Permit (NDP) for the Quince Apartments Project (project).

As outlined in the evaluation that follows, DSD has determined that the proposed project is consistent with the following environmental documents and their appendices, which were prepared prior to this Section 15162 Evaluation, and are hereby incorporated by reference:

1. Final Program Environmental Impact Report (PEIR) (SCH No. 2016061023) for the Uptown Community Plan Update (CPU; Project No. 380611) certified by the City Council on September 15, 2016.
2. Final Environmental Impact Report (SCH No. 2019060003) for Complete Communities: Housing Solutions and Mobility Choices (Complete Communities) certified by the City Council on November 17, 2020.

As used herein, the term “CPU PEIR” refers to the 2016 Uptown CPU PEIR and all addenda; and the term “Complete Communities FEIR” refers to the 2020 FEIR. The term “Complete Communities Program” refers to the Complete Communities: Housing Solutions (CCHS) and Complete Communities: Mobility Choices (CCMC) elements evaluated in the FEIR.

BACKGROUND

Uptown CPU PEIR

The Uptown Community Plan area consists of approximately 2,700 acres and lies just north of Downtown San Diego. It is bounded on the north by Mission Valley, on the east by Park Boulevard, and on the west and south by Old Town San Diego and Interstate 5. The Uptown community is located on a level mesa that is divided by numerous canyons and bordered by two major parks, Presidio and Balboa. The CPU area includes the neighborhoods of Mission Hills, Middletown, Hillcrest, the Medical Complex, University Heights, and Bankers Hill/Park West.

The Uptown Community Plan was originally adopted in 1988 and last amended in 2008. The 2016 Uptown CPU is consistent with and incorporates relevant policies from the 2008 City of San Diego General Plan, as well as provides a long-range, comprehensive policy framework for growth and development in the Uptown community. The Uptown CPU provides detailed policy direction to implement the General Plan with respect to the distribution and arrangement of land uses (public and private), the local street and transit network, the prioritization and provision of public facilities, community and site specific urban design guidelines, and recommendations to preserve and enhance natural open space and historic and cultural resources within the Uptown community.

Implementation of the CPU required adoption of the Uptown Community Plan, amendments to the General Plan to incorporate the CPU as a component of the General Plan Land Use Element, adoption of a Land Development Code (LDC) ordinance that would rezone the Planned District Ordinance (PDO) areas within the CPU area with Citywide zones within the LDC and repeal the existing Mid-City Communities PDO, the West Lewis Street PDO, and Interim Height Ordinance. The CPU also amended the mapped boundaries of the Uptown Community Plan Implementation Overlay Zone (CPIOZ) to include CPIOZ-Type A and CPIOZ-Type B areas that would limit building heights. A comprehensive update to the existing Impact Fee Study (IFS) (formerly known as the Public Facilities Financing Plan) was also part of the CPU adoption, resulting in a new IFS for the Uptown community.

The CPU PEIR concluded that the CPU would result in significant environmental impacts to Transportation and Circulation, Noise (Ambient Noise and Construction), Historical Resources (Built Environment and Historic Districts), and Paleontological Resources (Ministerial Projects). Mitigation measures were proposed in the PEIR to reduce project impacts to less than significant; however, impacts to Transportation and Circulation, Noise, Historical Resources, and Paleontological Resources were determined to be significant and unavoidable, as described below:

Significant but Mitigated Impacts

- Noise: Construction Noise (NOISE 6.6-1) [Direct (D)]
- Paleontological: Discretionary Projects (PALEO 6.10) (D)

Significant and Unavoidable Impacts

- Transportation Circulation: Intersections (TRANS 6.3-1 – TRANS 6.3-5.1) [Cumulative (C)]
- Transportation Circulation: Roadway Segments (TRANS 6.3-7 – TRANS 6.3-32) (C)
- Transportation Circulation: Freeway Segments (TRANS 6.3-33 – TRANS 6.3-38) (C)
- Transportation Circulation: Ramp Meters (TRANS 6.3-39) (C)

- Noise: Ambient Noise Due to Increase in Traffic (D/C)
- Noise: Vibration (NOISE 6.6-2) (D)
- Historical Resources: Built Environment (HIST 6.7-1) (D/C)
- Historical Resources: Prehistoric Archaeological Resources (HIST 6.7-2) (D/C)
- Paleontological Resources: Ministerial Projects (PALEO 6.10) (D)

Complete Communities PEIR

Complete Communities is a program established by the City with a focus on four key areas: housing, mobility, parks, and infrastructure. Complete Communities includes planning strategies that work together to create incentives to build homes near transit, provide more mobility choices and enhance opportunities for places to walk, bike, relax and play. These efforts ensure that all residents have access to the resources and opportunities necessary to improve the quality of their lives. The Communities FEIR evaluates the potential environmental effects of two elements: CCHS and CCMC.

CCHS allows additional square footage and building height, which would allow for additional units beyond what is otherwise allowed in the respective base zone, PDO, or Community Plan, for development projects that provide affordable housing and provide or contribute toward neighborhood-serving improvements. Existing height restrictions in the Coastal Zone in addition to height restrictions in proximity to airports would continue to apply. Additionally, projects that qualify for participation in the CCHS program could be approved through a ministerial process, with certain exceptions unless site-specific conditions warrant a discretionary approval. In exchange for additional density, building square footage and height, CCHS requires all projects to provide new community-serving infrastructure improvements through either payment into a Neighborhood Enhancement Fund or by accommodating a public promenade that meets specified standards including minimum street frontage requirements.

The purpose of CCMC is to implement Senate Bill (SB) 743 by ensuring that new development mitigates transportation impacts based on vehicle miles traveled (VMT) to the extent feasible, while incentivizing development within the City's transit priority areas (TPAs) and urban areas. CCMC creates Mobility Zones (Mobility Zones 1, 2, 3, and 4), with Mobility Zones 1, 2, and 3 applying to the urban areas and Mobility Zone 4 applying to more suburban areas outside of the urban core. The CCMC program supports investments in active transportation and transit infrastructure – in the areas where that infrastructure is needed most – where the most reductions in overall vehicle miles traveled and greenhouse gas emissions reductions can be realized. The CCMC program applies citywide to any new development for which a building permit is issued ,except for:

- Residential development with 10 or fewer dwelling units; or
- Any non-residential development less than 10,000 square feet gross floor area; or
- Residential development that includes at least 20 percent affordable housing as defined in San Diego Municipal Code (SDMC) Section 143.0730 for the provision of amenities requirement; or
- Public projects; or
- Development within one-quarter mile of existing passenger rail; or
- Development located in Downtown.

For development within Mobility Zone 4, payment of a Mobility Choices Fee is required. The Mobility Choices Fee would be used to fund active transportation and VMT reducing infrastructure projects in Mobility Zone 1, 2, and 3. Consistent with SB 743's mandate to reduce VMT, the Mobility Choices Fee would be used in areas that have the greatest capacity to realize VMT reductions within the City. Deed restricted affordable housing within Mobility Zone 4 that meets specified criteria would be exempt from payment of the Mobility Choices Fee.

The Complete Communities FEIR concluded that development as a result of CCHS and CCMC could result in significant impacts related to the following issues (type of impact shown in parentheses):

Significant and Unavoidable Impacts

- Air Quality: Conflicts with Air Quality Plans [Direct (D)]
- Air Quality: Air Quality Standards [D/Cumulative (C)]
- Air Quality: Sensitive Receptors (D)
- Biological Resources: Sensitive Species (Discretionary Projects) (D/C)
- Biological Resources: Sensitive Habitats (Discretionary Projects) (D/C)
- Biological Resources: Wetlands (Discretionary Projects) (D/C)
- Historical Resources: Built Environment (D/C)
- Historical Resources: Prehistoric Archaeological Resources (D/C)
- Historical Resources: Tribal Cultural Resources (D/C)
- Hydrology and Water Quality: Flooding and Drainage Patterns (D/C)
- Noise: Ambient Noise Levels (D/C)
- Noise: Groundborne Vibrations (D/C)
- Public Services and Facilities: Public Facilities (D/C)
- Public Services and Facilities: Public Parks (D/C)
- Public Services and Facilities: Recreational Facilities (D/C)
- Transportation: VMT (D/C)
- Public Utilities and Infrastructure: Water Supply (D/C)
- Public Utilities and Infrastructure: Utility Infrastructure (D/C)
- Wildfire: Wildland Fires (D/C)
- Wildfire: Pollutant Concentrations from Wildfire: (D/C)
- Wildfire: Infrastructure: (D/C)
- Wildfire: Flooding or Landslides: (D)
- Visual Effects and Neighborhood Character: Scenic Vistas/Viewsheds (D)
- Visual Effects and Neighborhood Character: Neighborhood Character (D/C)
- Visual Effects and Neighborhood Character: Landmark Trees (D/C)
- Visual Effects and Neighborhood Character: Landform Alteration (D)

PROJECT DESCRIPTION

The Quince Apartments Project (project) proposes demolition of five existing commercial buildings and surface parking lots and one underground parking garage and construction of an in-fill mixed-use project, together with off-site utility work and sidewalks. The project would include 262 multi-family units (in studio, one-bedroom, two-bedroom, and three-bedroom configurations) in an "L" shaped building configuration, with building heights stepping up from six stories to 17 stories. In

accordance with the CCHS Regulations (SDMC Section 143.1001 et seq.), 40 percent of the base density (22 units) would be provided as affordable units at a range of affordability. Commercial (retail and/or restaurant) space totaling approximately 5,631 square feet would be located on the ground level of the building. The project would include a backup generator, located in the southeast corner of the project, and a fire pump on the third level of the parking garage. Resident amenities would include indoor and outdoor amenity spaces on Level 2 (spa, co-working space, and gym), Level 10 (pool, pool deck, BBQ deck, community kitchen, and dining area), and Level 11 (pool, pool deck, and reception). The project would also include a large ground-floor plaza that offers opportunities for residents and neighbors to interact and allows views into Maple Canyon. Access to the project site would be from Third Avenue. Figure 2, *Site Plan*, shows the proposed project site plan.

The project Landscape Plan, which follows the guidelines and design recommendations of the Uptown Community Plan, the City's Landscape Guidelines, and SDMC requirements, includes a mix of low water use and climate appropriate plants that are well-adapted to the City's climate. The ground level would feature street trees that provide pedestrian scale, background trees relating to and enhancing the architecture, and a shrub cover and ground cover palette. Street trees along Third Avenue would include Chinese elm, flame trees, and coastal live oak. Street trees along Spruce Street would feature fruitless olive trees, and street trees along Fourth Avenue would include Chinese elm. Landscaping throughout the project site would also include accent trees, shrubs, and vines.

Parking for the project would be provided in four levels of underground parking. The residential component of the project is required to provide a minimum of zero automobile parking spaces, 26 motorcycle parking spaces, and 112 bicycle storage parking spaces. The commercial component of the project is required to provide a minimum of zero automobile parking spaces, two motorcycle parking spaces, two short-term bicycle parking spaces, and one long-term bicycle parking space (locker). The project would provide a total of 266 automobile parking spaces (including 246 standard stalls, six accessible stalls, one van accessible stall, and 13 tandem stalls), 29 motorcycle parking spaces, 128 bicycle storage parking spaces, and four short term and two long term bicycle spaces (lockers) for the commercial component of the project. All automobile parking stalls are for use of the residents only; no commercial automobile parking would be provided. The project proposes that 27 of the parking spaces would have ready-to-use electric vehicle (EV) charging capability. Infrastructure for an additional 173 would be installed for future installation of ready-to-use EV charging capability. Therefore, the project meets all parking requirements.

Pursuant to SDMC Section 142.0528(d), all multiple family dwelling unit residential development within any portion of a TPA shall provide Transportation Amenities in accordance with a development's calculated Transportation Amenity Score. Based on Section 142.0528(d) of the SDMC, the project is required to provide four points of Transportation Amenities. The project would provide a co-working space worth two points and a bike repair station worth two points. Therefore, the project meets the Transportation Amenities requirement.

Earthwork for the project would result in approximately 45,900 cubic yards of cut and no fill. Approximately 45,900 cubic yards would be exported to other construction sites or disposed of at landfills.

Complete Communities Requirements

The project would be processed in accordance with the CCHS and CCMC Regulations. Relative to CCHS, the project requires a NDP because the proposed structure exceeds the height limit of the underlying zones [SDMC Section 143.1025(c)(1)]. The project would also be consistent with the applicable development standards of the underlying CC-3-8 and RM-3-7 zones.

The project would also implement development regulations for CCMC. According to SDMC Section 143.1103, the project is located in Mobility Zone 2, which means it is located either partially or entirely within a TPA. SDMC Section 143.1102(b) states that all development located within Mobility Zone 2 is required to provide VMT Reduction Measures totaling at least five points. The residential portion is exempt from this regulation as it provides Transportation Amenities as stated above. However, the commercial component of the project is required to provide a minimum of five points of VMT Reduction measures per the ordinance. The project would provide the following VMT Reduction Measures:

- On-site bicycle repair station. (1.5 points)
- Short-term bicycle parking spaces that are available to the public, at least 10 percent beyond minimum requirements (two required/four provided by project) (4 points).

Therefore, the project meets the CCMC Requirements.

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the proposed project and conducted a 15162 consistency evaluation with the previously certified PEIR. The following evaluation substantiates the conclusion that supports a determination that no subsequent environmental document is required.

LAND USE

CPU PEIR Summary

Consistency with Adopted Environmental or Land Use Plans, Policies, and Regulations

The CPU PEIR found that the CPU would be consistent with the General Plan and the City of Villages strategy, and that associated development would be consistent with applicable environmental goals, objectives, and guidelines of the General Plan and other applicable plans and regulations. The CPU's siting of mixed uses in proximity to each other, the provision of enhanced pedestrian corridors and bicycle amenities, and the planned changes to the street network would additionally serve to foster community connectivity rather than create division. Community connectivity would be enhanced by provisions in the CPU that improve pedestrian and transit amenities. The CPU and associated development would not convert open space or prime farmland and would not physically divide an established community.

The CPU PEIR determined that the highly urbanized Community Plan area lies within the City's Multiple Species Conservation Program (MSCP) Subarea Plan and contains Multi-Habitat Planning Area (MHPA) in the northern portion of the project area. Because the CPU area contains MHPA lands, the Environmentally Sensitive Lands (ESL) Regulations limit development encroachment into sensitive biological resources. As concluded in the CPU PEIR, the CPU project would be consistent with the MSCP Subarea Plan. The CPU was found to be consistent with the MSCP and did not have significant impacts on the MHPA.

Relative to noise, the CPU PEIR determine that impacts to existing noise sensitive land uses due to the increase in ambient noise levels associated with build-out of the proposed Uptown CPU and associated discretionary actions would remain significant and unavoidable, because there is no mechanism or funded program in place to provide noise attenuation at existing structures that would be exposed to ambient noise increases. Additionally, the CPU PEIR found that there are no feasible mitigation measures to reduce impacts from ambient noise level increases associated with future ministerial development within the Uptown CPU area; thus, ambient noise impacts associated with future ministerial projects would remain significant and unavoidable. Similarly, impacts associated with future ministerial projects exposed to vehicular traffic noise levels in excess of the compatibility levels established in the General Plan Noise Element, based on future (2035) noise contours would be significant and unavoidable. Regarding vibration impacts during construction, pile driving within 95 feet of existing structures has the potential to result in a potentially significant impact. Because it could not be determined at the program-level analysis conducted for the PEIR whether mitigation measures would be adequate to minimize vibration levels to less than significant, construction related vibration impacts were considered significant and unavoidable.

The CPU PEIR found the CPU to be consistent with the adopted Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport (SDIA). Both the General Plan and the SDMC provide policies for land use compatibility with ALUCPs that would be implemented for future development. The CPU required all future development proposals to demonstrate consistency with the adopted ALUCP. Land Use impacts were found to be less than significant.

Complete Communities FEIR Summary

Consistency with Adopted Environmental or Land Use Plans, Policies, and Regulations

CCHS and CCMC Regulations are consistent with the City's overarching policy and regulatory documents including the General Plan and SDMC. The Complete Communities FEIR analyzed compliance with San Diego Forward: The Regional Plan and determined that the CCHS and CCMC Regulations facilitate the implementation of existing land use plans across multiple planning areas throughout the City consistent with the goals of the Regional Plan. Therefore, the adoption and implementation of the proposed project would not generate any conflict with smart growth strategies. The Complete Communities FEIR also analyzed compliance with the City's General Plan and found that the Complete Communities Program would allow multi-family development with an affordable component to occur with TPAs at densities and heights beyond what is specifically identified in the applicable community plan. Thus, the Complete Communities Program implements the General Plan City of Villages strategy, by allowing increased densities for multi-family residential development to occur in TPAs. Therefore, the Complete Communities FEIR is consistent with

applicable goals objectives, or guidelines of the General Plan and other applicable plans and regulations and impacts would be less than significant.

The Complete Communities FEIR concluded that the project areas do not contain land designated as Prime Farmland. The Complete Communities Program does not include the development or redesignation of open space; therefore, there would be no impacts associated with the development or conversion of General Plan- or community plan-designated Open Space or Prime Farmland, and the impacts would, therefore, be less than significant.

The Complete Communities FEIR concluded that areas located within MHPA and VPHCP preserve lands would be subject to the ESL Regulations which would ensure no conflicts would occur in relation to the MSCP Subarea Plan or VPHCP. Additionally, development adjacent to MHPA and VPHCP preserve lands would be subject to the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and Avoidance and Minimization Measures VPHCP Section 5.2.1. Thus, impacts related to conflicts with the MSCP Subarea Plan and VPHCP would be less than significant.

The Complete Communities FEIR determined that Implementation of the Complete Communities Program would not result in impacts associated with existing ALUCPs, because future development would continue to be limited by airport land use compatibility policies and regulations. Until the policies of the SDIA and Naval Outlying Landing Field (NOLF) Imperial Beach ALUCPs are incorporated into the City's Airport Land Use Compatibility Zone (ALUCOZ), future multi-family development within TPAs located within SDIA or Naval Outlying Field (NOLF) Imperial Beach Airport Influence Area (AIA) Review Area 1 would be subject to ALUC review of the development's consistency with ALUCP policies for all compatibility factors; projects within AIA Review Area 2 for these airports will be subject to review against overflight and airspace protection policies and may require Federal Aviation Administration (FAA) notification (if the proposed development project's maximum height exceeds the FAA's Part 77 Notification Surface) and/or recordation of an avigation easement and/or overflight notification; and projects within AIA Review Area 1 for SDIA will also be subject to the City's Airport Approach Overlay Zone and Airport Environs Overlay Zone, which provides supplemental regulations for property surrounding SDIA. After incorporation of the policies of the SDIA and NOLF Imperial Beach ALUCPs into the ALUCOZ, development allowed by the Complete Communities Program would be subject to the requirements of the ALUCOZ.

Project Summary

The project would be processed in accordance with the CCHS Regulations and under the applicable development standards of the underlying CC-3-8 and RM-3-7 zones. The project proposes the construction of 262 multi-family dwelling units and 5,631 square feet of commercial space, with building heights stepping up from six stories to 17 stories. In accordance with CCHS, 40 percent of the base density (22 units) would be provided as affordable units at a range of affordability.

The project would be consistent with the General Plan and City of Villages Strategy by including a variety of multifamily housing unit configurations, including 22 affordable units, and is located in a Parking Standards TPA within walking distance to a bus stop. The project would also be consistent with the Uptown Community Plan policies in that the project atrium design recognizes the value of Maple Canyon, proposes multi-family residential and commercial (retail and/or restaurant) uses that

provide much needed housing in a variety of types for the community, as well as access to neighborhood serving commercial uses, and integrates semi-public outdoor spaces with the incorporation of an atrium programmed with seating and landscaping to support pedestrian activity and community interaction. Because the project utilizes Complete Communities, the proposed development complies with the Community Plan land use designation and zoning, as the CCHS Regulations provide a waiver of the maximum permitted residential density of the land use designation, with density limited by the allowable floor area ratio (FAR) of Complete Communities [SDMC Section 143.1010 (b)].

The project site lies within CCHS FAR Tiers 2 and 3. Per SDMC Section 143.1011(b)(2), FAR Tier 2 means any premises where any portion of the premises (emphasis added) is located in a regional or subregional employment area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a TPA that is located in a community planning area within Mobility Zone 3 as defined in SDMC Section 143.1103(a)(3). Premises is defined in SDMC Section 113.0103 as an “area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.”

Complete Communities also states:

The regulations in this Division may be utilized to add gross floor area to an existing development through the construction of additional dwelling units. The additional gross floor area allowed shall be determined as follows:

- (1) The additional gross floor area is determined by multiplying the remaining lot area (excluding existing landscaping, open space amenities, and sidewalks) by the applicable floor area ratio in Section 143.1010(a). The remaining lot area is the difference between the lot coverage of the existing development and the lot area.
- (2) The minimum number of dwelling units is determined by multiplying the maximum number of dwelling units that could be constructed on the remaining lot area by 0.80.
 - (A) For this calculation, the maximum number of pre-density bonus dwelling units that could be constructed on the remaining lot area is calculated by dividing the remaining lot area by the maximum permitted density under the base zone.
 - (B) If the number calculated for the minimum number of dwelling units exceeds a whole number by more than 0.50, the minimum number of dwelling units shall be rounded up to the next whole number. (SDMC § 143.1002(c).)

Under the above, because a portion of the premises is within FAR 2, the premises as a whole lies within FAR Tier 2. Thus, the whole of the project site is subject to an FAR of 8.0.

The eastern and southern lots of the project site are located within CPIOZ Type A – Building Heights – of the Uptown Community Plan. Specifically, these lots are within the Maximum Building Height – 65 feet designated area. Per SDMC Section 143.1010(d)(3), the requirement to obtain a Site Development Permit due to a site’s location within the CPIOZ is waived with implementation of the CCHS Regulations. The project proposes a building height over 95 feet, which requires a NDP per SDMC Section 143.1025(c).

According to SDMC Section 143.1103, the project is located in Mobility Zone 2, which means it is located either partially or entirely within a TPA, as explained above. SDMC Section 143.1102(b) states that all development located within Mobility Zone 2 is required to provide VMT Reduction Measures totaling at least five points except under certain circumstances including multi-family residential development in a TPA that provides the transportation amenities required by SDMC Section 142.0528. The project would provide the transportation amenities required by Section 142.0528, including coworking space and a bicycle repair station. Therefore, no additional VMT reduction measures are required for the residential and commercial components of the project.

The project site is in a fully built-out urban community that does not contain any open space or prime farmland. The project would not impact sensitive biological resources (Appendix C). The project site is not within or adjacent to the MHPA. The nearest MHPA is located approximately 0.32 mile to the east separated from the project site by urban development, including State Route 163 (SR 163), and would not be directly impacted. Impacts would be less than significant, and no mitigation is required.

The future noise environment affecting the project would be a result of vehicular traffic on Third Avenue, Fourth Avenue, and Spruce Street. Future exterior roadway noise levels at the proposed building would range from below 60 A-weighted decibel (dBA) Community Noise Equivalent Level (CNEL) at the south façade to approximately 70 dBA CNEL at the northeast façade corner. There are various common open space areas in the project: the ground-floor entry atrium facing Spruce Street and Fourth Avenue; the pools and pool decks located on Level 10 and 11; and private patios facing Third Avenue and Fourth Avenue on all levels. Noise levels at the outdoor use areas would be approximately 65 dBA CNEL at the ground-floor courtyard, and below 65 dBA CNEL at all other areas (Appendix O). The impact of traffic noise affecting the outdoor use areas of the project site would be less than significant. No mitigation is required.

The project site is approximately two miles northeast of the San Diego International Airport (SDIA) and is located within Review Area 2 of the SDIA AIA, as well as within the Airspace Protection Boundary, the Overflight Area Boundary, and the FAA Part 77 Noticing Area. The project is located approximately six miles northeast of Naval Air Station (NAS) North Island. The project site is within the AIA and Airspace Protection Boundary for NAS North Island, which is approximately six miles southwest of the project site. The project received Determination of No Hazard to Air Navigation from the FAA stating that the project would have no substantial adverse effect to air navigation (Appendix G). Implementation of the project would not result in a safety hazard for people working in the project area, nor would it affect aircraft operations at SDIA or NAS North Island. Relative to the Overflight Area Boundary, overflight notification is required for new residential development within the overflight area boundary; overflight notification would be included in a new resident information package. Therefore, no land use inconsistency relative to the Airport Land Use Compatibility Plan (ALUCP) for SDIA or the ALUCP for NAS North Island would result from implementation of the project. Impacts would be less than significant, and no mitigation would be required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince

Apartments Project would not result in any new significant Land Use impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

VISUAL EFFECT AND NEIGHBORHOOD CHARACTER

CPU PEIR Summary

Public Views

The CPU identifies public view corridors in three primary categories: views looking to the north and west over Mission Valley and to Mission Bay, views looking to the west and south toward San Diego Bay, and views looking east to Balboa Park. Urban Design Element policies would protect against view obstructions to Balboa Park from public vantage points and would provide design criteria for development along canyons that would protect available canyon views from surrounding roadways. Policies of the Conservation Element would provide protection for public views from identified public vantage points such as public right-of-ways, parks, and landmarks. Implementation of the CPU and associated development would not result in substantial alteration or blockage of public views from critical public view corridors, designated open space areas, public roads, or public parks; new development within the community would take place within the constraints of the existing urban framework and development pattern, thereby not impacting public view corridors and viewsheds along public rights-of-way. Therefore, public view impacts would be less than significant, and no mitigation would be required.

An Officially Designated State Scenic Highway runs through the Uptown community for a one-mile stretch of SR 163, between the north and south boundaries of Balboa Park. No impacts to Officially Designated State Scenic Highway SR 163 would occur due to the topography and location of the freeway, which is set below the mesa tops where future development could occur. Additionally, Balboa Park provides separation from future development areas, precluding structures from impeding on views to SR 163. Impacts would be less than significant, and no mitigation would be required.

Neighborhood Character

The land use and development design guidelines and policies included in the CPU are intended to ensure that development within the Community Plan area would not result in architecture, urban design, landscaping, or landforms that would negatively affect the visual quality of the area, or strongly contrast with the surrounding development or natural topography through excessive bulk, signage, or architectural projection. Future development projects would be undertaken in accordance with the City's General Plan and LDC, in addition to CPU policies. The CPU includes Urban Design Element policies intended to direct future development in a manner that ensures that the physical attributes of the Uptown community will be retained and enhanced by a design that responds to the community's particular context while acknowledging the potential for growth and change. Additionally, the CPU Urban Design Element includes Design Guidelines by Building Type that would address building height, further protecting public view corridors and regulating the bulk and scale of development. With the implementation of the Urban Design Element policies, zoning, and LDC regulations, new development would be consistent with the existing neighborhood

character. Thus, impacts related to substantial alterations to the existing or planned character of the area were found to be less than significant in the CPU PEIR.

Landmark Trees

The CPU identifies one tree within its Conservation, Cultural and Heritage Resources section as a historical resource. This tree is identified as the Florence Hotel Tree, located approximately one mile south of the project site on Grape Street between Third Avenue and Fourth Avenue. There are protective measures for the existing Florence Hotel Moreton Bay fig, and the implementation of the CPU would prevent the loss of existing mature trees except as required because of tree health or public safety. The implementation of the CPU and associated development would not result in the loss of any distinctive or landmark trees, or any stand of mature trees; therefore, the CPU PEIR determined that no significant impacts would result.

Landform Alteration

The implementation of the CPU and associated development were determined to result in less than significant impacts related to landform alteration based on implementation of CPU polices that require building form to be sensitive to topography and slopes, and existing protections for steep slopes (ESL) and grading regulations within the LDC.

Light and Glare

Future development implemented in accordance with the CPU and associated development would necessitate the use of additional light fixtures and may contribute to existing conditions of light and glare. New light sources may include residential and non-residential interior and exterior lighting, parking lot lighting, commercial signage lighting, and lamps for streetscape and public recreational areas. Impacts related to lighting and glare would be less than significant due to future project's compliance with urban design policies in the CPU and lighting and glare regulations in the LDC. Therefore, impacts associated with light and glare were found to be less than significant and no mitigation was required.

Complete Communities FEIR Summary

Public Views

The Complete Communities FEIR determined that the Complete Communities Program would apply citywide within TPAs in zones that allow multi-family housing. In exchange for new development that provides affordable housing units and neighborhood-serving infrastructure improvements, the Complete Communities Program would allow additional building square footage and height beyond what is otherwise allowed in the base zone, PDO, or applicable Community Plan. Height incentives would only apply outside the City's Coastal Zone. Within the Coastal Zone, the existing 30-foot height limit would continue to apply, which would limit the maximum height and densities that could be accommodated in coastal areas. Within the Coastal Zone, the existing 30-foot height limit would continue to apply, which would limit the maximum densities that could be accommodated in coastal areas and reduce the potential for adverse impacts to neighborhood character that could result from structure heights that are greater than what currently exists. Within the Coastal Zone, FAR incentives would still apply; however, the ability to achieve the highest FAR would be limited by the 30-foot height limit. While the 30-foot height limit would restrict building square footage, the FAR

incentives within the Coastal Zone could result in development that is inconsistent with the existing neighborhood character. Outside of the Coastal Zone, height restrictions related to development in proximity to airports would continue to apply which could limit the height and intensity of development that could occur within areas proximate to airports. Furthermore, market and construction factors could contribute to height limitations.

Transportation infrastructure improvements associated with the CCMC Regulations would have a less than significant impact related to scenic vistas or views. Development associated with the CCHS Regulations located outside of the Coastal Zone could adversely impact public scenic vistas or views due to height incentives that would allow for structure height in excess of existing base zone, PDO, or applicable Community Plan. Thus, at this programmatic level of review, and without project-specific development plans, impacts associated with scenic vistas and viewsheds would be significant and unavoidable.

Neighborhood Character

Under the Complete Communities Program, development of a certain size would be required to provide public amenities. Future development would also be required to incorporate design features that enhance neighborhood character and minimize adverse impacts associated with increased bulk, scale, and height. Building materials, style, and architectural features would be reviewed to ensure the character of development meets required development standards.

Development would also be required to adhere to the City's landscape regulations which would support neighborhood compatibility. Nevertheless, implementation of the Complete Communities Program could result in development at densities and heights that could substantially alter the existing neighborhood character. While the Complete Communities Program is intended to create a more vibrant, pedestrian-oriented community with transit supportive development, implementation of the proposed ordinance could result in a substantial change to the existing character within the project areas. Thus, at this programmatic level of review, impacts associated with neighborhood character would be significant and unavoidable.

Landmark Trees

While the City has policies related to tree preservation in place that are intended to preserve distinctive, landmark, and mature trees to the extent practicable, it is possible that future development could nonetheless adversely impact such trees. At the programmatic level of review conducted for the Complete Communities FEIR and without project-specific development plans, impacts associated with the loss of any distinctive or landmark trees or any stand of mature trees would be significant and unavoidable.

Landform Alteration

The Complete Communities FEIR concluded that development associated with CCHS could result in changes to existing landforms depending on the constraints and slope associated with a particular project site. While existing canyons and slopes throughout the project areas are largely protected from development due to their status as MHPA, the project sites could contain steep slopes or other topographical features that could be impacted by development. The ESL regulations would protect steep hillsides (defined as hillsides at least 50 feet deep with a slope of 25 percent or greater).

Should a proposed project include impacts to steep hillsides, the project would require a Site Development Permit, which would trigger subsequent environmental review, in order to address potential impacts to ESL protected slopes. Transportation infrastructure resulting from implementation of the CCMC Regulations is not anticipated to result in changes to the existing landform because improvements are anticipated to occur within public rights-of-way, and/or along existing developed streets. Due to the developed nature of such areas, landform alteration is not anticipated.

While existing protections are in place to preserve the City's canyons and steep slopes, specific development proposals and grading quantities were not known at the time analysis of impacts associated the Complete Communities was conducted. It is possible that future development under the Complete Communities Program could result in substantial landform alteration. Even with future discretionary review for projects that impact ESL-defined steep slopes, impacts could be significant. Therefore, the Complete Communities FEIR determined the program would result in significant and unavoidable landform alteration impacts.

Light and Glare

Sources of light within the project areas where Complete Communities would be applied include those typical of an urban community, such as building lighting for residential and commercial land uses, roadway infrastructure lighting, and signage. Future development associated with the Complete Communities Program would introduce new residential interior and exterior lighting, parking lot lighting, commercial signage lighting, and lamps for streetscape and public recreational areas. Transportation infrastructure associated with the CCMC Regulations could also include additional roadway lighting within or along public rights-of-way. Future development would be required to comply with the applicable outdoor lighting regulations of SDMC Section 142.0740 et seq., which would require development to minimize negative impacts from light pollution including light trespass, glare, and urban sky glow. Compliance with these regulations would preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination. New outdoor lighting fixtures must minimize light trespass in accordance with the California Green Building Standards Code (CAL Green), where applicable, or otherwise shall direct, shield, and control light to keep it from falling onto surrounding properties.

Future development associated with the Complete Communities Program would also be required to comply with SDMC Section 142.0730 to limit the amount of reflective material on the exterior of a building that has a light reflectivity factor greater than 30 percent to a maximum of 50 percent. Additionally, per SDMC Section 142.0730(b), reflective building materials are not permitted where it is determined that their use would contribute to potential traffic hazards, diminish the quality of riparian habitat, or reduce enjoyment of public open space. Therefore, through regulatory compliance, the proposed project would not create substantial light or glare that would adversely affect daytime or nighttime views in the area, and impacts would be less than significant.

Project Summary

Public Views

The project site is not located within or adjacent to a designated scenic vista or view corridor that is identified in the Uptown Community Plan. Therefore, the project would not have a substantial adverse effect on a scenic vista or public view corridor. No impact would result.

Neighborhood Character

The project site is currently developed with five commercial buildings and parking. The project would develop 262 multi-family dwelling units and 5,631 square feet of commercial (retail and/or restaurant) uses, with building heights stepping up from six stories to 17 stories. The project would be processed in accordance with the CCHS Regulations and under the applicable development standards of the existing CC-3-8 and RM-3-7 zones. As such, the project would not require an amendment to the Uptown Community Plan or a Rezone.

The project as proposed and designed is consistent with the applicable principles, goals, and policies of the Uptown Community Plan. The project will minimize impacts to Maple Canyon by providing a design that steps back the development from the canyon edge so that the project would meet conservation goals by managing runoff along with the revegetating a portion of the canyon with appropriate habitat. Project design adds to an urban form that respects neighborhood context by promoting sustainability and providing transitions between existing and infill development, specifically at the Alicante building to the south of the site. In addition to taking Maple Canyon into account with project design, the project's mix of units and uses, as well as amenities, supports multi-modal transportation and transit use with an enhanced pedestrian streetscape, complete with old growth fruitless olive thematic street trees, and bicycle/e-bicycle supportive amenities, such as in-unit and secured bicycle parking, e-bike charging, and available e-bike fleet.

The project includes a Landscape Plan that follows the guidelines and design recommendations of the Uptown Community Plan, City Landscape Guidelines and SDMC requirements. The Landscape Plan utilizes ground level street trees such as Chinese elm, flame tree, and coastal live oak, providing pedestrian scale: background trees, such as velvet elephant ear and pineapple guava, relating to and enhancing the architecture; and a simple shrub and ground cover palette. The amenity spaces are designed with simple modern forms and quality materials. The project would not result in a negative effect on the visual quality of the area.

Surrounding uses include single- and multi-family residences to the west, commercial uses to the north, commercial and residential uses to the east, and residential and open space (Maple Canyon) to the south. The single and multi-family residential development surrounding the project site range from one to approximately 13 stories. The commercial uses to the north and east range from one to three stories in height. The project would develop at a height that is greater than the immediate surrounding development but not out of character for multi-family residential buildings in the Bankers Hill/Park West neighborhood of the Uptown community, which is punctuated at regular intervals by high-rise development, including Alicante apartments which is 13 stories in height and located at Fourth Avenue and Redwood Street and Broadstone Balboa Park at eight stories in height, located at Fourth Avenue and Thorn Street. The project would develop residential and commercial

uses (restaurant and/or retail), which are already present in the surrounding area. As such, impacts would be less than significant, and no mitigation measures are required.

Landmark Trees

The project is an infill project in an urban location and would not result in the loss of any distinctive or landmark trees. The project would remove approximately 29 existing trees located on the project site and proposes 47 trees within the property, which would result in a total net gain of 17 trees. Impacts would be less than significant, and no mitigation is required.

Landform Alteration

The developable portion of the project site is nearly level, and proposed grading would not result in a substantial change to the existing landform. The project includes a Preliminary Grading Plan that would require 45,900 cubic yards of cut and no cubic yards of fill. The project would predominantly be developed within the current footprint of existing buildings and associated improvements and would not occur within steep hillsides or within Maple Canyon. Grading outside the current disturbed area encompasses a small area of southern slopes that extends into the project site from Maple Canyon. Adjacent canyon land to the south would not be affected by project development. The project would include grading, but would not modify the topography in a manner that would result in a significant landform alteration impact. Impacts would be less than significant, and no mitigation is required.

Light and Glare

The project is a mixed-use development that would introduce additional lighting and may contribute to an increase in light in the project area. Additional glare would be minimized by the variety of materials used on the façade and building structure. The project would also comply with the urban design policies of the CPU and in the regulations of the LDC related to light and glare. Impacts would be less than significant, and no mitigation is required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant Visual Effect and Neighborhood Character impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR occur and the Complete Communities FEIR.

TRANSPORTATION/CIRCULATION

CPU PEIR Summary

Projected Traffic

The CPU and associated development were determined to be consistent with adopted policies, plans, and programs supporting alternative transportation. Additionally, the CPU included policies that support improvements to pedestrian, bicycle, and transit facilities.

The CPU would result in significant cumulative impacts at a total of six intersections, 52 road segments, 18 freeway segments, and three ramp meters. The Traffic Impact Study for the CPU identified improvements that would mitigate or reduce roadway segment and intersection impacts. The improvements that were ultimately recommended as part of the CPU are included in the Uptown IFS. However, in most cases, the improvements that would mitigate or reduce vehicular impacts were not recommended as part of the CPU in order to maintain consistency with the overall mobility vision and other proposed CPU policies. The CPU PEIR also states that, at the project-level, significant impacts at locations outside of the jurisdiction of the City could be partially mitigated in the form of transportation demand management (TDM) measures that encourage carpooling and other alternative means of transportation consistent with CPU policies.

The CPU PEIR identified mitigation measures as part of a Mitigation Framework that would reduce impacts to less than significant at many of the intersections and roadway segments; however, only certain measures were included within the CPU and IFS. There was no funding mechanism for the remaining measures not included within the IFS. Additionally, implementation of the roadway segment and intersection measures not included within the IFS would be inconsistent with the mobility goals of the CPU.

The CPU PEIR determined that freeway ramp meter impacts would be significant and unavoidable because the City does not have approval authority over freeways and there is uncertainty as to the timing of implementation of improvements and whether they will occur prior to the occurrence of impacts. Additionally, none of the impacted ramp meters were included in the San Diego Association of Government's (SANDAG's) San Diego Forward: The Regional Plan (October 2015), in place at the time the CPU was prepared. Thus, the CPU PEIR concluded that fair share funding for the impacted ramps would be infeasible at the time the CPU was prepared.

Mitigation measures were identified for impacts to freeways; however, because freeway improvements are not within the authority of the City, they were infeasible and were not proposed as part of the CPU. The improvements identified in the 2015 Regional Plan would improve operations along the freeway segments and ramps; however, to what extent was still undetermined at the time the CPU PEIR was certified, as these are future improvements that must be defined more over time. The City continues to coordinate with the California Department of Transportation (Caltrans) and SANDAG on future improvements, as future project-level developments proceed, to develop potential "fair share" multi-modal mitigation strategies for freeway impacts, as appropriate.

Due to the programmatic nature of the CPU and associated development, the CPU PEIR determined there was uncertainty as to the specific phasing of development including actual design and specific location of future projects, and thus, the timing of the proposed mitigation improvements. The design of these mitigation improvements applies to build-out of the CPU, and the effectiveness at the project-level is not known. Future development projects' transportation studies would be able to more accurately identify potential transportation impacts and provide the appropriate mechanism to address project-specific mitigation, if needed, including, but not limited to, physical improvements, fair share contribution, or transportation demand management measures, or a combination of these measures. Due to the unknown nature of future project, impacts, and mitigation for those impacts, impacts to intersections and roadway segments were determined to

be significant and unavoidable. Likewise, impacts to Caltrans facilities (freeway segments and ramps) would remain significant and unavoidable because the City cannot ensure that the mitigation necessary to avoid or reduce the impacts to a level below significance would be implemented prior to occurrence of the impact.

Alternative Transportation

The CPU PEIR concluded that the CPU would be consistent with adopted policies, plans, or programs supporting alternative transportation. Additionally, the CPU includes policies that support improvements to pedestrian, bicycle, and transit facilities. Impacts would be less than significant.

Complete Communities FEIR Summary

Projected Traffic

Since certification of the CPU PEIR, California enacted SB 743 to modernize transportation analysis and transition lead agencies from analyzing traffic impacts under CEQA from a congestion-based level of service (LOS) threshold to a VMT threshold designed to assist the state in meeting its greenhouse gas emissions targets. SB 743, as codified in Public Resources Code Section 21099(b), provides that upon certification of the new VMT CEQA Guidelines by the Secretary of Natural Resources Agency in December 2018, automobile delay, as described *solely* by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment, except for transportation projects.

The Complete Communities FEIR updated CEQA significance thresholds by utilizing VMT analysis, as directed by SB 743. The Complete Communities FEIR concludes that development in areas with VMT at or below 85 percent of the base year regional average would have less than significant impacts. Future development of similar types would be expected to have similar levels of VMT to the existing development in that area. Impacts in less efficient VMT per capita areas (greater than 85 percent of the regional average) would remain significant and unavoidable. Although development under the Housing Solutions Regulations combined with improvements resulting from the Mobility Choices Regulations are anticipated to result in the implementation of infrastructure improvements that could result in reductions in per capita VMT, at a program level, it cannot be determined whether those improvements would sufficiently reduce potentially significant VMT impacts to below the threshold of significance. VMT impacts associated with development under the Housing Program located in less efficient VMT areas would be significant and unavoidable.

Alternative Transportation

The Complete Communities FEIR concluded that, overall, the Complete Communities Program would support improved pedestrian, bicycle, and transit facilities and foster increased safety for all alternative modes by facilitating the development of high-density multi-family residential land uses close to existing transit areas. Additionally, the CCMC Regulations would further support multi-modal opportunities within Mobility Zones 1, 2, and 3 consistent with City policies. Thus, impacts related to conflicts with adopted policies, plans, or programs supporting transportation would be less than significant.

Project Summary

Projected Traffic

Linscott, Law & Greenspan prepared a Transportation Impact Analysis (TIA) (March 13, 2023) for the project, included as Appendix M to this Memorandum. For transportation environmental review, the project tiers primarily from the CPU PEIR. The Uptown PEIR was approved in September 2016 and analyzed an update to the Community Plan that guides development of the entire Uptown Community Planning Area. Therefore, the project analyzes potential significant transportation impacts using a LOS metric and based on the 1998 Traffic Impact Study Manual.

As explained in CEQA Guidelines Section 15007, “new requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments.” Additionally, Section 15007(c) provides that if a CEQA “document meets the content requirements in effect when the document is sent out for public review, the document need not be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved.”

Consistent with Guidelines Section 15007, SB 743 directs that a VMT analysis be included in those documents that are required by CEQA to be circulated for public review on or after July 1, 2020. This 15162 CEQA Consistency Evaluation does not qualify as such a document because (1) there is no provision in the Public Resources Code or State CEQA Guidelines that requires public review; and (2) the time period set forth for public review of the project is the review period for the approved mitigated negative declaration or certified EIR to which the analysis relates back.

In this case, the primary operable document is the CPU PEIR, which was circulated for public review and approved long before SB 743’s requirements related to VMT became effective. Therefore, the provisions of the CEQA Guidelines outlined above instruct that VMT requirements do not apply to the project.

This conclusion is further supported by the technical guidance issued by the Governor’s Office of Planning and Research (OPR) indicating that a “CEQA analysis prepared after July 1 may be able to rely on a previously certified EIR that analyzed traffic impacts using the LOS metric.”¹ OPR’s guidance specifically supports the conclusion that enactment of SB 743’s VMT methodology requirement does not separately or independently result in new information or more severe impacts that require supplemental CEQA analysis if such supplemental analysis is not otherwise necessitated by CEQA Section 21166 and CEQA Guidelines Section 15162. The guidance concludes by stating, “In reviewing the applicability of these conditions, an agency may use its discretion to determine that a VMT analysis is not required for later prepared documents. (See, e.g., *CREED v. San Diego* (2011) 196 Cal.App.4th 515; *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320.)”²

According to the TIA, the traffic generated by the project would consist of residential trips, restaurant trips, and commercial retail trips. Project traffic generation was calculated for each trip

¹ <https://opr.ca.gov/ceqa/sb-743/faq.html>

² *Ibid.*

type. The project is anticipated to generate approximately 2,121 average daily traffic (ADT), with 165 trips during the AM peak hour (45 inbound / 120 outbound) and 185 trips during the PM peak hour (125 inbound / 60 outbound).

When the traffic from the project is added to Existing, Near-Term (Opening Year 2025), and Horizon Year (2050), traffic volumes at key intersections and on street segments evaluated in the TIA, all intersections would be expected to continue to operate at LOC D or better during the AM and PM peak hours and street segments would be expected to continue to operate at LOS C or better. Therefore, no significant impacts would result from the project.

The street segment of Third Avenue between Spruce Street and the project driveway is considered a Local Street per the Uptown Community Plan. Level of service are not typically evaluated on local streets since their primary purpose is to serve abutting lots, not carry through traffic. Therefore, a LOS is not reported for this segment. With the addition of project trips, the ADT on this segment exceeds the LOS C threshold for a Local Street in the Existing and Near-Term (Opening Year 2025) + Project scenarios. However, the intersections of Spruce Street/Third Avenue and Third Avenue/project driveway are calculated to operate acceptably at LOS B or better with the addition of project trips. Therefore, the segment of Third Avenue between Spruce Street and the project driveway is expected to operate acceptably despite the ADT exceeding the LOS C threshold for a Local Street.

Additionally, the TIA included an assessment of driveway queuing. Vehicular access to the project site is proposed via one driveway on Third Avenue on the west side of the project site. The driveway would include controlled (gated) access, which would require an automated fob or code to enter. The entry gate would be located approximately 20 feet into the garage, with adequate storage length for the anticipated queues. The longest anticipated 95th percentile queue is 11 feet, which is less than one vehicle. Therefore, no queue issues are anticipated with the project.

The project includes TDM measures directed at encouraging residents and employees to use forms of transportation other than single occupancy vehicles. Specifically, the project would implement the following TDM measures as a condition of project approval:

Bicycle

- Provide 128 bicycle storage parking spaces for the residential component of the project, and four short-term bicycle parking spaces and two long-term bicycle parking spaces (lockers) for the commercial component of the project.
- Provide an on-site bicycle repair station.
- At resident's request, a bicycle rack will be installed inside the resident's unit.
- The project would implement unbundled/priced parking for residents.

EV Parking

- Provide 27 parking stalls equipped with ready to use electric vehicle charging capability and install infrastructure for an additional 173 parking spaces for future installation of ready to use EV charging capability.

Alternative Transportation

The project would support and promote alternative modes of transportation. Specifically, the project would improve pedestrian facilities, provide on-site amenities for bicyclists, and increase access to transit, as described below.

Pedestrian Facilities

The City of San Diego Pedestrian Master Plan (2006) and the Uptown Community Plan establish guidelines for a complete, functional, and interconnected pedestrian network. The project supports those guidelines through the incorporation of a plaza as a semi-public gathering space, programmed with seating and landscaping and view corridors through the buildings at both Spruce and Fourth Avenues, facilitating visual and physical access to Maple Canyon for pedestrians. The project would provide places to stop and sit within the atrium providing interest and activity for pedestrians passing by and stopping at the building. This project amenity addresses and supports pedestrian activity and community interaction. The project would also reconstruct existing sidewalks along Spruce Street, Third Avenue and Fourth Avenue with new non-contiguous sidewalks with street trees.

Bicycle Facilities

As a project design feature, the project would provide 128 bicycle storage parking spaces for use by residents and four short term and two long term bicycle parking spaces for use by the commercial components' employees and visitors. Additionally, as a project design feature, the project would provide an on-site bicycle repair station and a minimum of five electric bicycle charging stations/micro mobility charging stations that would be available to residents and the public. Upon request, a bicycle rack would be installed inside a resident's unit.

Transit

Transit service within the City is provided by the San Diego Metropolitan Transit System (MTS). Bus routes in the vicinity of the project site include Routes 3, 11, and 120. Per the Uptown Community Plan, Route 120 is planned to transition to a Rapid Bus Route along its current route along Fourth and Fifth Avenues and University Avenue in Uptown and continue to provide service between Kearny Mesa and Downtown at 10-minute frequencies throughout the day starting in 2035. Per the San Diego Forward: The 2021 Regional Plan (December 2021), there are various transit and active transportation plans planned in the Uptown Community. The project is proposed in a transit-rich area near high-quality bus service. Existing alternative transportation features surrounding the project site encourage residents, patrons, and visitors to use transit to and from the project site. The project would be consistent with and support the City's adopted policies, plans or programs supporting alternative transportation, including the CCMC Regulations. No significant impacts would result.

The project would also meet the CCMC requirement to provide VMT Reduction Measures for Mobility Zone 2 totaling five points, a bicycle repair station (1.5 points), and two additional short-term bicycle parking spaces (four points).

The project is not expected to result in significant transportation impacts. As the project would not result in impacts to intersections or roadway segments, no mitigation measures are required or proposed.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant Transportation/Circulation impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

AIR QUALITY/ODOR

CPU PEIR Summary

Air Quality Plans

The CPU PEIR concluded that future operational emissions from build-out of the CPU would be less than anticipated for future operational emissions under the previously adopted Community Plan. Emissions associated with the CPU and associated development were already accounted for in the Regional Air Quality Strategy (RAQS), and adoption of the CPU and associated development would not conflict with the RAQS. Thus, impacts related to conflicts with applicable air quality plans were determined to be less than significant. No mitigation was required.

Standards

Regarding construction emissions based on the hypothetical worst case construction emission analysis conducted for the CPU, air emissions associated with build-out of individual projects under the CPU and associated development were found to be less than significant. Additionally, based on the types and scale of projects that are ministerial, air emissions associated with ministerial projects would not be of a size that would have the possibility of exceeding project level thresholds for air quality. Thus, impacts related to construction emissions were determined to be less than significant. No mitigation was required.

Regarding operational emissions, the CPU PEIR determined that build-out of the CPU would exceed the City's project-level thresholds for the CPU; however, the CPU and associated development would emit fewer pollutants than would occur under the previously-adopted Community Plan. Thus, the air emissions from build-out of the CPU and associated development were found to not significantly increase air pollutants in the region, not further increase the frequency of existing violations of Federal or State ambient air quality standard (AAQS), and not result in new exceedances. Therefore, operational air quality impacts associated with the adoption of the CPU and associated development were found to be less than significant. No mitigation was required.

Air Pollutant Emissions

Regarding impacts to sensitive receptors, implementation of the CPU and associated development were found not to result in any carbon monoxide (CO) hotspots. Additionally, carcinogenic risks associated with diesel-fueled vehicles operating on local freeways would be less than the applicable

threshold, and non-carcinogenic risks from diesel particulate matter (DPM) would be below the maximum chronic hazard index. Thus, air quality impacts to sensitive receptors were found to be less than significant and no mitigation was required.

Odors

The CPU and associated development allows for development of single-family residential, multi-family residential, commercial, institutional, hotel, and park and open space land uses within the CPU area. While specific future land uses within the CPU area are not known at the program level of analysis, planned land uses would not encourage or support uses that would be associated with significant odor generation. The CPU applies land uses based on the developed nature of the CPU area that includes residential uses in close proximity to commercial areas. A typical use in the CPU area that would generate odors would be restaurants. Restaurants can create odors from cooking activities but would not generally be considered adverse. Odors associated with restaurants or other commercial uses would be similar to existing residential and food service uses throughout the CPU area. Odor generation is generally confined to the immediate vicinity of the source. Thus, implementation of the CPU and associated development would not create operational-related objectionable odors affecting a substantial number of people within the City. Impacts were found to be less than significant.

Complete Communities FEIR Summary

Air Quality Plans

The Complete Communities FEIR determined that the California Clean Air Act (CCAA) requires air basins that are designated nonattainment of the California Ambient Air Quality Standards (CAAQS) for criteria pollutants prepare and implement plans to attain the standards by the earlier practicable dates. The two pollutants addressed in the State Implementation Plan (SIP) and RAQs are reactive organic gas (ROG) and oxides of nitrogen (NOx), which are precursors to the formation of ozone (O₃). The SIP and the RAQS, which in conjunction with the transportation control measures (TCMs) were most recently dated in 2016, serve as the air quality plans of the San Diego Air Basin (SDAB). The basis for the SIP and RAQS is the distribution of population in the region as projected by SANDAG. The San Diego Air Pollution Control District (SDAPCD) refers to approved general plans to forecast, inventory, and allocate regional emissions from land use and development-related sources. These emissions budgets are used in statewide air quality attainment planning efforts. As such, proposed development at an intensity equal to or less than the population growth projections and land use intensity described in their located land use plans are inherently consistent.

The Complete Communities Program is intended to incentivize high-density multi-family residential development where affordable housing and community-serving amenities are provided within TPAs. The Complete Communities Program could result in a redistribution of the density that was evaluated within recent community plan update EIRs. Densities could shift to focus more within TPAs, but this shift is not anticipated to exceed overall community plan densities that were evaluated in the respective community plan update EIRs. However, in project areas within communities that have not undergone a recent comprehensive community plan update, it is possible that the Complete Communities Program could result in additional new development.

Recent community plan update EIRs recognized that as the community plans were updated, newly designated land uses would be forwarded to SANDAG for inclusion in future updates to the air quality plans for the SDAB. The current SIP and RAQs were last updated in 2016 and are intended to be updated on a three-year cycle. Therefore, densities with community plans adopted after 2016 would be reflected in the current air quality plans. Additional density allowed with communities without a recent comprehensive community plan update would also not be reflected in the air quality plans. Thus, the implementation of the Complete Communities Program could result in a significant impact due to conflicts with the land use assumptions used to develop current RAQs and SIP. Impacts would be significant and unavoidable.

Standards

Future construction activities associated with development under the Complete Communities Program are anticipated to occur sporadically over approximately 30 years, consistent with build-out assumption in recent community plan updates. Build-out would be comprised of multiple projects undertaken by individual developers/project applicants, each having project-specific construction timelines and activities. Construction activities associated with the CCHS Regulations would also occur sporadically over time including both transportation infrastructure improvements and development incentivized by the CCHS Regulations. As the exact number and timing of individual development projects and infrastructure improvements that could occur as a result of implementation of specific proposed projects are unknown at this time, it is possible that multiple projects could be constructed simultaneously and future development could exceed emissions thresholds. Therefore, construction-related air quality impacts resulting from the Complete Communities Program and specifically the CCHS Regulations would be significant.

Operational emissions are long term and include mobile and area sources. The CCMC Program would not be directly associated with operational emissions as the program would result in the installation of transportation infrastructure and amenities that would facilitate active transportation modes and are anticipated to support a decrease in vehicular mode share. For purposes of analyzing potential operational emissions, the Complete Communities FEIR assumed that development under the CCHS could exceed emissions levels compared to existing plans, as the CCHS could increase multi-family residential densities within the CCHS project areas. While the CCMC Program would incentivize development, it would not authorize any increase in residential densities beyond existing allowances.

The primary source of operational emissions resulting from residential development is vehicle emissions. While the CCHS Regulations could increase multi-family residential densities within Complete Communities Program project areas, the redistribution of density to focus within TPAs would provide a more efficient land use pattern that will support a reduction in VMT and associated operational air emissions. Additionally, high density residential development generally would result in less area source emissions associated with fireplaces and landscape equipment.

The Complete Communities Program spans multiple community planning areas, including areas without recently adopted community plans. As the Complete Communities Program could increase operational emissions within communities without recently adopted community plan updates and redistribute density within communities with recently adopted community plan updates, it is

possible that operational air emissions could be in excess of what was evaluated in the community plan EIRs completed for all of the project areas. Thus, at the programmatic level of review conducted for the Complete Communities FEIR and without project-specific development plans, operational emissions impacts resulting from development under the Complete Communities Program were determined to be significant and unavoidable.

Air Pollutant Emissions

Recent community plan update EIRs have included analysis of intersection volumes to determine the potential for a carbon monoxide (CO) hot spot occurrence with build-out of the proposed community plan updates. As the CCHS would allow for increased height and square footage, and thus increased density, within TPAs for multi-family residential projects that meet all of the requirements of the ordinance, these projects could increase intersection volumes beyond what was evaluated in recent community plan updates. While it is not reasonably foreseeable that the potential increase in intersection volumes could exceed the 31,600 vehicle-screening threshold based on the fact that projected volumes from the recent community plan update EIRs have not exceeded the threshold, other communities, including communities within the project areas without a recent community plan update, could have intersections with volumes approaching the screening threshold. As the CCHS would allow for ministerial approval of multi-family residential developments, future projects would not be required to perform dispersion modeling to determine the potential for CO hot spots. It is possible that increased congestion within TPAs resulting from development under the CCHS of the Complete Communities Program could increase volumes and delays at intersections, and could experience 31,600 vehicles per hour or more, resulting in a potentially significant impact related to localized CO hot spots.

Improvements under the CCMC Regulations would not generate increased volumes at intersections; however, over time, mobility improvements favoring non-vehicular transportation could result in additional vehicular delay; housing incentivized by the CCHS Regulations would contribute trips to local roadways. The CCMC Regulations would result in the installation of transportation infrastructure and amenities that are anticipated to support a decrease in vehicular mode share. However, at the program level of analysis conducted for the Complete Communities FEIR, it could not be determined how the CCMC Program would affect vehicular mode share or roadway/intersection operations. Therefore, localized CO emissions associated with the CCMC Regulations would be potentially significant.

Relative to toxic air emissions, construction of future projects and associated infrastructure implemented under the Complete Communities Program would result in short-term diesel exhaust emissions from the use of on- and off-site heavy-duty equipment. Construction would result in the generation of diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities as well as on-road diesel equipment used to bring materials to and from project sites. The highly dispersive nature of DPM, required compliance with SDAPCD air quality rules, and the fact that construction activities would occur intermittently and at various locations throughout the Complete Communities' project areas, DPM generated by construction is not expected to create conditions where the probability is greater than 10 in one million of developing cancer for the Maximally Exposed Individual or to generate ground-level concentrations of non-carcinogenic toxic air contaminants that exceed a

Hazard Index greater than one for the Maximally Exposed Individual. Additionally, with ongoing implementation of Environmental Protection Agency (EPA) and California Air Resources Board (CARB) requirements for cleaner fuels, off- road diesel engine retrofits, and new low-emission diesel engine types, the DPM emissions of individual equipment would be substantially reduced over the years as build-out continues. Therefore, impacts related to exposure of sensitive receptors to construction toxic air emissions were determined to be less than significant with implementation of the Complete Communities Program.

Relative to stationary sources that emit toxic air emissions, such as gasoline stations, power plants, dry cleaners, and other commercial and industrial uses, the Complete Communities Program would facilitate the development of high density multi-family development with neighborhood-serving infrastructure within TPAs and the development of active transportation infrastructure within TPAs and Mobility Zones 1, 2, and 3, and would not facilitate land uses that would serve as a source of stationary air emissions. Therefore, the Complete Communities Program would not result in toxic air emissions that could result in public health risks. Impacts related to the exposure of sensitive receptors to stationary source toxic air emissions would be less than significant.

Consistent with recent community plan update EIRs analyses related to mobility source emissions, the Complete Communities Program would require future projects within 500 feet of a freeway to provide land use buffers, such as providing off-street parking and landscaping between freeways and the proposed use and orienting usable open space areas and balconies away from the freeway. Improvements would result in the installation of transportation infrastructure and amenities that are anticipated to support a decrease in vehicular mode share. Consistent with the goals of CARB's handbook, Complete Communities Program requirements and design guidelines support infill, high-density multi-family residential development and transit-oriented development that would benefit regional air quality. Given the lack of project-specific information associated with Complete Communities, impacts related to the goals of CARB and exposure of sensitive receptors to substantial pollutant concentrations could not be determined. Therefore, impacts related to the exposure of sensitive receptors to mobile source emissions were identified as significant and unavoidable.

Odors

Facilities that generate objectionable odors typically include wastewater treatments plants, landfills, and paint/coating operations (e.g., auto body shops), among others. The ordinances of the Complete Communities Program would facilitate the development of high-density multi-family residential development with associated infrastructure improvements within TPAs (for the CCHS Regulations) and Mobility Zones 1 and, 2, and 3 (for the CCMC Regulations) would support the development of active transportation infrastructure within these areas. These uses are not expected to result in objectionable odors. Impacts would be less than significant.

Project Summary

Air Quality Plans

A project specific Air Quality Technical Report was prepared by BlueScape Environmental (April 7, 2023) and is included as Appendix B.

SANDAG's 2050 Regional Growth Forecast, adopted in December 2021, estimates that the City will have 592,143 housing units in 2025 and 676,236 units in 2035; an increase of 84,093 units or about 8,409 units added per year. The proposed project growth of 262 units is a small fraction of the projected increase in units in the region, and, therefore, is consistent with regional growth plans. The project site is located in a mixed-use corridor that is a focus for the development of mixed-use activity centers that are pedestrian-friendly, centers of community life and linked to the regional transit system. The project would add a high-density residential land use along with commercial uses at street level. The residential growth anticipated by the project can be accommodated within the growth projected by the Uptown Community Plan and the Complete Communities Program. Therefore, the project is consistent with the Uptown Community Plan and Complete Communities.

Site development would support the overall projected increase in the Uptown Community Plan area, consistent with SANDAG and Uptown Community Plan growth projections and consistent with the applicable environmental goals and objectives contained in the General Plan and the Uptown Community Plan. Any development at the project site shall implement policies, actions, and design guidelines that support General Plan concepts such as increased walkability, enhanced pedestrian and bicycle networks, improved connections to transit codified in the Complete Communities Program, and sustainable development and green building practices through consistency with the strategies and actions of the Climate Action Plan (CAP) including energy and water efficient buildings, electric vehicle charging, bicycle parking and transit land use. Any development would be consistent with the SDAPCD regional goals of improving the balance between jobs and housing, and integrating land uses near major transportation corridors by adding residential and commercial land uses near the SR 163 freeway and transit routes. Therefore, the project would be consistent with the RAQS and the SIP. Impacts would be less than significant.

Air Quality Standards

Construction of the project would generate temporary air pollutant emissions. These impacts are associated with fugitive dust [particulate matter 10 micrometers or less in aerodynamic diameter (PM₁₀) and particulate matter 2.5 micrometers or less in aerodynamic diameter (PM_{2.5})] from soil disturbance and exhaust emissions [NO_x, CO, and sulfur dioxide (SO₂)] from heavy construction vehicles. To estimate emissions, it was assumed that 0.7 acre of the 0.81-acre parcel would be disturbed and developed for overall construction. Construction would generally consist of demolition, site preparation, grading, building construction, paving, and application of architectural coatings (painting).

Site preparation and grading would involve the greatest concentration of heavy equipment use and the highest potential for fugitive dust emissions. Cut and fill activities on the site due to site preparation and grading would result in export of 45,900 cubic yards of soil. Any development would be required to comply with SDAPCD Rule 55, which identifies fugitive dust standards and is required to be implemented at all construction sites located within the SDAB.

Construction is assumed to be completed by mid-2025. All criteria pollutant emissions are below the daily and annual screening level thresholds, as analyzed for each year of construction (Appendix B).

As such, air quality impacts from the construction of this development would be less than significant, and no mitigation is required.

Operational emissions would include emissions from electricity consumption (energy sources), vehicle trips (mobile sources), area sources, stationary sources, landscape equipment, and evaporative emissions as the structures are repainted over the life of the development. Most operational emissions are associated with vehicle trips to and from the site.

The operational emissions associated with the project would not exceed the City's CEQA screening level thresholds for ROG, NO_x, CO, SO₂, PM₁₀, or PM_{2.5} (Appendix B). Therefore, the project's operational air quality impacts (including impacts related to criteria pollutants, sensitive receptors and violations of air quality standards) would be less than significant, and no mitigation is required.

Air Pollutant Emissions

The closest sensitive receptors are the residents of the single and multi-family residences on Third Avenue and Fourth Avenue located directly south, west and east of the project site. Due to the short-term construction duration and the limited construction emissions, there is very low potential for fugitive dust or DPM due to construction activities to impact sensitive receptors. The project's total construction DPM emissions are not anticipated to be of a magnitude and duration that could create substantial concentrations or significant air toxic risks to the nearest sensitive receptors during construction. Compliance with the SDAPCD rules and regulations would reduce the fugitive dust emissions during construction and associated impacts to sensitive receptors. Demolition of the existing buildings on the project site would be completed in compliance with City ordinances and SDAPCD rules so that any asbestos containing materials (ACM) and/or lead-based paint that may be present in the buildings would be properly removed and disposed of, thereby having less than significant impact on nearby sensitive receptors (Appendix B). No mitigation is required.

Operational emissions include one stationary backup diesel generator and one fire pump, with DPM emissions associated with periodic reliability testing. The generator and fire pump engines would be required to obtain an air permit and are subject to health risk review under SDAPCD Rule 1200. An air permit would not be issued by SDAPCD if health risk impacts to the nearby residences or businesses exceed the Rule 1200 significance thresholds of one in one million (or 10 in one million with Toxics Best Available Control Technology), or a noncancer chronic or acute health hazard index (HHI) of 1.0. The operating emissions from other sources (such as mobile sources) would be negligible and would not have the potential to impact sensitive receptors (Appendix B). Therefore, the project's operational air pollutant emissions would not expose sensitive receptors to substantial pollutant concentrations and would result in a less than significant impact. No mitigation measures are required.

Odors

Construction of the project at the site would involve the use of diesel-powered construction equipment. Diesel exhaust odors may be noticeable temporarily at adjacent properties; however, construction activities would be temporary and are not considered significant. The proposed development of the site would not include industrial or agricultural uses that are typically associated

with objectionable odors. Therefore, impacts associated with objectionable odors would be less than significant, and no mitigation is required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant Air Quality/Odor impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR occur and the Complete Communities FEIR.

GREENHOUSE GAS EMISSIONS

CPU PEIR Summary

For the purposes of determining significance, greenhouse gas (GHG) emissions attributable to the CPU and associated development at full build-out were compared to the previously-adopted Community Plan GHG emissions. The reason this comparison was appropriate is because the GHG emissions from the previously-adopted Community Plan were used when developing the City's CAP GHG Inventory.

Implementation of the CPU and associated development would result in a decrease in GHG emissions when compared to the emissions that would occur under build-out of the adopted Community Plan. The CPU PEIR determined that impacts associated with GHG emissions from implementation of the CPU and associated development would be less than significant, as the GHG emissions from the CPU were found to be less than those assumed for the CPU area in the CAP GHG Inventory. Thus, the CPU and associated development were determined to be consistent with the CAP and to result in a less than significant impact related to GHG emissions.

The CPU would implement the General Plan's City of Villages Strategy and include policies for the promotion of walkability and bicycle use, polices promoting transit-supportive development, and is thus consistent with the CAP and the General Plan. Impacts related to conflicts with applicable plans and policies addressing GHG emissions were found to be less than significant, and no mitigation was required.

Complete Communities FEIR Summary

The Complete Communities FEIR concluded that the Complete Communities Program would be consistent with the General Plan's City of Villages strategy and the City's CAP by incentivizing the development of multi-family residential as well as other land uses to support increased multi-family residential densities within TPAs and Mobility Zones 1, 2, and 3. The Complete Communities Program will reduce GHG emissions, primarily through reductions in VMT. Thus, Complete Communities Program would support the City in obtaining citywide GHG emissions reduction targets under the CAP. Impacts related to GHG emissions would be less than significant.

The Complete Communities FEIR determined that future development under the Complete Communities Program would be consistent with State plans, SANDAG's Regional Plan, the City's

General Plan, and the City's CAP. Future housing development implemented under the Complete Communities Program would require compliance with the California Building Code (CBC) energy efficiency and applicable CAL Green building standards and therefore would be compliant with State plans. The Complete Communities Program would require provision of infrastructure amenities such as bicycle lanes, transit amenities, or public open spaces and would implement SANDAG's Regional Plan goals and land use strategies. Regarding compliance with the City's General Plan, by allowing qualifying multi-family housing to proceed with a ministerial approval process under the Complete Communities Program and allowing for increased height and square footage for projects processed under the proposed ordinances, the Complete Communities Program would support and incentivize future development envisioned by the City of Villages strategy. Based upon this analysis, impacts associated with applicable GHG emission reduction plans were determined to be less than significant.

Project Summary

A *CAP Consistency Checklist* (January 2023) was prepared for the project by Works Progress Architecture and is included as Appendix E of this Section 15162 Evaluation.

Under Step 1 of the CAP Consistency Checklist, the project is consistent with the existing General Plan and Uptown Community Plan land use designations and zoning on the site with implementation of the Complete Communities Housing Solutions Program. As determined under Step 2, the project would be consistent with the strategies and actions of the CAP including energy and water efficient buildings, electric vehicle charging, bicycle parking and transit land use. These project features would be assured as conditions of project approval. Thus, the project is consistent with the CAP.

The project's contribution of GHGs to cumulative Statewide emissions would be less than cumulatively considerable based on the project's consistency with the City's CAP. Therefore, the project's GHG emissions would have a less than significant impact on the environment. No mitigation is required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant Green House Gas impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

NOISE

CPU PEIR Summary

Ambient Noise

The CPU PEIR found that an increase in ambient vehicular traffic noise in the CPU area would result from continued build-out of the CPU and associated development and increases in traffic due to regional growth. A significant increase was found to occur adjacent to several street segments in the

CPU area that contain existing noise sensitive land uses. The increase in ambient noise levels could result in the exposure of existing noise sensitive land uses to noise levels in excess of the compatibility levels established in the General Plan, and impacts were determined to be significant.

For new discretionary development, there is an existing regulatory framework in place that would ensure future projects implemented in accordance with the CPU would not be exposed to ambient noise levels in excess of the compatibility levels in the General Plan. Thus, noise impacts due to new discretionary projects were found to be less than significant. However, in the case of ministerial projects, there is no procedure to ensure that exterior noise would be adequately attenuated. Therefore, exterior noise impacts for ministerial projects located in areas that exceed the applicable land use and noise compatibility level were found to be significant and unavoidable.

Transportation Noise Levels

In the CPU area, noise levels for all land uses would be incompatible (i.e., greater than 75 decibel [dBA] community noise equivalent level [CNEL]) closest to the freeways and specific segments of Sixth Avenue and Grape Street. These areas are developed, and the CPU and associated development would not change the land use in these areas. Thus, while land uses in these areas would be exposed to noise levels that exceed General Plan standards, this noise exposure would not be a significant noise impact resulting from implementation of the CPU. No mitigation was required at the program-level.

Amtrak, Coaster, and freight train noise levels at the nearest planning area boundary and the nearest sensitive receptors would not exceed 60 dBA CNEL. Noise impacts due to trolley and train operations would be compatible with General Plan standards. Impacts were found to be less than significant with implementation of the CPU, and no mitigation was required.

Compatibility with Aircraft Noise

Based on the projected airport noise contours for the SDIA, there are sensitive receptors in the CPU area that are located where noise levels due to aircraft operations exceed 60 dBA CNEL. At the project-level, future development must include noise attenuation consistent with the Noise Element of the General Plan and the ALUCP for the SDIA; therefore, impacts related to airport noise were found to be less than significant.

Exposure of Noise-Sensitive Land Uses

The CPU PEIR identified that mixed-use sites and areas where residential uses are located in proximity to commercial sites would expose sensitive receptors to noise. Although noise-sensitive residential land uses would be exposed to noise associated with the operation of these commercial uses, City policies and regulations would control noise and reduce noise impacts between various land uses. In addition, enforcement of Federal, State, and local noise regulations would control impacts. With implementation of CPU policies and enforcement of the Noise Abatement and Control provisions of the SDMC, impacts were found to be less than significant, and no mitigation was required at the program-level.

Construction Noise

Construction activities related to implementation of the CPU and associated development would potentially generate short-term noise levels in excess of 75 dBA hourly equivalent sound level (Leq) at adjacent properties. While future development projects would be required to incorporate feasible mitigation measures, including Mitigation Measure NOISE 6.6-1, due to the close proximity of sensitive receivers to potential construction sites, the program-level impacts related to construction noise could occur, and temporary construction noise was found to be potentially significant and unavoidable.

Complete Communities FEIR Summary

Ambient Noise

The Complete Communities FEIR determined that ambient noise levels in the project areas would increase as a result of implementation of the Complete Communities Program. The increase in ambient noise levels associated with additional potential density within the project areas could expose existing and future noise-sensitive receptors to a significant noise impact. The CCHS Regulations include design requirements to attenuate noise levels in outdoor usable open space areas through project design. While compliance with design requirements would reduce potential impacts to existing and future noise sensitive land uses, future ambient noise levels could nevertheless exceed the City's significance threshold. Therefore, impacts would be significant and avoidable.

Transportation Noise Levels

The Complete Communities FEIR found that with implementation of the Complete Communities Program, interior noise standards of 45 dBA CNEL for residential uses and 50 dBA for nonresidential uses would be achieved through compliance with Title 24 requirements during the building permit review. However, future development within the project areas where Complete Communities can be applied could result in the exposure of residents to exterior noise levels which exceed the City's significance thresholds. Recent community plan update EIR analysis shows noise levels in the project areas are dominated by vehicle traffic exceeding allowable levels. While design requirements associated with the Complete Communities Program would reduce potential impacts to existing and future noise sensitive land uses, future ambient noise levels could nevertheless exceed the City's significance threshold. Therefore, impacts would be significant and unavoidable.

Compatibility with Aircraft Noise

Areas where Complete Communities can be applied are located within AIAs of the following five airports: Brown Field, Montgomery Field, Marine Corps Air Station Miramar, NOLF Imperial Beach, and SDIA. Each applicable ALUCP identifies noise contours within which land uses may be exposed to airport noise. Approximately 762 acres within the Complete Communities' project areas are located within a 65 to 70 CNEL ALUCP noise contour, approximately 495 acres are located within a 70 to 75 CNEL ALUCP noise contour, and approximately 138 acres are located within a 75 CNEL ALUCP noise contour or higher. However, the Complete Communities Program does not propose a change to any existing land use designation; future multi-family residential development allowed under the proposed ordinance would be consistent with existing Community Plan allowed land uses and associated ALUC consistency determinations. Any future development within the project areas

would be subject to applicable overflight notification policies in the respective ALUCP that would be enforced during the building permit phase. Therefore, impacts would be less than significant.

Exposure of Noise-Sensitive Land Uses

The Complete Communities FEIR concluded that the Complete Communities Program project areas would contain mixed-use areas where residential uses are located in proximity to commercial sites, which could expose sensitive receptors to noise above allowable levels. It is not anticipated that stationary sources associated with multi-family residential land uses located within TPAs would result in noise exceeding property line limits; however, at the programmatic level of review that was conducted for the FEIR, location of stationary sources and impacts to sensitive receptors could not be verified. The City's Noise Ordinance property line standards would apply to any future development processed under the proposed ordinance. Although enforcement mechanisms for the violation of noise regulations in the Noise Abatement and Control Ordinance would provide for the correction of potential noise exceedances, the Complete Communities FEIR determined that impacts would remain potentially significant and unavoidable.

Construction Noise

The Complete Communities FEIR found that construction activities related to implementation of the Complete Communities Program would potentially generate short-term noise levels in excess of 75 dBA Leq at adjacent properties. While the City regulates noise associated with construction equipment and activities through enforcement of its Noise Abatement and Control Ordinance, impacts associated with construction noise would remain potentially significant and unavoidable.

Project Summary

Ambient Noise

A project specific Noise Analysis Report, was prepared by dBF Associations, INC. (April 6, 2023) and is included as Appendix O.

Relative to project-generated traffic, for the project to result in a significant impact, an increase of three dBA or greater to a level of 65 dB or above would have to occur. For the project to result in a three dB increase, the project would have to double the traffic volume along a street segment. The traffic generated by the project would not result in doubling of the ADT on any streets, except for Third Avenue south of Spruce Street. The project would add 2,080 ADT to the existing 347 ADT on that segment of Third Avenue, resulting in an eight dB increase. However, ADTs under 3,000 produce noise levels under 60 dBA at the street edge, which would be lower than the City's significance threshold of 65 dBA at all residences. As such, project-generated noise due to traffic would be less than significant. No mitigation is required.

Transportation Noise Levels

Because future exterior noise levels would exceed 60 dBA CNEL at some building façades, interior noise levels in habitable rooms could exceed the City's General Plan Noise Compatibility Guidelines and the CBC Section 1206.4 requirement of 45 dBA CNEL in residences. To comply with this requirement, upgraded building façade elements (windows, walls, doors, and/or exterior wall assemblies) with Sound Transmission Class (STC) ratings of 35 or higher will be necessary (Appendix

O). If the interior noise limit will be achieved only with the windows closed, the building design must include mechanical ventilation that meets CBC requirements. Implementation of these features would ensure that interior noise levels would be 45 dBA CNEL or below in residences, and the project would comply with the City's General Plan Noise Compatibility Guidelines and the CBC Section 1206.4 45dBA requirement. The project would thus result in a less than significant interior noise impact.

Compatibility with Aircraft Noise

The project site is not located within the SDIA noise contours identified in the SDIA ALUCP or the noise contours of NAS North Island. The project site would not be exposed to airport-associated noise in excess of 60dBA CNEL. Impacts would be less than significant, and no mitigation would be required.

Exposure of Noise-Sensitive Land Uses

The project includes two sources of stationary noise: the generator and the heating, ventilation, and air conditioning (HVAC) units.

The project proposes one Kohler 500REOZVC emergency generator set to be installed on the project's parking Level P1. The intake supply air would be ducted to the south portion of the western property line, served by an inline fan. The room exhaust air would be ducted to the east portion of the southern property line, served by an inline fan. The radiator and engine exhaust would be separately ducted to the south property line. As a condition of project approval, the following noise control measures are incorporated into the design:

- One-inch-thick lining and elbow turning vanes in the supply duct between the intake louver and supply fan.
- One-inch-thick lining and elbow turning vanes in the full length of the radiator exhaust duct.
- A Nett Residential grade engine exhaust silencer with a 32-dBA insertion loss, or equivalent
- One-inch-thick lining in the full length of the engine exhaust duct
- An 84-inch Vibro-Acoustics RD-HV-F1 inline silencer, or equivalent, between the room exhaust fan and its outlet
- One-inch-thick lining in the room exhaust duct between the silencer and outlet

Operation of the generator would not exceed the property line sound levels allowed by SDMC Section 59.5.401 of 62.5 dBA at the north, east, and south/east property lines and 57.5 dBA at the west and south/west property lines.

The project is anticipated to include one HVAC unit per residence, plus additional units for common areas. The HVAC units would produce operational noise levels up to approximately 35 dBA Leq at the project property lines and would comply with the sound level limits of SDMC Section 59.5.401.

The building would be designed such that HVAC and generator noise levels would conform to American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) guidance. As a condition of project approval, the project would be designed such that wall and/or floor-ceiling assemblies separating commercial uses from residential uses would conform to CBC Section 1206.

Project operational noise impacts would be less than significant, and no mitigation would be required.

Construction Noise

The primary noise source from project construction would be from site preparation. Grading could require the use of heavy equipment such as bulldozers, loaders, and scrapers. No blasting or pile driving would be necessary. Haul trucks would be used to export fill from the project site (Appendix O).

Construction of the project would generate a short-term temporary increase in noise in the project area. The increase in noise level would be primarily experienced close to the noise source. Construction activity and delivery of construction materials and equipment would be limited to between 7:00 a.m. and 7:00 p.m., and not allowed on Sundays or holidays pursuant to SDMC Section 59.5.0404.

This project would implement conventional construction techniques and equipment. Standard equipment such as scrapers, graders, backhoes, loaders, tractors, cranes, and miscellaneous trucks would be used for construction of most project facilities. Sound levels of typical construction equipment range from approximately 65 dBA to 95 dBA at 50 feet from the source. Worst-case noise levels are typically associated with grading.

The closest occupied residential properties are located across Third Avenue to the west and adjacent to the project site on the south. Without noise abatement, project construction activity would produce noise levels ranging from approximately 63 dBA Leq to 74 dBA Leq (12 hours) at the property lines of the nearby residences.

Construction would occur during the days and hours proscribed by the SDMC. Construction noise levels at residential property lines would not exceed the 75 dBA Leq (12 hour) sound level allowed by the SDMC. Project construction noise impacts would be less than significant, and no mitigation is required.

The project-specific Noise Analysis did not identify significant noise impacts associated with the project, nevertheless, the project will implement Mitigation Measure NOISE 6.6-1 from the CPU PEIR as it would implement standard construction noise control measures. The project does not require any pile-driving or blasting, and a site-specific vibration study was not required. Therefore, mitigation measures NOISE 6.6-2 of the CPU PEIR does not apply to the project.

Conclusion

Based on the foregoing analysis and information, and compliance with CPU PEIR Mitigation Measure NOISE 6.6-1 there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

HISTORICAL RESOURCES

CPU PEIR Summary

Prehistoric/Historic Resources

The CPU PEIR found that due to the number and density of prehistoric and historical resources in the Community Plan area, implementation of the CPU could result in an alteration of a historic building, structure, object, or site and could adversely impact a prehistoric archaeological and tribal cultural resources including religious or sacred use sites and human remains. These impacts were found to be potentially significant.

The CPU included several policies to reduce impacts to historical resources within the Community Plan Area, as well as development regulations. Implementation of the Mitigation Framework Historic Building, Structures, and Objects (Mitigation Measure HIST-6.7-1) and Historical Archaeological Resources (Mitigation Measure HIST-6.7-2) detailed in the CPU PEIR would reduce impacts associated with future development projects to below a level of significance. Mitigation Measure HIST-6.7-1 requires that the City determine the historical significance of any future development that would directly or indirectly impact a building/structure in excess of 45 years in age. Mitigation Measure HIST-6.7-2 2 required that, prior to issuance of any permit for a future development project implemented in accordance with the CPU area that could directly affect an archaeological resource, steps shall be taken to determine: (1) the presence of archaeological resources, and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity. The evaluation of historical architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity.

The mitigation framework combined with the CPU policies promoting the identification and preservation of historical resources would reduce the program-level impact related to historical resources of the built environment. However, even with implementation of the mitigation framework, the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis. With respect to Potential Historic Districts, while supplemental development regulations would provide some protections, until such time as the Potential Historic Districts are intensively surveyed, verified, and brought forward for designation consistent with City regulations and procedures, potential impacts to the Potential Historic Districts would remain significant and unavoidable. Thus, potential impacts to historical resources including historic structures, objects or sites and historic districts would be significant and unavoidable.

Religious/Sacred Uses and Human Remains

The CPU PEIR Mitigation Framework requires that, prior to issuance of any permit for a future development project implemented in accordance with the CPU that could directly affect an archaeological resource, steps shall be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric

Native American activities. This mitigation, combined with the policies of the General Plan and CPU promoting the identification, protection, and preservation of archaeological resources, in addition to compliance with CEQA and Public Resources Code Section 21080.3.1 requiring tribal consultation early in the development review process, and the City's Historic Resources Regulations (SDMC Section 143.0212), which requires review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps, would reduce the program-level impact related to prehistoric or historical archaeological resources and tribal cultural resources. However, even with application of the existing regulatory framework and mitigation framework, the feasibility and efficacy of mitigation measures could not be determined at the program level of analysis. Thus, impacts to prehistoric resources, sacred sites, and human remains would be minimized but not to below a level of significance.

CPU PEIR Mitigation Measure HIST-6.7-2 Archaeological and Tribal Cultural Resources requires the following steps to be taken: (1) the presence of archaeological or tribal cultural resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric Native American activities.

Complete Communities FEIR Summary

Prehistoric/Historic Resources

The Complete Communities FEIR anticipated that development under the proposed ordinances may result in the demolition or alteration of a structure older than 45 years old. Development on parcels containing individually significant historical resources would need to comply with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties or obtain a Site Development Permit with deviation findings and site-specific mitigation would be required. The Complete Communities FEIR determined the project could result in direct impacts including the substantial alteration, relocation, or demolition of historic buildings or structures. Impacts were determined to be significant and unavoidable.

Religious/Sacred Uses and Human Remains

The Complete Communities FEIR acknowledges that while existing regulations and the LDC would provide for the regulation and protection of archaeological resources and human remains, it is impossible to ensure the successful preservation of all archaeological resources. Therefore, potential impacts to archaeological resources and human remains are considered significant and unavoidable.

Project Summary

Prehistoric/Historic Resources

The project site is currently developed with five commercial buildings. CPU PEIR Mitigation Measure HIST-6.7-1 and SDMC Section 143.0212 require that the City determine the historical significance of any future development that would directly or indirectly impact a building/structure in excess of 45

years. Preliminary Review Applications for 3149 Third Avenue (Project No. 688539) and for 3130 Fourth Avenue (Project No. 703220) were submitted to determine whether the subject property is potentially historically significant. City staff determined that, due to previous alterations, including demolition of the bungalow located at 3153 Third Avenue, alterations to join the previously separated remaining bungalows, and various window modifications, the property does not retain integrity and does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board criteria. Therefore, demolition of the existing structures would not result in a significant impact. No mitigation is required.

Religious/Sacred Uses and Human Remains

The *Geotechnical Investigation* prepared by Leighton and Associates, Inc. (October 5, 2022) for the project, included as Appendix D of this Section 15162 Evaluation, found that the project site is underlain by undocumented artificial fill materials overlying Quaternary-age Very Old Paralic Deposits which in turn overlie Pliocene-age San Diego Formation. The San Diego Formation has a high sensitivity rating. The project would involve approximately 45,900 cubic yards of cut at a depth of 41 feet. Archaeological resources, if present on-site, could be substantially damaged or destroyed during ground-disturbing activities.

In accordance with the requirements of Public Resources Code Section 21080.3.1, the City notified the Lipay Nation of Santa Isabel, the Jamul Indian Village, and the San Pasqual Band of Mission Indians, who are traditionally and culturally affiliated with the project area, via email on March 2, 2022. A response was received by the San Pasqual Band of Mission Indians within the 30-day formal notification period requesting consultation. A consultation call was held on July 5, 2022 and the Native American representatives requested that Native American monitors be present on site during construction of the project. City staff followed up with responses to questions raised by the Tribe and it was determined that the project would be monitored by Native American monitors and the consultation was concluded. Follow up emails were sent on July 18, 2022, and August 22, 2022.

Based on the foregoing, the project site has the potential to contain archaeological resources that may be encountered during remedial grading for the project site and monitoring during groundwork and disturbing activities would be required as part of CPU PEIR Mitigation Measure HIST-6.7-2. With implementation of the project-specific mitigation, potential historical resources impacts would be reduced to below a level of significance, and no further mitigation is required.

Conclusion

Based on the foregoing analysis and information and compliance with CPU PEIR Mitigation Measure HIST-6.7-2, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

Biological Resources

CPU PEIR Summary

Sensitive Species

The CPU PEIR found that implementation of the CPU would not impact sensitive species, because any sensitive species that could occur within the CPU area are likely to occupy canyon bottoms and would not be subject to development due to their designation as Open Space and/or MHPA. Additionally, any impacts to sensitive vegetation communities would be subject to the City's ESL regulations, which would ensure any impacts to vegetation communities and potential sensitive species that may occupy those communities would be addressed. Thus, impacts to wildlife species were found to be less than significant.

Sensitive Habitat

The CPU PEIR found that impacts to sensitive plant species would be less than significant, as the potential for sensitive plant species to occur is low due to the extent of development that has taken place within the CPU area and along the urban-canyon interface.

Wetlands

Implementation of the CPU and associated development would not result in impacts to wetlands (riparian scrub), as areas where this habitat occurs would remain within open space and/or the MHPA. No impacts to riparian scrub area expected; therefore, impacts would be less than significant.

Wildlife Movement

Development on lands adjacent to MHPA lands would be required to avoid impacts to wildlife nursery sites in adjacent habitat areas thus, with the existing regulatory framework in place, potential impacts to wildlife nursery sites were found to be less than significant. MHPA boundary line corrections associated with the CPU increase the amount of protected open space in canyons and benefit wildlife movement in canyon areas. Thus, no impact to wildlife corridors would occur.

Local Policies or Ordinances

The CPU and associated development were found to be consistent with the City's MHPA Land Use Adjacency Guidelines and SDMC requirements relative to lighting adjacent to the MHPA. Additionally, in complying with the MHPA Land Use Adjacency Guidelines requirements, landscape plans for future projects would require that grading would not impact environmental sensitive land, that potential runoff would not drain into MHPA land, that toxic materials used on a development do not impact adjacency sensitive land, that development includes barriers that would reduce predation by domestic animals, and that landscaping does not contain exotic plants/invasive species. In addition, the MHPA Land Use Adjacency Guidelines directs development so that any brush management activities are minimized within the MHPA and contains requirements to reduce potential noise impacts to listed avian species. Compliance with the City's MHPA Land Use Adjacency Guidelines and adherence to the policies in the Conservation Element of the CPU would reduce potential impacts of the CPU and associated development to less than significant.

Complete Communities FEIR Summary

Sensitive Species and Sensitive Habitat

The CCHS Regulations of the Complete Communities Program are intended to facilitate and streamline multi-family development within the project areas by allowing such development to occur ministerially, subject to the requirements of the proposed ordinance and other applicable regulatory requirements. While the Complete Communities Program would allow ministerial multi-family development within TPAs and incentivize housing within existing Mobility Zones 1, 2, and 3, some areas where Complete Communities would be applied may support sensitive species. Of the approximately 10,148 acres of sensitive habitats, approximately 605 acres (or six percent) are located within lands designated as ESL, including lands within the MHPA.

Future ministerial development within where Complete Communities would be applied would be reviewed by City staff as part of the intake process to determine the presence of ESL, which would include sensitive habitats that may support sensitive species (Land Development Manual (LDM), Project Submittal Requirements, Section 1). If the presence of ESL is unclear, City staff would request evidence to confirm the presence or absence of ESL. If ESL is present and would be impacted by the proposed project, the project would no longer be processed ministerially and would be required to obtain a discretionary permit as detailed in SDMC Table 143-01A, *Applicability of ESL Regulations*. This process would ensure that potentially sensitive habitats would be reviewed in accordance with ESL Regulations, the City's Biology Guidelines, the provisions of the MSCP and VPHCP. Development under Complete Communities program on sites with ESL that are processed with a Site Development Permit or Neighborhood Development Permit could result in significant impacts to sensitive species. Thus, with implementation of existing regulatory protections for biological resources, impacts to sensitive habitats resulting from future ministerial development within the project areas would be less than significant. However, at the program level of review conducted as part of the Complete Communities FEIR, impacts associated with potential future discretionary development were unknown and therefore impacts were considered to be significant and unavoidable.

Wetlands

The Complete Communities FEIR determined that impacts to wetlands would not likely occur, as areas where this habitat occurs would remain within open space and/or the MHPA. However, like other ESL, should wetland habitat be identified through project intake screening, the project would undergo a discretionary permit process in accordance with City and wildlife agency regulatory requirements. Thus, with implementation of existing regulatory protections for biological resources, impacts to wetlands resulting from future ministerial development within the Complete Communities' project areas would be less than significant. However, where a discretionary review process is required consistent with the ESL Regulations, it cannot be ensured that all impacts can be fully mitigated at the program level of analysis conducted for the Complete Communities FEIR. Therefore, impacts associated with potential future discretionary development would be significant and unavoidable.

Wildlife Movement

The Complete Communities FEIR determined that impacts to wildlife corridors and nursery sites would be avoided through compliance with the MSCP and compliance with protections afforded to MHPA and MHPA-adjacent lands. Thus, through adherence to the existing regulatory framework in place, potential impacts to wildlife corridor and nursery sites would be less than significant.

Local Policies or Ordinances

The Complete Communities FEIR determined that project areas located within MHPA and VPHCP preserve lands would be subject to the ESL Regulations, which would ensure no conflicts would occur in relation to the MSCP Subarea Plan or VPHCP. Additionally, development adjacent to MHPA and VPHCP preserve lands would be subject to the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and Avoidance and Minimization Measures VPHCP Section 5.2.1. Thus, impacts related to conflicts with the MSCP Subarea Plan and VPHCP would be less than significant with implementation of Complete Communities.

Project Summary

Sensitive Species

A project specific Biological Resources Letter Report was prepared for the project by Alden Environmental, Inc. (April 6, 2023) and is included as Appendix C of this Section 15162 Evaluation.

The project site is located within the City's MSCP Subarea Plan but is not within or adjacent to the City's designated habitat preserve, the MHPA. The nearest MHPA is located approximately 0.32 mile to the east and is separated from the project site by urban development, including SR 163.

The project site supports three vegetation communities (non-native grassland – Tier IIIB, ornamental – Tier IV, and disturbed land – Tier IV) and one land cover type (developed – not assigned a tier/not sensitive). The project would directly and permanently impact 0.68 acre of land on-site and 0.23 acre of land off site. According to the City's Biology Guidelines (2018), impacts to Tier I through Tier IIIB habitats that total less than 0.1 acre (in this case, 0.02 acre of Tier IIIB non-native grassland) are not considered significant and do not require mitigation. Impacts to Tier IV habitats (ornamental and disturbed land), which are other uplands, are not considered sensitive (Appendix C). Therefore, impacts to ornamental and disturbed land are also not considered significant and do not require mitigation. Likewise, impacts to developed land cover, which is a land cover that is not sensitive, are not considered significant and do not require mitigation. Impacts would be less than significant, and no mitigation is required.

Sensitive plant species are those that are considered Federal, State, or California Native Plant Society (CNPS) rare, threatened, or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. Narrow Endemic species are a subset of MSCP Covered Species. No sensitive plant species were observed during the site visit. The California Natural Diversity Database (CNDDDB) database search identified three sensitive plant species (San Diego goldenstar, San Diego barrel cactus, and oil neststraw) whose locations, based on the low levels of accuracy, could intersect with the site. However, there is no potential habitat for these species present on-site, the soil is almost entirely

Urban Land, and these conditions have persisted for many decades. Impacts to sensitive plant species would be less than significant, and no mitigation is required.

Sensitive animal species are those that are considered Federal or State threatened or endangered, MSCP Covered Species, or MSCP Narrow Endemic species. No sensitive animal species were observed or detected during the site visit. The CNDDDB search identified three sensitive animal species (Western spadefoot, Southern California legless lizard, and Peregrine falcon) whose locations, based on the low levels of accuracy, could intersect with the site. There is no potential habitat for these species present on-site, there is no evidence of surface or ponding water on-site, and these conditions have persisted for many decades. Impacts would be less than significant, and no mitigation is required.

The Federal Migratory Bird Treaty Act (MBTA), which restricts the killing, taking, collecting, selling, or purchasing of native bird species or their parts, nests, or eggs, provides legal protection for almost all breeding bird species occurring in the United States (16 U.S.C. 703-712). Additionally, pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the California Department of Fish and Wildlife (CDFW). Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. Given the developed nature of the project site and the high levels of human activity on the site and in the surrounding area, the potential for birds to nest on-site is relatively low. However, the project must comply with the MBTA and California Fish and Game Code Section 3503 to avoid/minimize impacts to nesting birds, as required by those regulations. Impacts would be less than significant, and no mitigation is required.

Sensitive Habitat

The project site contains 0.02 acre of non-native grassland (Tier IIIB habitat). According to the City's Biology Guidelines (2018), impacts to Tier IIIB habitats that total less than 0.1 acre are not considered significant and do not require mitigation. Impacts to Tier IV habitats (ornamental and disturbed land), which are other uplands, are not considered sensitive.

Wetlands

The National Hydrographic Dataset shows the southern portion of the Maple Canyon bottom area on-site as "stream/river" (Appendix C). However, no features that would be considered jurisdictional by the Army Corps of Engineers, and Regional Water Quality Control Board (RWQCB), CDFW, or the City were observed during the site visit. No surface water flow or ponding water was observed on-site, and no evidence of water flow or ponding was observed (e.g., there were no rills, gullies, or channels with bed and bank topography; no drift lines; no water marks, etc.). Additionally, no hydrophytic vegetation was observed. Because no potential jurisdictional features including City wetlands, were observed on-site, there would be no impacts. No mitigation is required.

Wildlife Movement

The site is located in a developed portion of the City and is not within any local or regional wildlife corridor (Appendix C). No impacts would occur, and no mitigation is required.

Local Policies or Ordinances

The project site is located within the City's MSCP Subarea Plan. However, the entire project site is designated as Developed and is not within or adjacent to the City's designated habitat preserve, the MHPA. The nearest MHPA area is located approximately 0.32 mile to the east and is separated from the project site by urban development, including SR 163 (Appendix C). Impacts would be less than significant, and no mitigation is required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impacts Biological Resources, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

Geologic Conditions

CPU PEIR Summary

Geologic Hazards

The CPU PEIR concluded that there would be no significant impact to health or safety related to seismic or geologic hazards with implementation of the CPU. The Community Plan area is located in a seismically active region of California; therefore, the potential exists for geologic hazards, such as earthquakes and ground failure. The CPU PEIR states that the Community Plan area is underlain by four surficial soil deposits and three geologic formations. The surficial soils include artificial fill (unmapped), topsoil/colluvium, alluvium (unmapped), and very old terrace deposits (formerly Lindavista Formation). The geologic formations include San Diego Formation, Pomerado Conglomerate, and Mission Valley Formation. The CPU PEIR found that while the CPU area would be subject to seismic events, potential hazards associated with ground shaking and seismically induced hazards such as ground failure, liquefaction, or landslides would be reduced to a less than significant level through implementation of site-specific geotechnical report recommendations associated with future development within the CPU area.

Soil Erosion

The CPU allows for the intensification of some land uses that could lead to construction and grading activities that could temporarily expose topsoil and increase soil erosion from water and wind. The CPU PEIR concluded that compliance with National Pollutant Discharge Elimination System (NPDES) requirements required for future projects would reduce the potential for substantial erosion or topsoil loss to occur in association with new development and avoid significant impacts.

The CPU PEIR found that the CPU and associated development would not have direct or indirect significant environmental impacts with respect to geologic hazards because future development

would be required to occur in accordance with the SDMC and CBC. This regulatory framework includes a requirement for site-specific geologic investigations to identify potential geologic hazards or concerns that would need to be addressed during grading and/or construction of a specific development project. Adherence to the SDMC grading regulations and construction requirements and implementation of the recommendations and standards of the City's Geotechnical Study Requirements would preclude significant impacts related to erosion or loss of topsoil. Thus, impacts would be less than significant, and no mitigation is required.

Geologic Stability

No large landslides are mapped in the CPU area; however, small surficial instability could be present on steep slopes. Based on the subsurface soil conditions encountered during the field investigation and the lack of groundwater extraction that would be associated with future development, the risk associated with ground subsidence hazard is low. Potential hazards associated with slope instability would be addressed by the site-specific recommendations contained within geotechnical investigations as required by the CBC and SDMC. Thus, impacts related to landslide and slope instability would be less than significant.

Expansive Soil

Relative to soil expansion, the highly expansive Normal Heights Mudstone (member of the Lindavista Formation) is mapped in the northeastern portion of the CPU area. Site-specific measures based on results of a Geotechnical Investigation would be necessary during design and construction of future projects to remedy the effects of slope stability, expansive soil. A site-specific Geotechnical Investigation required for future projects within the CPU area would be required by the SDMC to identify the presence of expansive soils and provide recommendations to be implemented during grading and construction to ensure that potential hazards associated with expansive soils are minimized. Thus, with implementation of the recommendations included in site-specific geotechnical investigations required under the CBC and SDMC, potential impacts associated with expansive soils would be less than significant.

Complete Communities FEIR Summary

Geologic Hazards

The Complete Communities FEIR determined that implementation of the Complete Communities Program would not have direct or indirect significant environmental impacts in regard to seismic hazards, because future development would be required to comply with the SDMC and CBC. This regulatory framework includes a requirement for site-specific geotechnical investigations to identify potential geologic hazards or concerns that would need to be addressed during grading and/or construction of a specific development project. Adherence to the SDMC grading regulations and construction requirements and implementation of recommendations contained within required site-specific geotechnical studies would preclude significant impacts related to seismic hazards. Thus, implementation of Complete Communities would result in less than significant impacts to geologic conditions.

Soil Erosion

The Complete Communities FEIR determined that implementation of the Complete Communities Program would result in less than significant impacts related to erosion and loss of topsoil. SDMC regulations prohibit sediment and pollutants from leaving the worksite and require the property owner to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures. Conformance to mandated City grading requirements would ensure that proposed grading and construction operations would avoid significant soil erosion impacts. Thus, impacts were determined to be less than significant.

Geologic Stability

The Complete Communities FEIR determined that implementation of the Complete Communities Program would not result in impacts related to landslides, lateral spreading, subsidence, liquefaction, or collapse. Future development within the project areas would be required to be constructed in accordance with the SDMC and CBC, and would be required to prepare a site-specific geotechnical report and implement any recommendations within the report. Thus, impacts would be less than significant.

Expansive Soil

The Complete Communities FEIR states that the SDMC requires a geotechnical investigation prior to issuance of a building permit. If expansive soils are found at a particular project site within the project areas, that project site would need to comply with both the CBC and SDMC requirements. Compliance with existing regulations would ensure that impacts associated with expansive soils are reduced to less than significant.

Project Summary

Geologic Hazards

According to the site-specific geotechnical investigation (Geotechnical Investigation, Leighton and Associates, Inc., October 5, 2022) included as Appendix D of this Section 15162 Evaluation, the geologic units underlying the project site consist of surficial units of undocumented artificial fill materials overlying Quaternary-age Very Old Paralic Deposits which in turn overlie Pliocene-age San Diego Formation. Like other areas in San Diego County and the region, the project site could be affected by seismic activity as a result of earthquakes on major active faults located throughout the Southern California area. The project site is not located within any State mapped Earthquake Fault Zones or County of San Diego mapped fault zones. The nearest active fault is the Rose Canyon fault zone located approximately 0.8 miles west of the site. Based on this information, the risk associated with ground rupture is low. However, the project would be required to comply with seismic requirements of the CBC, as well as utilize proper engineering design and standard construction practices, to be verified at the building permit stage, in order to ensure that impacts to people or structures would be reduced to an acceptable level or risk. Impacts would be less than significant, and no mitigation is required.

The project site is not located within a tsunami inundation area. In addition, based on the distance between the site and large, open bodies of water, and the elevation of the site with respect to sea level, the possibility of seiches and/or tsunamis is considered nil. According to a Federal Emergency

Management Agency (FEMA) flood insurance rate map, the site is not located within a floodplain. In addition, the site is not located downstream of a dam or within a dam inundation area based on staff's review of topographic maps. Therefore, the potential for flooding of the site is considered very low. Impacts would be less than significant.

Soil Erosion

The project would require the removal of existing buildings, asphalt, and concrete at the project site and the removal of soil for the subgrade parking. The project would implement an erosion control plan in compliance with the City's grading requirements and standards in the LDM, which would ensure grading and construction operations would avoid significant soil erosion impacts. Impacts would be less than significant, and no mitigation is required.

Geologic Stability

The site is located in Geologic Hazard Category 52 on the San Diego Seismic Safety Maps. Category 52 is described as other level areas, gently sloping to steep terrain, favorable geologic structure, low risk. According to Appendix D, no landslides or indications of deep-seated landsliding were indicated at the site during geotechnical field exploration or review of available geologic literature, topographic maps, and stereoscopic aerial photographs. Furthermore, field explorations and local geologic maps indicate the site is generally underlain by favorable oriented geologic structure, consisting of massively bedded sandstone. Therefore, the potential for significant landslides or large-scale slope instability at the site is considered low (Appendix D). Impacts would be less than significant, and no mitigation is required.

Expansive Soil

According to the project-specific geotechnical report included as Appendix D, generally very low to low expansive soils are anticipated at the project site. More expansive soils may be encountered during the recommended remedial grading operations, but they are not anticipated to impact the proposed site improvements. The project would comply with the SDMC, CBC, and geotechnical investigation recommendations. Impacts would be less than significant, and no mitigation is required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impacts to Geologic Conditions, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

Paleontological Resources

CPU PEIR Summary

The CPU PEIR found that the Community Plan area contains geologic formations considered to be of high resource sensitivity. (San Diego, Pomerado Conglomerate, and Mission Valley Formations). Because human understanding of history is obtained, in part, through the discovery and analysis of

paleontological resources, the excavation or grading of geologic formations, which could contain fossil remains, would result in a potentially significant impact.

Grading associated with future development projects implemented in accordance with the CPU that involve excavation into the underlying geological formations could expose these formations and associated fossil remains. In addition, future projects proposing shallow grading where formations are exposed and where fossil localities have already been identified would also result in a potentially significant impact.

Impacts resulting from future discretionary development into the high sensitivity San Diego, Pomerado Conglomerate, and Mission Valley Formations would be potentially significant. Build-out of future ministerial projects implemented in accordance with the CPU would likely result in a certain amount of disturbance to the native bedrock within the CPU area. Thus, the CPU PEIR determined that impacts related to future ministerial development that would occur with build-out of the CPU and associated development would be potentially significant.

The CPU PEIR identified Mitigation Measure PALEO 6.10 to be implemented with future development in order to reduce impacts associated with paleontological resources to below a level of significance. PALEO 6.10 states that prior to approval of subsequent discretionary development projects implemented in accordance with the CPU, the City shall determine the potential for impacts to paleontological resources within a high sensitivity formation and monitoring for paleontological resources required during construction activities shall be implemented at the project level. At the time the CPU was prepared, there was no mechanism to screen for grading quantities and geologic formation sensitivity and apply appropriate requirements for paleontological monitoring for ministerial projects.³ Therefore, the CPU PEIR concluded that there would be no mechanism to screen for grading quantities and geologic formation sensitivity and apply appropriate requirements for paleontological monitoring for ministerial projects. Thus, impacts related to future ministerial development that would occur with build-out of the CPU were found to remain significant and unavoidable.

Complete Communities FEIR Summary

The Complete Communities FEIR concluded that Implementation of the General Grading Guidelines for Paleontological Resources, as required by the SDMC and applicable to all new development, would require paleontological monitoring in areas underlain by formations where sensitive paleontological resources could occur. This would ensure that potential paleontological resources impacts resulting from future grading activities would be less than significant.

Project Summary

The project site is underlain by undocumented artificial fill materials overlying Quaternary-age very old paralic deposits which in turn overlie Pliocene-age San Diego Formation (Appendix D). The very old paralic deposits have a moderate sensitivity rating while the San Diego Formation has a high sensitivity rating.

³ Since adoption of the Uptown CPU and certification of the PEIR, the City updated the Grading Regulations in SDMC Section 142.0151 to require paleontological monitoring of all projects located in areas of high and moderate sensitivity for paleontological resources or within 100 feet of a mapped location of a fossil recovery site.

Based on the proposed Preliminary Grading Plan prepared for the project, the project's earthwork would result in 45,900 cubic yards of cut at a maximum depth of 41 feet and zero cubic yards of fill. These grading quantities exceed the threshold of 1,000 cubic yards of excavation for moderate and 2,000 cubic yards of excavation for high sensitivity ratings. Therefore, the project would be required to implement CPU PEIR Mitigation Measure PALEO 6.10-1. With implementation of PALEO 6.10-1, potential impacts on Paleontological Resources would be reduced to below a level of significance.

Conclusion

Based on the foregoing analysis and information and compliance with CPU PEIR Mitigation Measure PALEO 6.10-1, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impacts to Paleontological Resources, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

Hydrology/Water Quality

Hydrology, water quality, and drainage are discussed in Section 4.8 of the 2013 BLCPU PEIR and the 2021 BLCPU PEIR Addendum. Below is a summary of impacts of the 2013 BLCPU by issue as well as potential impacts related to the 2021 as well as potential impacts related to the 2021 BLCPU.

CPU PEIR Summary

Runoff

The CPU PEIR found that build-out in accordance with the CPU would result in a reduction in the volume and rate of overall surface runoff within the CPU area when compared to the existing condition. All development is subject to drainage and floodplain regulations in the SDMC and would be required to adhere to the City's Drainage Design Manual and Storm Water Standards Manual. Therefore, implementation of the CPU would result in less than significant impacts associated with runoff and alternations to on- and off-site drainage patterns.

Pollutant Discharge

The CPU PEIR concluded that new development under the CPU and associated development would be required to implement low impact design (LID) and storm water Best Management Practices (BMPs) into project design to address the potential for transport of pollutants of concern through either retention or filtration. The implementation of LID design and storm water BMPs would reduce the amount of pollutants transported from the CPU area to receiving waters and impacts would be less than significant. Future development would be required to adhere to the requirements of the Municipal Separate Storm Sewer System (MS4) permit for the San Diego Region and the City's Storm Water Standards Manual. Water quality conditions—both surface and groundwater—were determined to not have an adverse effect on water quality. Thus, impacts were found to be less than significant.

Groundwater

The CPU area is within the San Diego Mesa and Mission San Diego groundwater areas. Groundwater within the San Diego Mesa is exempt from municipal and domestic supply beneficial use and does

not support municipal and domestic supply. Groundwater within the Mission San Diego area of the Lower San Diego portion of the San Diego Hydrologic Unit has a potential beneficial use for municipal and domestic supply. Storm water regulations that encourage infiltration of storm water runoff and protection of water quality would also protect the quality of groundwater resources and support infiltration where appropriate. Thus, implementation of the CPU and associated developments would result in a less than significant impact on groundwater supply and quality.

Complete Communities FEIR Summary

Runoff

The Complete Communities FEIR determined all development occurring within the project areas would be subject to the drainage and floodplain regulations in the SDMC and would be required to adhere to the City's Drainage Design Manual, ESL Regulations protecting floodplains, FEMA standards, and the City's Storm Water Standards Manual. Thus, impacts related to changes in runoff patterns associated with future development would be less than significant.

Potential riverine flooding impacts would largely be avoided through compliance with ESL Regulations; however, at a program level of analysis it cannot be ensured that every future project would fully mitigate potential flooding impacts, resulting in a significant and unavoidable impact. Additionally, for project areas protected by the Provisionally Accredited Levy (PAL) in Mission Valley, impacts would be significant and unavoidable.

Impacts associated with flooding due to a seiche or dam inundation would be less than significant, due to lack of seiche hazards within the project areas and based on applicable regulatory requirements and protections associated with development downstream of dams. Impacts related to tsunami inundation would be significant and unavoidable due to the potential for increased development densities occurring within areas subject to tsunami inundation. Future development is anticipated to incorporate adequate design measures to protect development areas from potential mudflow and debris that could follow a fire event; however, areas with potential risk of mudflow cannot be determined at this programmatic level of review and impacts would be significant and unavoidable.

Pollutant Discharge

The Complete Communities FEIR determined that new development occurring within the project areas would be required to implement LID and storm water BMPs into the design of future projects within the project areas to address the potential for transport of pollutants of concern through either retention or filtration, consistent with the requirements of the MS4 Permit for the San Diego region and the City's Storm Water Standards Manual. Implementation of LID design and storm water BMPs would reduce the amount of pollutants transported from the project areas to receiving waters. Thus, through compliance with the existing regulatory framework addressing protection of water quality, impacts would be less than significant.

Groundwater

The Complete Communities FEIR determined that storm water regulations that encourage infiltration of storm water runoff and protection of water quality would protect the quality of

groundwater resources and support infiltration where appropriate. Impacts would be less than significant.

Project Summary

Runoff

The project is identified as a “priority” project; therefore, a *Storm Water Quality Management Plan* (SWQMP) was prepared by Nasland Engineering, dated January 6, 2022 (Appendix H), as well as a *Drainage Study* dated, January 5, 2023 (Appendix I).

The project site is currently developed with five commercial buildings. The existing condition is considered to be three basins. Storm water from Basin 1 sheet flows from the building roofs and drains to the curb and gutter on Spruce Street and Fourth Avenue at Point of Compliance (POC) 1 before draining to a curb inlet on Fourth Avenue at Redwood Street. Storm water from Basin 2 sheet flows from the building roofs and hardscape to the curb and gutter on Third Avenue at POC 2 before draining to a curb inlet on Third Avenue at Redwood Street. Basin 3 drains to the canyon at POC 3. Landscaped areas are limited to a planter area and gravel areas on the northeast and east side of the site. The existing condition is more than 90 percent impervious and has a runoff coefficient of 0.95 (Appendix I- Proposed Hydrologic Conditions).

The project would encompass approximately 0.81 acres and consists of a 17-story mixed-use building with underground parking and courtyard. The proposed condition would consist of two basins. Basin 1 would consist of runoff from the roofs and courtyard and would drain to a cistern that would be treated with a Modular Wetland System located northwest of the building located on Spruce Street. Basin 2 would consist of runoff from the roofs and courtyard would be treated with a Modular Wetland System located east of the building on Fourth Avenue. Treated runoff would be routed via a curb outlet to the curb and gutter on Spruce Street before draining to Fourth Avenue to POC 1. There is no runoff draining to POC 2. Basin 3 consists of the existing pervious surface and drains to the canyon at POC 3.

Storm water runoff for both the existing and proposed site conditions was calculated, analyzed and compared in order to ensure that the proposed conditions do not negatively affect the existing hydrologic regime. Runoff was calculated by utilizing methods outlined in the City of San Diego Drainage Design Manual, January 2017 Edition.

The project would not increase the peak runoff discharge in a potential 50-year or 100-year storm event due to the hydromodification requirement of detention onsite. Existing peak discharge is 2.10 cubic feet per second (cfs) and the proposed peak discharge is 1.39 cfs, resulting in a net decrease in peak runoff (Appendix I). The project would not result in a detrimental impact to the existing hydrologic basin and drainage system. Impacts would be less than significant, and no mitigation is required.

Pollutant Discharge

To comply with current storm water regulations, source control and structural BMPs would be implemented to control the anticipated increase in pollutant loads and peak runoff from the

proposed development. The project site has five Drainage Management Areas (DMAs), each draining to different BMPs. DMA 1 is the roof and courtyard of the northwest section of the project, draining to a pump and hydromodification detention vault before draining to Modular Wetland System (BMP 1) on Floor 1. Once treated, runoff would drain to a proposed curb outlet on Spruce Street. DMA 5 is the roof and courtyard of the northeast section of the project, draining to a pump and hydromodification detention vault before draining to a Modular Wetland System (BMP 5) on Floor 1. Once treated the runoff would drain to a proposed curb outlet on Fourth Avenue. DMA 2 is the small portion of landscaped area that drains to the sidewalk and is self-mitigating. DMA 3 is the self-treating areas of the pools and spas. DMA 4 is the existing hillside and is self-mitigating. DMAs 2, 3, and 4 would not be included in the sizing calculations.

As mentioned in the SWQMP (Appendix H), there is only one point of compliance for flow control for hydromodification management for the project and it is located at the southeast corner of the project site. All of the project stormwater would drain through this single point of compliance. Runoff from the project would treat pollutants by utilizing a Modular Wetland System and discharge to point of connection gutter flow down Fourth Avenue to an existing curb inlet at the intersection of Redwood Street and Fourth Avenue. This curb inlet then drains to Maple Canyon before entering the storm drain system and outletting into San Diego Bay. The project would not result in any significant alteration of water quality or violate any water quality standards. No impact would result. No mitigation measures are required.

Approximately 72 percent of the project site would be impervious surfaces with a 17-story building, underground parking structure, and sidewalks. Graded and disturbed areas would be re-vegetated and landscaped to minimize erosion. The post construction site would have minimal risks of erosion given proper plant establishment, and transport of sediments downstream would be significantly reduced by means of pretreatment and proposed on-site detention basins with no off-site discharge location (Appendix H). Adherence with the City of San Diego Stormwater standards would preclude a cumulatively considerable contribution to erosion of siltation on- or off-site.

In accordance with the SDMC, the property owner would be required to enter into a Storm Water Management and Discharge Control Maintenance Agreement (Maintenance Agreement) for the installation and maintenance of permanent storm water BMPs prior to issuance of construction permits. The Maintenance Agreement is intended to ensure the establishment and maintenance of permanent storm water BMPs on-site as described in the SWQMP. Additionally, the project would be required to adhere to all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

The physical alteration of water bodies, including wetlands and streams, are regulated by Federal and State statutes under Section 401 (Certification) and Section 404 (Permits) of the Federal Clean Water Act. This project does not propose any discharge of dredged and/or fill material within any

Waters of the U.S. and, therefore, is not subject to the Clean Water Act Sections 404 Permit and 401 Certification. Impacts would be less than significant, and no mitigation is required.

Groundwater

The depth to perched groundwater at the project site was estimated to be over 20 feet (Appendix H). Groundwater was not encountered during geotechnical investigation at the site. Groundwater depths are anticipated to be greater than 100 feet below the ground surface (Appendix D). It should be noted that groundwater levels may fluctuate with seasonal variations and irrigation and local perched groundwater conditions may exist within cemented layers and sandy lenses within the very old paralic deposits and San Diego Formation. Nevertheless, it is not anticipated that groundwater would be a constraint to the construction of the proposed improvements. Proper surface drainage, consistent with the recommendations in the Geotechnical Investigation (Appendix D) would be constructed as part of the project and the project would not deplete groundwater supplies or interfere with groundwater recharge. Impacts would be less than significant. Additionally, the project would be required to adhere to the City's storm water quality management requirements. No mitigation measures are required.

The project would not significantly alter the drainage pattern of the project site or area. Runoff would be routed to on-site treatment BMPs to comply with San Diego Storm Water standards. The project would not result in substantial erosion or siltation. The project would result in less runoff than the existing condition (Appendix I). No impact would occur, and no mitigation measures are required.

Conclusion

Based on the foregoing analysis and information and project features, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impacts to Hydrology/Water Quality, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

PUBLIC SERVICES

CPU PEIR Summary

The CPU PEIR found that build-out of the CPU could increase demand for all public services—including fire and police protection, schools, parks and recreation, and libraries; however, construction of any new public facilities are not included in the CPU. The construction and operation of these facilities would be subject to numerous development regulations within the City, including policies within the General Plan and CPU and subject to environmental review as design plans are available. The individual school districts are responsible for planning, siting, building, and operating schools in their responsible districts within the Community Plan Area. Impacts to public services were determined to be less than significant. No mitigation measures were required.

Complete Communities FEIR Summary

The Complete Communities FEIR found that Implementation of the Complete Communities project could result in construction of schools and the addition of fire and police facilities, as well as

libraries. Additionally, transportation infrastructure and amenities constructed under the CCMC Regulations could result in environmental impacts. Specific impacts may occur associated with the construction and operation of future facilities. However, because the analysis conducted for the Complete Communities FEIR was at the program level, the location and need for potential future facilities could not be determined. As it could not be ensured all impacts associated with the construction and operation of potential future facilities would be mitigated to less than significant, the Complete Communities FEIR concluded that impacts would be significant and unavoidable.

Project Summary

The project proposes 262 multi-family dwelling units and 5,631 square feet of commercial space. As such, the project would result in additional residents within the Community Plan area. The project would add residential uses in an area designated Office Commercial (with a high-density residential allowance) and Residential Medium in the Uptown Community Plan. Residential uses are permitted in the CC-3-8 and RM-3-7 zones and the project would be developed pursuant to the CCHS Regulations to provide much-needed housing within a TPA and within walking/bicycling distance of commercial, employment, and transit uses and facilities.

The demand for fire protection may be increased; however, the project would comply with all applicable City regulations and applicable fire codes. The project site is within the service area for the San Diego Fire-Rescue Department (SDFD). The project may result in an increase in service calls, due to the introduction of residential uses and a slight increase in the onsite population beyond that anticipated by the Uptown Community Plan. However, no new or expanded facilities or improvements to existing facilities would be required because the project is consistent with the site's planning and zoning designations. Impacts would be less than significant. No mitigation is required.

The project site is within the service area for Beat 529 of the San Diego Police Department's (SDPD) Central Division. The project would introduce new residents at the project site beyond what was anticipated in the Uptown Community Plan. The project could result in an increase in service calls, however, no new or expanded facilities or improvements to existing facilities would be required as a result of the project because the project is consistent with the site's planning and zoning designations. The CPU PEIR stated that there are no current plans for additional police substation in the Uptown Community Plan area. Impacts would be less than significant, and no mitigation would be required.

The project site is within the San Diego Unified School District (SDUSD) and according to correspondence with the district, included as Appendix J of this Section 15162 Evaluation, there are no district standard or school-specific student generation rates for this district. In order to estimate the number of students generated by new residential development, existing residential development of similar type and size in the same neighborhood as the project was referenced. The project would include 262 multi-family units (240 market rate and 22 affordable). The 22 affordable units would generate 19 students and the 240 market rate units would generate 20 students for a total of 39 new students. SB 50 identifies the development fee and mitigation procedures for school facilities. SB 50 limits the mitigation that may be required to the scope of the review of any future project's impacts to schools, and the findings for school impacts. Payment of the statutory fees

would constitute full and complete mitigation. Therefore, impacts associated with the construction of future school facilities would be less than significant. No mitigation would be required.

Using the SANDAG persons per household rate of 2.14 for Uptown (2020), the project would generate a population of 559 residents. The Parks Master Plan was adopted by the City in August 2021. The new City standard for the provision of parks is 100 points per 1,000 people. The additional residents from the project would require 56 points.

The project would include 17,717 square feet of common outdoor open space including an entry courtyard, dog run, terraces, pool decks, and BBQ deck. These resident amenity areas would provide recreational opportunities for the project's residents and reduce demand on community recreational facilities. The project would be required to pay the Citywide Park fee. As a result, the increase in demand for recreational facilities associated with the project is not considered substantial relative to the community as a whole, and the project alone would not require provision of additional park land or the construction of additional recreational facilities. Therefore, the project would have a less than significant impact on parks and recreational facilities.

Uptown is served by the Mission Hills-Hillcrest/Harley & Bessie Knox and University Heights libraries. The project's increase in population would not impact the existing library facilities nor would additional or expanded library facilities be required. The existing branches could adequately serve the increase in residents from the project. Impacts would be less than significant.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impacts to Public Services, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

Public Utilities

CPU PEIR

Water Supply

A Water Supply Assessment (WSA) was prepared for the CPU and associated development to assess whether sufficient water supplies are or would be available to meet the projected water demands. The WSA was prepared in compliance with the requirements of SB 610. The WSA found that there is sufficient water supply to serve existing and projected demands of the CPU and associated development and future water demands within the Public Utilities Department's (PUD) service area in normal and dry year forecasts during a 20-year projection. Therefore, the CPU PEIR found that no significant impacts to water supply are anticipated for implementation of the CPU.

Provision of New or Physically Altered Utilities

No storm drains or other community-wide drainage facilities were proposed for construction in conjunction with adoption of the CPU and associated development. However, plans and programs

are in place Citywide to maintain and upgrade the storm water system. As individual development projects are implemented in accordance with the CPU and associated development, localized improvements to the storm water system would be required as part of the project design and review. All storm water facilities constructed in conjunction with future development would be reviewed for consistency with the City's Storm Water Standards and other applicable requirements.

Future projects would be required to exercise strict adherence to existing storm water regulations and conformance with General Plan and CPU policies. Project-specific review under the Municipal Storm Water Permit and CEQA would assure that significant adverse effects related to the storm water system and the installation of storm water infrastructure would be avoided. Impacts related to storm water facilities were determined to be less than significant.

The CPU acknowledges that upgrades to sewer lines are an ongoing process. These upgrades are administered by the PUD and are handled on project-by-project basis. Because future development of properties under the CPU and associated development would likely increase demand, there may be a need to increase sizing of existing pipelines and mains for both wastewater and water. The CPU takes into consideration the existing patterns of development, and the update is a response to the community's needs and goals for the future. The necessary infrastructure improvements to storm water, wastewater, and water infrastructure would be standard practice for new development to maintain or improve the existing system in adherence to sewer and water regulations and conformance with General Plan and CPU policies. Additionally, future discretionary projects would be required to undergo project-specific review under CEQA that would assure that impacts associated with the installation of storm water infrastructure would be reduced to below a level of significance. Therefore, impacts to sewer and water utilities were determined to be less than significant.

Private utility companies currently provide communications systems within the CPU area. Given the number of private utility providers available to serve the CPU area, there is capacity to serve the area. Impacts would be less than significant.

Solid Waste and Recycling

Solid Waste and Recycling

To ensure that waste generation and recycling efforts during construction and post-construction future land use occupancy and operation (i.e., residential, commercial, industrial, mixed-use, etc.) are addressed, a Waste Management Plan shall be prepared for any project proposed under the CPU and associated development exceeding the threshold of 40,000 square feet or more. Implementation of these WMPs would ensure that future development project impacts would be considered less than significant. Non-discretionary projects proposed under the CPU and development, and discretionary projects that would fall below the 60 ton thresholds, would be required to comply with the SDMC sections addressing construction and demolition debris, waste and recyclable materials storage, and recyclable materials (and in the future organic materials) collection. Therefore, at this program level of review, the CPU and associated development would not require increased landfill capacity, and impacts associated with solid waste were determined to be less than significant.

Complete Communities FEIR Summary

Water Supply

The Complete Communities FEIR found that, according to WSAs prepared for recent CPUs, water demand would not increase within project areas located in communities with a recent community plan update. Within project areas that do not have a recent comprehensive community plan updates, it is possible that densities could be authorized in excess of what would have been considered in the latest water supply planning document. While existing building code regulations would serve to ensure water-efficient fixtures are installed with new development and CAL Green requires 20 percent reduction in indoor water use relative to specified baseline levels, at this programmatic level of review, direct and cumulative impacts related to the availability of water supplies based on existing projections could be significant due to the potential for increased density not considered in water supply planning documents. Impacts would be significant and unavoidable.

Provision of New or Physically Altered Utilities

The Complete Communities FEIR concluded that mandatory compliance with City standards for the design, construction, and operation of storm water, water distribution, wastewater, and communications systems infrastructure would likely minimize significant environmental impacts associated with the future construction of and/or improvements to utility infrastructure. However, at the programmatic level of review that was conducted for the Complete Communities FEIR and without the benefit of project-specific development plans, both direct and cumulative impacts associated with the construction of storm water, water distribution, wastewater, and communication systems could be significant. Impacts would be significant and unavoidable.

Solid Waste and Recycling

The Complete Communities FEIR determined that future development within the project areas where Complete Communities could be applied would generate solid waste through demolition/construction and ongoing operations, which would increase the amount of solid waste generated within the region. However, future projects would be required to comply with City regulations regarding solid waste that are intended to divert solid waste from the Miramar Landfill to preserve capacity. Compliance with existing regulations requiring waste diversion would help preserve solid waste capacity. Therefore, impacts associated with solid waste would be less than significant.

Project Summary

Water Supply

The project would construct a mixed-use building containing 262 multi-family residential units and 5,631 square feet of commercial space. The building structure would not exceed the criteria to be considered a project by the Water Code Section 10912 and does not require a project-specific WSA. Additionally, review of the project by PUD staff indicated that a project-specific water study was not required (e-mail from Meryl Jimenez, May 23, 2023).

As discussed above, the WSA for the Community Plan determined that there is sufficient water supply to serve existing and projected demands of the Uptown community and the future water

demands within the PUD's service area in normal and dry year forecasts during a 20-year projection. Impacts would be less than significant. No mitigation measures are required.

Provision of New or Physically Altered Utilities

The project would not significantly alter the drainage pattern of the project site or area (Appendix I). Runoff would be routed to onsite treatment BMPs to comply with San Diego Storm Water standards. The project would not result in substantial erosion or siltation. The project would result in less runoff than the existing condition. No impacts would occur, and no mitigation measures are required.

Based on a site-specific Sewer Study (Nasland Engineering, January 5, 2023) included as Appendix K of this Section 15162 Evaluation, the project is anticipated to generate an average sewer flow of 38,990 gallons per day (gpd). The project would increase the peak wastewater discharge rate produced by the site by 0.095 cfs; however, downstream pipes would maintain a depth of percentage flow of under 50 percent, which meets the City's standard requirements. No upgrades to the downstream system are necessary. Impacts would be less than significant, and no mitigation would be required.

As concluded in the CPU PEIR, private utility companies currently provide communications systems within the Uptown area. Given the number of private utility providers available to in the project area, there is capacity to serve the project. Impacts would be less than significant, and no mitigation is required.

Solid Waste and Recycling

A site-specific WMP has been prepared for the project (KLR Planning, February 2023) and is included as Appendix L to this Section 15162 Evaluation. As stated in the WMP, the project would be required to adhere to City ordinances, including the Construction and Demolition Debris Diversion Deposit Program, the City's Recycling Ordinance, and the Exterior Refuse, Organic Waste, and Recyclable Materials Storages Regulations. With adherence to all City ordinances and regulations relative to waste management and compliance with the measures in the WMP, significant impacts relative to solid waste generation would be avoided, and no mitigation is required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impacts to Public Utilities, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

Health and Safety

CPU PEIR

Wildland Fires

The CPU PEIR found that existing policies and regulations would help reduce, but not completely abate, the potential risks of wildland fires. The General Plan and CPU contain goals and policies to be implemented by SDFD, and through land use compatibility, training, sustainable development, and other measures. These goals and policies are aimed at reducing the risk of wildland fires. Public education, firefighter training, and emergency operations efforts would reduce the potential impacts associated with wildfire hazards. Additionally, future development would be subject to conditions of approval that require adherence to the City's Brush Management Regulations and requirements of the California Fire Code. As such, impacts relative to wildland fire hazard were determined to be less than significant.

Hazardous Materials within a quarter-mile of a school

The CPU PEIR found that the CPU and associated development would not result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school. Potential impacts to schools were determined to be less than significant. No mitigation was required.

Emergency Response and Evacuation Plans

The CPU PEIR concludes there would not be significant impacts to emergency preparedness with implementation of the Uptown Community Plan. The City would continue to participate in the Unified San Diego County Emergency Services Organization and implement its Emergency Operations Plan. The CPU and associated development would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; therefore, impacts were determined to be less than significant, and no mitigation was required.

Hazardous Materials Sites

The CPU PEIR concludes that because the CPU area does not historically have a large quantity of hazardous materials sites, and because the CPU Land Use Plan would not support a significant increase in land uses that have potential to result in hazardous emissions or contamination, there are no policies in the CPU relative to hazardous materials. However, the General Plan includes policies to protect the health, safety, and welfare of residents relating to industrial land uses, documentation of hazardous materials investigations, and requires a site investigation for potential contaminants and soil remediation, if needed, if existing land uses change from industrial or heavy commercial to residential or mixed residential development. In addition, pesticide use would not pose a significant hazard as there are no major agricultural uses within the CPU area. Uptown is a built-out community located in the urbanized area of the City. Nominal amounts of pesticides and/or herbicides may be used by residents and other establishments for gardening or landscaping activities. These uses would not introduce significant risk of exposure to people in the CPU area. Therefore, impacts related to hazardous materials sites and health hazards would be less than significant.

Complete Communities FEIR Summary

Wildland Fires

The Complete Communities FEIR found that the Complete Communities Program would not expand the locations where multi-family residential development could occur, and thus would not result in new residential areas being exposed to potential wildfire risk. However, due to the allowance for additional height and FAR, development under the Complete Communities Program could result in additional residents in certain locations compared to what would be allowed without the Complete Communities Program. Future development under the Complete Communities Program would be required to comply with the City's Fire Code, Building Regulations, and Brush Management Regulations which would ensure that people and structures are protected from potential wildland fire hazards. While implementation of and adherence to this regulatory framework would reduce potential wildfire impacts, the increase in the number of residents located within areas at risk of wildland fires could increase the exposure of people and structures to wildfires and impacts would be significant and unavoidable.

Hazardous Materials within a quarter-mile of a school and Hazardous Materials Sites

The Complete Communities FEIR determined that the land uses that would be developed per the Complete Communities Program are not anticipated to result in hazardous emissions or exposure to acutely hazardous materials. In accordance with City, State, and Federal requirements, any new development that involves contaminated property would necessitate the clean-up and/or remediation of the property in accordance with applicable requirements and regulations. No construction would be permitted to occur at a contaminated site until a "no further action" clearance letter from the County's Department of Environmental Health (DEH), or a similar determination is issued by the SDFD, California Department of Toxic Substances Control (DTSC), RWQCB, or other responsible agency. Therefore, impacts to schools would be less than significant.

The Complete Communities FEIR determined that implementation of the Complete Communities Program would be in accordance with City, County, State, and Federal requirements, and any new development that involves contaminated property would necessitate the clean-up and/or remediation of the property in accordance with applicable requirements and regulations. No construction would be permitted at such locations until a "no further action" clearance letter from the County's DEH, or a similar determination is issued by the SDFD, DTSC, RWQCB, or other responsible agency. Therefore, impacts related to hazardous materials sites and health hazards were determined to be less than significant.

Emergency Response and Evacuation Plans

The Complete Communities FEIR concluded that implementation of the Complete Communities Program would not substantially impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The San Diego County Emergency Operations Plan identifies a broad range of potential hazards and a response plan for public protection and identifies major interstates and highways within San Diego County that could be used as primary routes for evacuation. Additionally, the County of San Diego Multi-Jurisdiction Hazard Mitigation Plan (MJHMP) provides methods to help minimize damage caused by natural and man-made disasters. The City and the Office of Emergency Services (OES) of San Diego County

continue to coordinate to update the MJHMP as hazards, threats, population, and land use, or other factors change to ensure that impacts to emergency response plans are less than significant. Therefore, impacts related to emergency evacuation and response plans associated with Complete Communities would be less than significant.

The Complete Communities PEIR determined that implementation would be consistent with adopted ALUCPs as future development would be required to show compatibility with the requirements of the ALUCPs, the SDMC, and associated FAA requirements. Impacts related to aircraft related hazards would be less than significant.

Project Summary

Wildland Fires

The project site is located within a designated Very High Fire Hazard Severity Zone, per the City of San Diego Official Very High Fire Hazard Severity Zone Map. However, with the exception of open space (Maple Canyon) to the south, the project site is surrounded by development, including commercial uses to the north, single- and multi-family uses to the west, commercial and residential uses to the east and residential to the south.

The project proposes brush management in compliance with the City's Brush Management Regulations to minimize wildland fire hazards through implementation of prevention activities and programs. The project would be constructed to comply with the California Fire Code and SDMC requirements and would not expose people or structures to a significant risk of loss, injury, or death involving wildfire hazards. Impacts would be less than significant.

Hazardous Materials within a quarter-mile of a school

The project site is not within one-quarter mile of an existing school. Potential impacts to schools were determined to be less than significant.

Emergency Response and Evacuation Plans

The ongoing implementation of the City's Emergency Operations Plan would provide adequate emergency response throughout the City. The project is an infill project in a community that is largely built-out with existing major roads that provide a means for emergency evacuation. The project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan; therefore, impacts are less than significant, and no mitigation would be required.

Hazardous Materials Sites

Implementation of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction of the project would involve the transport, use, and disposal of hazardous materials such as fuel, solvents, chemicals, and oils associated with operating construction equipment. Although small amounts of fuel, solvents, chemicals, and oils would be transported, used, and disposed of during the construction phase, these materials are typically used in construction projects and would not represent the transport, use, and disposal of actively hazardous materials. In addition, the transport

of the aforementioned materials would comply with all applicable regulations and requirements and therefore, would not create a significant hazard to public health.

The *Phase I Environmental Site Assessment* (ESA) prepared for the project (GDS, Inc. September 28, 2022) and included as Appendix F of this Section 15162 Evaluation, included a search of Federal, State, tribal, and local databases regarding the use, storage, disposal, or release of hazardous substances and/or petroleum products for the site and surrounding area. There is no evidence of known or suspect recognized environmental conditions (RECs), or Controlled, RECs in connection with past uses of the subject property. The portion of the project site with the 3170 Fourth Avenue address had a past use as a gasoline station that constitutes a Historical REC; however, no petroleum hydrocarbon-affected soil was found in excavations for construction of the existing building to a depth of 12 feet below grade. No surrounding properties with environmental concerns were identified in the records search. There is no risk to occupants of the future building from petroleum hydrocarbon vapors. No further assessment is needed, and impacts would be less than significant. No mitigation measures are required.

Conclusion

Based on the foregoing analysis and information, there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR or the Complete Communities FEIR. The Quince Apartments Project would not result in any new significant impacts to Health and Safety, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR and the Complete Communities FEIR occur.

CONCLUSION

Overall, implementation of the proposed project would not result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified CPU PEIR and the Complete Communities FEIR.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
- (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;* or
 - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

Based upon a review of the current project, none of the situations described in Sections 15162 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. This evaluation, therefore, supports the use of the previously certified CPU PEIR and Complete Communities FEIR, under CEQA Guidelines Section 15162, in that the environmental document adequately covers the proposed project.

Elizabeth Shearer-Nguyen
Program Manager

ES/es

cc: Robin MacCartee, Development Project Manager, Development Services Department

Attachments: Figure 1 – Project Location
Figure 2 – Site Plan

Appendices:

- Appendix A: Mitigation Measures Incorporated into the Quince Apartments Project
- Appendix B: Air Quality Technical Report
- Appendix C: Biological Resources Letter Report
- Appendix D: Geotechnical Investigation
- Appendix E: CAP Consistency Checklist
- Appendix F: Phase I Environmental Site Assessment
- Appendix G: FAA No Hazard Determination

Appendix H: Storm Water Quality Management Plan

Appendix I: Drainage Report

Appendix J: San Diego Unified School District Service Letter

Appendix K: Sewer Study

Appendix L: Waste Management Plan

Appendix M: Transportation Impact Analysis

Appendix N: Noise Analysis Report

Appendix O: Uptown Community Plan Consistency Analysis

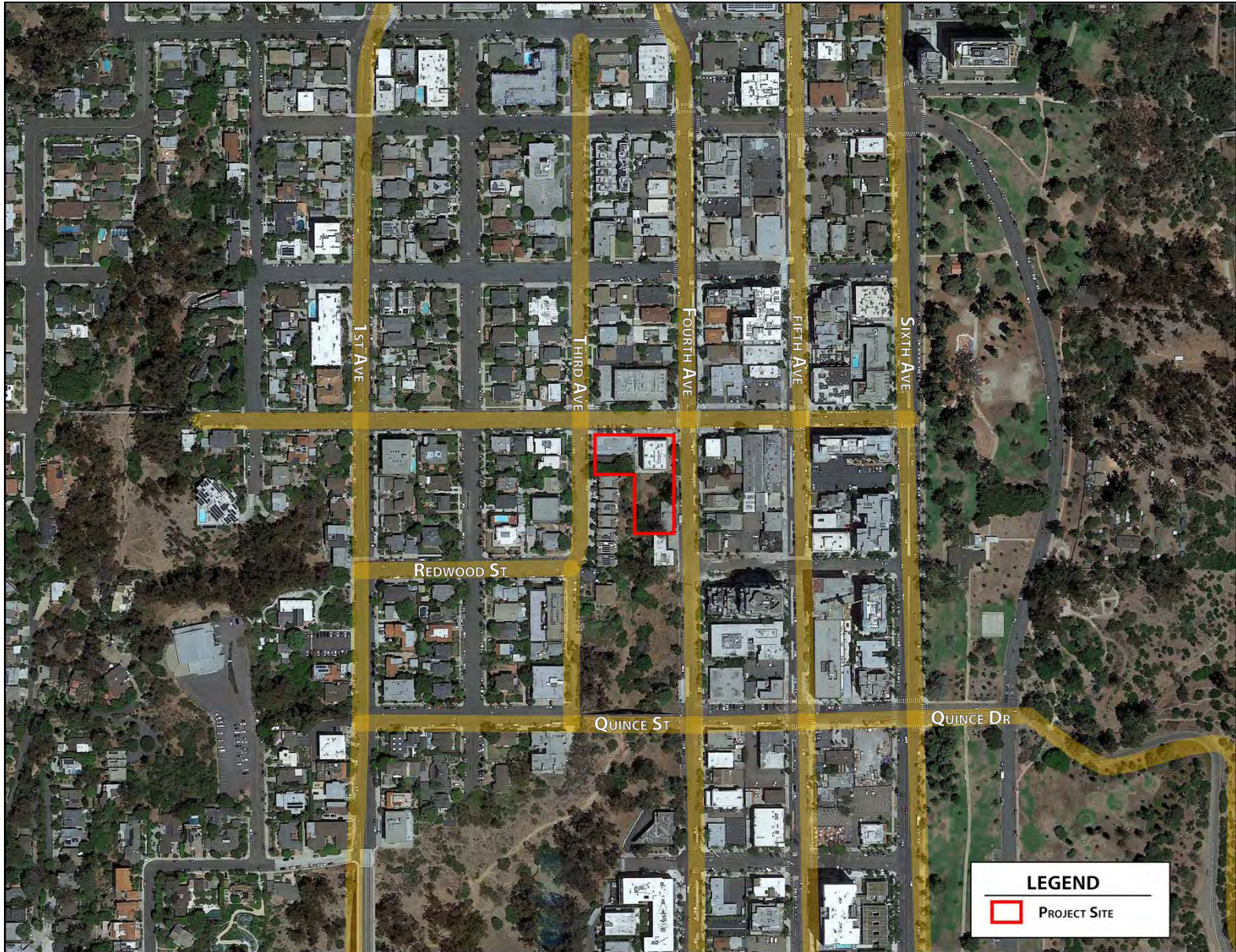


Figure 1 - Project Location

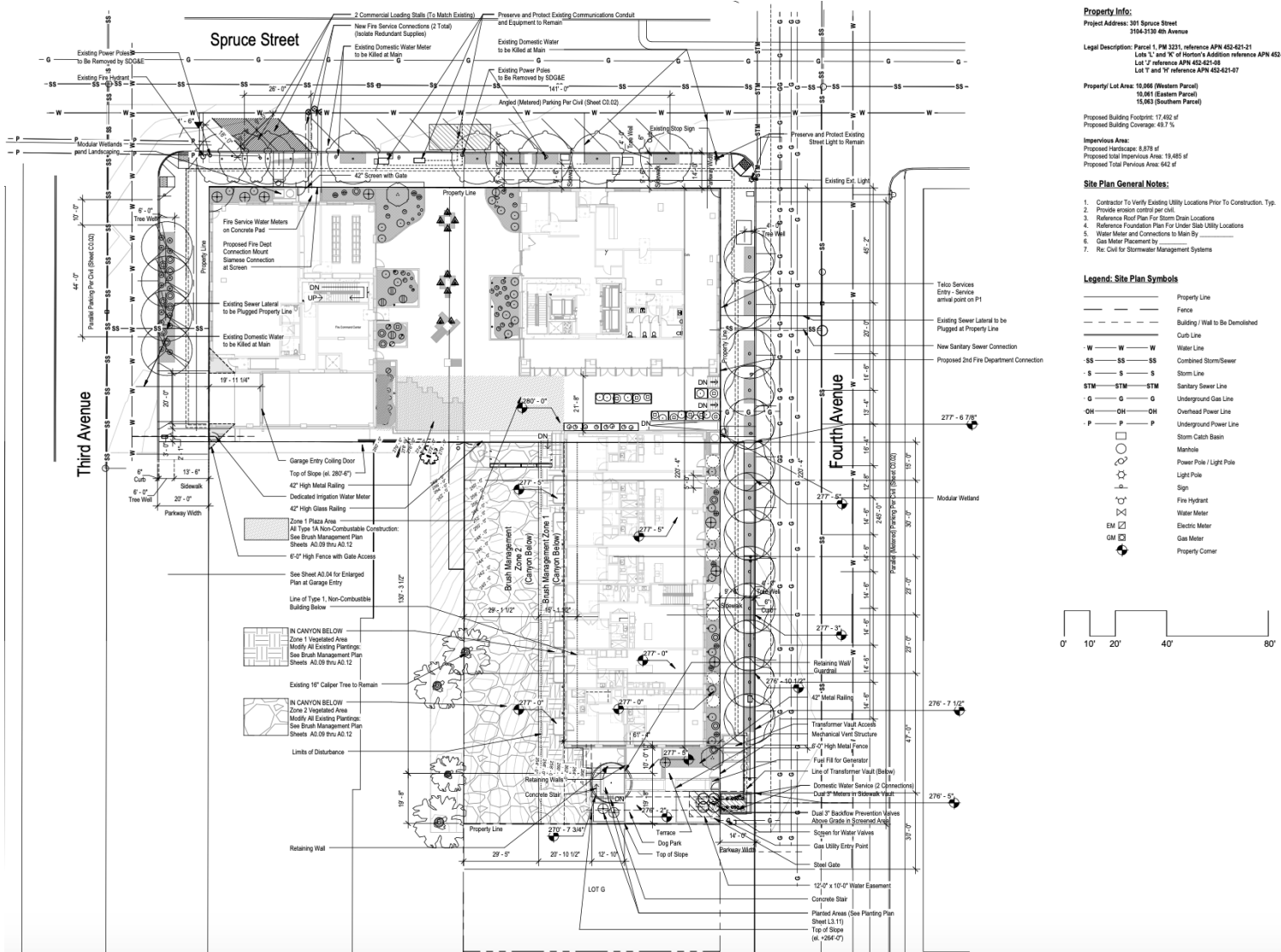


Figure 2 - Site Plan

APPENDIX A

Mitigation Measures Incorporated into the Quince Apartments project:

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
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: <https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

1. **PRECONSTRUCTION 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: *Qualified Biologist, Qualified Archaeologist, and Native American Monitor, Qualified 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, it is also required to call **RE and MMC at 858-627-3360.**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 1053621 and/or Environmental Document No. 1053621, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: **Not Applicable**
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate

construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

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
Noise	Consult Report	Prior to Preconstruction Meeting
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Paleontology	Consultant Qualification Letter	Prior to Preconstruction Meeting
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

Noise

NOISE 6.6-1: At the project level, future discretionary development projects will be required to incorporate feasible mitigation measures. Typically, noise can be reduced to comply with City standards when standard construction noise control measures are enforced at the project site and when the duration of the noise-generating construction period is limited to one construction season (typically one year) or less.

- Construction activities shall be limited to the hours between 7:00 a.m. and 7:00 P.M. Construction is not allowed on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays. (Consistent with Section 59.5.0404 of the San Diego Municipal Code).
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise-generating equipment (e.g., compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Historical Resources⁴

HIST-1 ARCHAEOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project

⁴ Mitigation measures for Historical Resources have been updated to reflect the City's current requirements and thus, differ slightly from the measures included. Implementation of the updated measures mitigates the project's impacts to the same extent as the CPU PEIR Mitigation Framework.

and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

- b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
- 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

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

IV. Discovery of Human Remains

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

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the

Development Services Department to assist with the discovery notification process.

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or

- (3) Record a document with the County. The document shall be titled "Notice of Reinternment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. Night and/or Weekend Work

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

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines

(Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

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

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American

resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Paleontological Resources⁵

PALEO-1: PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

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 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.

⁵ Mitigation measures for Paleontological Resources have been updated to reflect the City's current requirements and thus, differ slightly from those included in the CPU PEIR. Implementation of the updated measures mitigates the project's impacts to the same extent as the CPU PEIR Mitigation Framework.

3. 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

1. 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 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.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, 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 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

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 (CSV). The CSV'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

1. 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.
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.

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.

- b. 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 ground disturbing 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 fossils) 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
 - 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 on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. 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

1. 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,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. 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.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of 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

1. 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.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. 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.
2. 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.

Page 3	City of San Diego · Information Bulletin 620	August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	Community Planning Committee Distribution Form
	Project Name: 301 Spruce St / Quince Apartments	Project Number: 1053621
Community: Uptown		
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>		
<input type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input checked="" type="checkbox"/> Vote to Deny		Date of Vote: February 21, 2023
# of Members Yes 8	# of Members No 2	# of Members Abstain 1
Conditions or Recommendations: Failure to meet the conditions for approving a Neighborhood Development Permit, Section 126.0404. Non-voting chair abstained.		
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		
NAME: Mat Wahlstrom		
TITLE: Chair, Uptown Planners		DATE: February 21, 2023
<p align="center"><i>Attach additional pages if necessary (maximum 3 attachments).</i></p>		

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

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

DS-5620 (08-18) ONLINE FORM

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM DS-318
			October 2017

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

Project Title: Quince Apartments **Project No. For City Use Only:** _____

Project Address: 301 Spruce Street, San Diego California 92103

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

Corporation Limited Liability -or- General – What State? CA Corporate Identification No. 202102010531
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

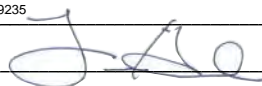
Property Owner

Name of Individual: Quince Commercial, LLC Owner Tenant/Lessee Successor Agency

Street Address: 301 Spruce Street

City: San Diego State: CA Zip: 92103

Phone No.: 858-822-9235 Fax No.: _____ Email: lawrence@cast-dev.com

Signature:  Date: 2/13/2022

Additional pages Attached: Yes No

Applicant

Name of Individual: Quince Commercial, LLC Owner Tenant/Lessee Successor Agency

Street Address: 301 Spruce Street

City: San Diego State: CA Zip: 92103

Phone No.: 858-822-9235 Fax No.: _____ Email: lawrence@cast-dev.com

Signature:  Date: 2/13/2022

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: Mary Gordon Owner Tenant/Lessee Successor Agency

Street Address: 90 Laurel St.

City: Port Haddock State: WA Zip: 98339

Phone No.: 619-871-6279 Fax No.: _____ Email: mary@glasshouse-properties.com

Signature:  Date: 2/13/2022

Additional pages Attached: Yes No

FORM

DS-3031

November 2022

Development Permit/ Environmental Determination Appeal Application

In order to ensure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin (IB) 505, "[Development Permits/Environmental](#)

[Determination Appeal Procedure.](#)"

1. Type of Appeal: Appeal of the Project
 Appeal of the Environmental Determination
2. Appellant: Please check one Applicant Officially recognized Planning Committee
 "Interested Person"
(Per San Diego Municipal Code (SDMC) § 113.0103)

Name:

Stuart McGraw

E-mail:

chair@uptownplannerssd.org

Address:

4525 New Hampshire St

City:

San Diego, CA 92116

State:

Zip Code:

Telephone:

619-793-7795

3. Project Name:

301 Spruce St / Quince Apartments

4. Project Information:

301 Spruce St, Neighborhood Development Permit, Process Two, Cast Development

Permit/Environmental Information Determination and Permit/Document No:

PRJ-1053621

Date of Decision/Determination:

July 7, 2023

City Project Manager:

Robin MacCartee

Decision (Describe the permit/approval decision):

Approval of application for a Neighborhood Development Permit for PRJ-105362

5. Ground for Appeal (Please check all that apply):

- Factual Error New Information
 Conflict with other Matters City-wide Significance (Process four decisions only)
 Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in the [SDMC § 112.0501](#). Attach additional sheets if necessary.)

ATTACHED GROUNDS FOR APPEAL: CHAIRS COMMENTS AND WRITTEN PUBLIC COMMENTS

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

6. Applicant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: 7/18/23

Note: Faxed appeals are not accepted.

Reference Table

- [San Diego Municipal Code \(SDMC\)](#)
- [Development Permits/Environmental Determination Appeal Procedure \(IB-505\)](#)

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

**Chair Comments on PRJ-1053621 - 301 Spruce St
Uptown Planners Special Meeting
February 21, 2023**

Per the conditions of the [Process 2](#) for this project, we are obligated to make a determination regarding this project according to [Chapter 12, Article 6, Division 4](#) of the requirements for a Neighborhood Development Permit. Failure to meet **all** of the findings in Section 126.0404 means a Neighborhood Development Permit **cannot** be approved or conditionally approved for a project.

However, a comparison of the [Land Use](#) and [Urban Design](#) sections of the Uptown Community Plan with the [Site Development Plans](#) makes clear that the project fails to meet the requirements under §126.0404 (a)(1), (2), and (3)...






§126.0404 Findings for a Neighborhood Development Permit Approval

A Neighborhood Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b) through (h) that are applicable to the proposed *development* as specified in this section.

These *findings* are not required for affordable housing that is provided pursuant to Chapter 14, Article 3, Division 7, unless the *development* will exceed the allowed incentives or the *development* deviates from the Climate Action Plan Consistency Regulations as described in Section 143.1403(c).






(a) Findings for all Neighborhood Development Permits

-  (1) 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; and
-  (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.

Fails to meet the requirements under §126.0404 (b)(1), (2), (3), (4), and (5)...

(b) Supplemental Findings--Environmentally Sensitive Lands



A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

-  (1) The site is physically suitable for the design and siting of the proposed *development* and the *development* will result in minimum disturbance to *environmentally sensitive lands*;
-  (2) The proposed *development* will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, *flood* hazards, or fire hazards;
-  (3) The proposed *development* will be sited and designed to prevent adverse impacts on any adjacent *environmentally sensitive lands*; and
-  (4) The proposed *development* will be consistent with the City of San Diego's *MSCP Subarea Plan* and *VPHCP*.
-  (5) The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed *development*.

Fails to meet the requirements under §126.0404 (c)(1) and (c)(2)...

(c) Supplemental Findings--Environmentally Sensitive Lands Deviation



A Neighborhood Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Sections 143.0150, 143.0151, and 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a) and the supplemental *findings* in Section 126.0404(b):

-  (1) There are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands*; and
-  (2) The deviation requested is the minimum necessary to afford relief from special circumstances or conditions applicable to the land and not of the *applicant's* making.

And given the discovery of Kumeyaay artifacts and whale fossils in Maple Canyon, it fails to meet the requirements under §126.0404 (d)(1) and (2)...

(d) Supplemental Findings-- Important Archaeological Sites and Traditional Cultural Properties



A Neighborhood Development Permit required in accordance with Section 143.0210 because of potential impacts to an *important archaeological site* or a *traditional cultural property* may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

-  (1) The site is physically suitable for the design and siting of the proposed *development*, the *development* will result in minimum disturbance to *historical resources*, and measures to fully mitigate for any disturbance have been provided by the *applicant*; and
-  (2) All feasible measures to protect and preserve the special character or the special historical, archaeological, or cultural value of the resource have been provided by the *applicant*.

Most importantly, as the number of deed-restricted affordable in relation to both the real number and percentage number of total units in this project do not materially assist in providing affordable housing [§126.0404 (f)(1)] beyond the minimums already determined by the [State Density Bonus Law](#) at the project location [§126.0404 (f)(2)] to offset the deviations from the Uptown Community Plan, it does not meet the conditions for approval:

(f) Supplemental Findings -- Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation

A Neighborhood Development Permit required in accordance with Section 143.0915 because a deviation is requested in accordance with Section 143.0920 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

-  (1) The *development* will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and
-  (2) Any proposed deviations are appropriate for the proposed location.

FOOTNOTE:

Complete Communities was first presented to Uptown Planners after City Council approval on November 10, 2020. [At that meeting](#), a board member asked, “What happens if there is a conflict between a Plan and Complete Communities, is there one that supersedes or overrides the other?”

The Planning Department representative making the presentation answered, “I can't answer that right now. But the goal will be to not create a conflict. I mean, *the Complete Communities is an opt-in program. It is something that is a voluntary program that development applicants can choose to enter into*, in which case there are regulations that they are sort of required to implement. If they choose not to implement those or if they choose not to utilize that program, they'll be subject to the regulations now, the current adopted Community Plan and implemented zones.”

The “opt-in” developer “incentives” (actually exceptions) allegedly allowed under the City’s [Complete Communities](#) for this project do not materially assist in providing affordable housing above the number of affordable units required for qualifying under the State Density Bonus Law. As such, Complete Communities is in fatal conflict with the existing Uptown Community Plan as determined by [State law](#), and so cannot be resorted to supersede it in order to approve this project.

Respectfully submitted,
Mat Wahlstrom
Chair, Uptown Planners

<p>Charles Kaminski</p>	<p>I wonder if the developer will acknowledge: “The Spruce Street Forum was a non-profit organization founded in 1995 by Bonnie Broderick Wright as a venue for artists from multiple disciplines to present their work. The organization made its home at 301 Spruce Street in the Balboa Park area of San Diego. The goals of the Spruce Street Forum as described in their early press releases were “to provide an environment for artistic innovation, to provide a venue for creative thought and on-going discussion, to encourage interdisciplinary and intercultural exchange, and to foster collaboration in the arts: music, text, visual...” https://oac.cdlib.org/findaid/ark:/13030/c87947wv/entire_text/</p>
<p>Michael Meacham</p>	<p>Full disclosure the project is in my northern view shed. My primary & valued view is west & south over Maple Canyon.</p> <p>As a retired 28 year enviro professional analyst & Dept. Dir I believe that there are too many environmental issues on this site to enumerate in a short email. Generally, I believe this particular parcel, and almost any other parcel on a rim of a closed canyon open and passive park is unique & the impact of this large a development with or without mitigation put the “park” habitat integrity and eco system survival at great risk.</p> <p>This may differ greatly from my neighbors position but while density like this could be acceptable (& beneficial) just across the street to the north its impacts & challenges on this parcel cannot reasonably be mitigated to a Point without being environmentally& socially irresponsible for this site. Without a much shorter project with set backs like Alicante on the south & east side the environment thermal & wind extremes, flyway, territorial/migration access, on-site space for youth recreation, & dogs the impact of this project to this small canyon habitat wildlife oasis will be unsustainable and ultimately devastating to Maple Canyon. The Canyon is already getting a multimillion dollar erosion control over haul exacerbated by the increasing population’s over/improper off trail use, litter & illegal disposal as well as impacts removing those items.</p> <p>I & other volunteers carefully remove bags of litters & at least one illegal bulky item like the sofa there now from the east canyon rim weekly as even “GetItDone,” reports & hard working city crews cannot keep up. Even well intentioned “development” like SANDAG’s bikeway, had a contractor that illegally dumped their waste paint into the Canyon & another City contractor Removed a healthy Canary Palm without replacement/fill that subsequently contributed to another 6-8’ of erosion in less than a year. The volume of illegal disposal has recently increased exponentially since the move-in-outs of new high rise rentals representing only a fraction of those already approved in the immediate area. For too many reasons to enumerate this is just a bad project for this parcel or any on the canyon rim. Sorry I was not intended for meeting to provide testimony personally & with more thorough & factual support. I strongly recommend the UP vote against this project or at least delay it until all reasonable impacts unique to this parcel can be analyzed. Thanks for all you & the Committee do everyday to make Uptown a better home for all current& future residents & our environment.</p>
<p>Matt Brand</p>	<p>I am a single-family homeowner in Bankers Hill living six-blocks from 301 Spruce Street at 408 W. Thorn Street. I completely understand my neighbors who oppose this project and sympathize with their rationale. In fact, I was a contributor to the Bankers Hill 150 litigation effort to oppose Greystar’s 6th & Olive 20-story project just a few blocks away. I have expanded my perspective since then. While on one front, of course I do not want another residential tower in my quiet historic neighborhood. But when I consider the greater good of all San Diegans, I feel obligated to support more housing even when it might inconvenience me personally. Over the last few years I have made a concerted effort to become familiar with the basics of the California housing shortage. The obvious takeaways for me are 1. San Diego is short several 100,000 housing units; and 2. No one wants any new</p>

	<p>housing built in their neighborhoods. So, I have decided that for me, fighting development is contributing to the problem. This letter of support for “The Quince” is my way of trying to be part of the solution and to make amends for my contributions toward the affordability and homelessness problems. Thank you for the opportunity to share my views.</p>
<p>Rowan Jackman</p>	<p>I am a resident who lives in Bankers Hill, specifically on 3rd and Redwood. I am writing you today to address the proposed development of the Quince Street Apartment complex. If it is built, it will destroy this neighborhood and the community from the inside out. It will cause tremendous and irreversible environmental impacts to Maple Canyon, which is already suffering from severe erosion caused by overflow from the broken and underfunded storm drain systems. I am begging you to take action to prevent this apartment complex from being approved. I care so deeply for this community and the health of our canyon. Please do not approve this project as it is completely inappropriate for our neighborhood.</p>
<p>Danielle Myers</p>	<p>I am a property owner of multiple units in Hillcrest/Bankers Hill and reside at 35[redacted] 1st Ave., San Diego, CA 92103. I am emailing my comments regarding the proposed project 301 Spruce “The Quince.” My comments are, in no particular order:</p> <ul style="list-style-type: none"> - The proposed project is excessively large for the immediate surrounding neighborhood and dramatically dwarfs everything around it, particularly on 3d Ave. 301 Spruce is near a historic neighborhood (1st, 2nd and 3d Avenues) with 100-year old historically-designated two story homes. This 17-story building does not fit in the neighborhood (literally). - The proposed project does not appear to offer truly affordable housing, which is what the City needs. Rather, it appears to be a continuation of the trend of recent developers of buildings that received height deviations along 6th Avenue who promised affordable housing but who built million-dollar condos and rental units exceeding \$3000/month, which is hardly affordable to the median income earner. What’s the point of neighborhood planning if every developer is granted an exception? - The proposed project does not appear to offer any in-building parking, which at that height and number of units, is insane. The undeniable fact is that, in 2023, people living in million dollar condos don’t ride their bikes to work or take the bus, so the fact that bus lines are within a few blocks is irrelevant. While it may be the City’s (admirable) hope that more folks will take public transportation in the not-too-distant future, that is not the present reality, and any approved building plans need to reflect the fact that people living in million-dollar condos have 1-2 cars and commute to work. They must have somewhere to park those cars, and the largely residential streets from Front-4th Ave. in that part of Bankers Hill cannot absorb 1-2 cars per planned unit. There must be at least one parking spot per unit in any building approved by the City. - What is the environmental impact to Maple Canyon? - What is the traffic impact to the surrounding residential streets of that many new residents driving on what are now relatively quiet residential streets? - What is the City’s and developer’s plan for additional necessary infrastructure for that many new residents (fire safety, schools, grocery stores)?
<p>Konrad Herrera</p>	<p>I am a resident who lives on 3rd and Redwood in Bankers Hill, and I’m writing you this evening to discuss my concerns and disapproval of the 301 Spruce Street Project.</p> <p>Beyond the fact that it does not fit with the rest of the neighborhood, these points are among my most notable concerns:</p> <ul style="list-style-type: none"> It’s taking advantage of (and it’s proposed height is reliant on) a bill that was presented to the public as one that would enable the building of more affordable housing While it may have the minimum amount of units to “qualify” as affordable housing, we all know it isn’t

	<p>It will disrupt the community, and lead to huge issues with traffic and parking It will cause irreversible damage to Maple Canyon - beloved to those who live in the area It will cast a literal and figurative shadow over what is currently a quiet, historical neighborhood</p> <p>I'm a renter here, I have no financial interest in a nearby home — I just love this neighborhood and I don't want to see it ruined.</p> <p>Please don't approve this project.</p>
<p>Carol Emerick</p>	<p>Dear Mr. Howard, How has your project complied with the city's Climate Action Plan? At the Uptown Planners meeting in January 2022, you acknowledged the large trees on the south side of the lot that ends on 3rd Avenue. Those trees provide a significant amount of canopy for the community. Those trees are a significant biological resource. Those trees are well over 50 years old, probably closer to 100 years old. Maybe they were planted around the time Kate Sessions was influencing tree planting in the neighborhood. It will take many years for a new tree to provide the amount of canopy and carbon sequestration that is currently provided by the trees that exist on your property. Are the trees currently acknowledged in the cycle issues that reviewed your plan? Has the Climate Action Consistency Checklist been completed? Item #6 asks "Does the proposed project include policies or strategies for preserving existing trees?"</p> <p>REQUIRED APPROVALS/FINDINGS: Your project as currently proposed requires the processing of: Required approvals: • a. SDMC Section 126.0403: Decision Process for a Neighborhood Development Permit http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art06Division04.pdf • b. SDMC Section 143.1025(c) - Complete Communities: https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division10.pdf</p> <p>The city has made a commitment to clean air and climate care. There are a number of city documents and policies that address the need to maintain the tree canopy that exists. New trees do not provide sufficient canopy very quickly. The city has set goals that need to be met in the next seven to twelve years. There are sustainability goals. How are you addressing those goals? The newest city document is called Our Climate Our Future.</p> <p>Please acknowledge the need to maintain the established and natural environment on, in and around Maple Canyon. If you care about the community and the air we breathe, then do the right thing and follow the rules. Work around the trees.</p>



Nancy Moors	<p>The concerns for trees extends also to the trees populating the vacant lot on Fourth Avenue adjacent to the intersection with Spruce. The developers latest addition to the project added Fourth Avenue endangering these trees. These are all beautiful, very mature (decades old) trees.</p> <p>Thanks, Nancy Moors Resident/Business owner Bankers Hill</p>
Kit Mazis	<p>I am pleased to learn the BHCG is not in support of the 301 Spruce Street project.</p> <p>I personally believe/feel the project will have a negative impact on the environment, our community on a number of levels and on the atmosphere of our neighborhood. This is a misplaced project in a historic community. It is completely out of scale and does not speak to architecture or aesthetics of the community.</p> <p>Most importantly, I am disappointed the developers and architects have not in fact reached out to the community. Further insult to injury was the fact that during the meeting this past Saturday at the Mission Hills/ Hillcrest library while members of the community were speaking the developer and architect were on their phones, giggling, and in every essence “not listening,” to those whose live here and will be most impacted.</p> <p>I would also like to add that I am a Real Estate Professional and a Developer. Therefore, I am not opposed to development, having developed many project here in California and on the East Coast. It has always been my practice that developers need to be more mindful of their neighborhoods, its residents and the long term ramifications. Clearly, this organization is not interested in such but rather by their long term profit.</p> <p>Lastly, I would like to address the parking issues we currently have in our community, in hopes there we as a community can work together towards a solution. Often, I or my guests are unable to find parking due to many local office employees taking up space on my street because they do not want to feed the meter. I can’t say I blame them, but still it becomes a problem for those of us who reside here. Another issue I am experiencing are those who are leaving their vehicles for significant periods of time, aka “Park and Fly.”</p> <p>Whilst we can send in the 72 hour violations on SD “Get it Done,” often a parking official does not respond in a timely manner and at other times for weeks, especially since our street is not a “paid meter area.” My hope and desire would be to move forward with some type of parking permit for residents.</p> <p>Thank you for the opportunity to share my thoughts.</p>
John Percy	<p>We have the impression that at the Uptown Planners’ Zoom meeting this past Tuesday, representatives of the project proposed at 301 Spruce stated that the Bankers Hill Community Group or the BHCG Project Review Committee support the project. That is not true.</p>

	<p>The only action taken by the BHCG so far has been to ask the City, via Councilmember Whitburn, to impose a moratorium on the implementation of the Complete Communities Program. While we understand and support the general concepts behind the CCP, we believe it has not been thoroughly thought through and needs to be refined. The 301 Spruce project simply served as evidence that our concerns are valid, proposing a gigantic monolith with no regard for compatibility with the long established neighborhood. The rights of all people need to be valued by the City.</p> <p>Again, neither the BHCG nor its PRC has taken any action to support the subject project.</p> <p>Thank you for your good work, John Percy Co-Chair, BHCG</p>
<p>Bruce Dammann</p>	<p>I am a resident of Bankers Hill and am concerned about the impact that the 301 Spruce street project will have on the area around the site where the building is proposed. Although I am in favor of infill development of higher density than the current Uptown Community Plan provides, I believe the 301 project is too large and is in the wrong location in the Uptown area.</p> <p>The following is some information, comments and questions that I would like the Design Review Committee to consider asking the architect during the review of the project.</p> <p>The discretionary approval process for 301 Spruce project requires the project to be reviewed in conformance with the community plan by Uptown Planners since it may impact the surrounding area due to design features. As part of the discretionary process, the project is required to address and respond to those policies and requirements in the adopted community plan. This has not been done by the applicant or the city in the discretionary process.</p> <p>As part of the review process I believe the Design Review Committee needs to ask the architect a number of questions that relate to the Land Use and Urban Design sections in the community plan and I recommend the following questions:</p> <ol style="list-style-type: none"> 1. As part of the land use goals in the community plan, the plan identifies the importance that the project does not detract from the surrounding neighborhood, which in this case is low scale residential structures along third avenue. <i>How does the design of this project address that policy?</i> 2. As part of the land use policies, the community plan requires that medium and high density residential development should be designed to be compatible with lower density development. (LU-2.6) <i>How does the design of this project respond to that policy?</i> 3. The urban design policy 4.72 and UD-4.77 requires the design to respond to the rhythm of the adjacent development and requires building heights to sensitively address transitions between new and existing development. Third Avenue is residential low scale development. A key aspect of the Urban Design element in the plan is to ensure that the bulk of higher scale buildings do not

	<p>appear imposing on adjacent buildings, Higher buildings need to incorporate designs that sensitively address lower scale buildings to provide a transition in scale. <i>How does the design of this project address that policy?</i></p> <p>4. The community plan requires that development along the canyons does not detract from the aesthetic, environmental or open space benefits that they provide for the community. The urban design policy promotes building designs that are responsive to the canyon environment and requires canyon development to be unobtrusive (UD 1.6) <i>How does the design of this project respond to that requirement?</i></p>
<p>Bankers Hill Community Group</p>	<p>Letter of 1/3/23, "RE: Proposed 301 Spruce Project" [OPPOSED]</p>
<p>7 on Third Homeowners Association</p>	<p>Letter of 1/4/23 to Design Review Committee [OPPOSED]</p>
<p>Uptown United</p>	<p>Flyer of 1/15/23, "301 Spruce St Project" [OPPOSED]</p>
<p>Terri Russo</p>	<p>Please consider a different project at the 301 Spruce location. The current proposed project by CAST Development will now be the largest in the neighborhood with 261 units. This is even larger than 525 Olive with 204 units on 5th Ave. This huge structure will be sitting on a protected Canyon, which is already subject to erosion. It's hard to believe the four tiered subterranean parking will not impact the integrity of the canyon or more importantly the beauty of the canyon, not to mention the homes on this canyon. Currently there are beautiful pine and eucalyptus trees that will have to be removed on 4th Ave. The west side of the canyon(which I live on) is well maintained by the homeowners. It is our understanding that nothing can be built in the canyon. I am assuming that includes a parking garage. We understand that something needs to be built in that location but not this huge project.</p> <p>It is hard for me to believe that this apartment complex is really going to provide "affordable" housing. This is clearly a luxury apartment complex with a spa and two pools. Bankers Hill is a very expensive place to live. The average rents are \$ 3 to 6000/month. CAST development seems to be pushing this building to a young i.e. under 40 population as they can not stop talking about their bicycle corral and commuting by bicycle downtown in our new bike lanes. Most people in their 30s will not have the income to pay this kind of rent and raise their children here. By the way, there are no good public schools in this area, and again, this is not a complex for the young. Only an older group can afford these apartments and let's face it, once we get into our late 40's and 50's biking to work loses its appeal. I feel this luxury complex will be second homes for the wealthy, very similar to The Park on 6th Ave. This is the wrong location for such a monstrous project.</p> <p>I did not hear a mention of solar panels. 70% of their parking spaces will have charging stations; who is going to pay for that?</p>

	<p>3rd Ave is also a small street with many walkers on the 7 Bridges Walking Tour. The walkers use it as they are heading to either the Spruce Street bridge or Maple canyon bridge. It would be unsafe to have an exit and entrance ramp on this pedestrian thoroughfare.</p> <p>There has been no mention from CAST developers of the demolition and construction timeline/issues in regards to the 8 homes located on the canyon south of the project; one just 10 feet away. This project will be severely disruptive to the people who live here as well as the wildlife in the canyon.</p> <p>Please do not approve this project. The people who live here in Banker’s Hill do not believe it is the right place in this historic community for such a modern and massive complex.</p> <p>Again, this simply is not the right location for this large project. Thank you for your consideration.</p> <p>Terri A Russo, MD 3rd Ave Resident</p>
<p>Shaun Rosenstein</p>	<p>I am a condo owner in Bankers Hill Towers. In the short time I have lived here, the market value of my unit has shot up such that I could not afford to move into this same spot today. The number one contributing factor is the lack of total housing units. We need more housing, period. A NIMBY attitude will ensure the entire city becomes only a playground for the wealthy with no character and extreme wealth inequality. I have lived in New York City and San Francisco and seen it happen there, I implore you not to let that happen here. Please approve this and any other high density housing projects. We need them, and the argument of “this impacts the history of the neighborhood” is a fallacy - every new business, home, home owner, and plant contribute to a vibrant and ever evolving community. We can all grow together.</p>
<p>7 on Third Homeowners Association</p>	<p>Supplemental letter of 2/14/23, “Subject: 301 Spruce Street Project” [OPPOSED]</p>
<p>Michael Donovan</p>	<p>Regarding the housing and retail project located at 301 Spruce st, I am in full support of this development as a welcome and needed addition to the uptown neighborhoods. I recognize that there are those who will oppose this expansion of the San Diego urban core, but as the city grows, the core will expand as well. I welcome the vibrant discussion but ask that this development be endorsed by Uptown Planners.</p> <ul style="list-style-type: none"> - As uptown continues to grow and our population expands, there are a number of major thoroughfares on which we ought to focus development of both retail and residential and density. The 4th, 5th and 6th Ave corridors as well as Washington, University, Robinson and Park Avenues represent these core areas for development. This project is located on the 4th Ave corridor and so represents an appropriate location. - The Alicante and Broadstone developments have already established the area as an urbanizing corridor. The new development on 5th and Thorn (At 21 floors) will add to this urbanization trend. The proposed 17 floors with 4th Ave townhomes is in character

	<p>with where the neighborhood is evolving.</p> <ul style="list-style-type: none"> - The developers at Cask have attempted to work with the community to provide views through the property into maple canyon and have relocated delivery/trash entry to reduce noise to neighbors. They are in compliance with the complete communities program to trade height for deed restricted affordable units. - A reminder that we are limited to developer incentives rather than direct public funding of affordable housing by article 34 of the California constitution. While repeal of this racist remnant from the 50's is to be on the 2024 ballot, we need to continue to incent developers to include affordable housing and retail on their property. <p>As a resident on 4th Avenue a few blocks north of this development, I fully support and welcome these new neighbors to the neighborhood.</p>
<p>Matthew Segal</p>	<p>Uptown planners group and to whom this may concern I request this letter be read in support of this project</p> <p>I am San Diego native and inhabitant for over 33 years I am a practicing licensed architect and hold a bachelors degree in architecture from the University of Southern California I am an active member of the ULI and a proponent of smart growth</p> <p>The Quince Project, a 262-unit mixed-use multifamily development, is a project worth supporting. The project complies with the City of San Diego's Complete Communities program, consistent with the Community Plan and underlying zones. Moreover, the development team has met with Uptown and other Bankers Hill organizations several times, and they have incorporated various design and building management requests into the project to the fullest extent possible.</p> <p>The project's location is in the northern-terminus of Maple Canyon, and the project design echoes renowned San Diego architect Irving Gill's modern, minimalist, arched design. The building facade includes a 3-story tall, 55'-wide "view corridor" through the building base, preserving views down Maple Canyon to the Quince Bridge. Additionally, the project creates public/private spaces for the general public in the onsite commercial spaces.</p> <p>The development team has also made efforts to provide environmentally friendly features in the project, such as 75% EV charging and a fleet of building-branded E-bikes. This shows that the project aims to reduce the environmental impact of the development and encourage sustainable transportation.</p> <p>Furthermore, the project provides much-needed affordable and market-rate housing in a transit-rich part of San Diego, which is essential in addressing the city's housing crisis. The project will benefit the local community by providing affordable housing options for families and individuals who are struggling to find housing in the area.</p> <p>Despite the best efforts of the development team, some individuals are attempting to stop the project by misrepresenting facts and stirring up dissent. It is crucial to support the Quince Project as it aligns with the City's Complete Communities program and provides affordable housing options while also preserving the environment.</p>

	<p>Thank you,</p> <p>Matthew Segal aia</p>
<p>Paul Sloman</p>	<p>I am writing to register my 100% support for Cast Development’s proposed Quince Project at 4th & Spruce & 3rd.</p> <p>I have lived and worked in the greater Uptown area for over 35 years and believe this project will be both an asset to Banker’s Hill and will go a small way to alleviating San Diego’s chronic housing shortage. It also happens to be perfectly located on both a major transit corridor and adjacent to the new dedicated bike lanes.</p> <p>If you should have any questions about my comments please do not hesitate to contact me.</p> <p>Regards, Paul</p> <p>SAN DIEGO INVESTMENT REAL ESTATE, INC</p>
<p>Christopher Canlas</p>	<p>I wanted to reach out as a member of the Uptown community and express my support for the Quince Project underway in Bankers Hill. I firmly believe it will benefit us all in many ways and look forward to the mixed-use retail component on the bottom floor.</p> <p>It is evident that we are in a housing crisis and this project will assist in providing living accommodations for members of our growing community.</p> <p>Thank you for your time,</p> <p>Chris Canlas Jr. Credit Analyst C3bank</p>
<p>Sharon Gehl</p>	<p>Many of those who have already commented on the Quince Apartment project say that they are concerned about the potential effect of the project on the environment. As we all know, the biggest threat to our canyons, environment, and lives is climate change.</p> <p>Fortunately, the U.S. Environmental Protection Agency wrote a short paper 12 years ago on how to use good land-use decisions to fight climate change: Location Efficiency and Housing Type, Boiling it Down to BTUs https://www.epa.gov/sites/production/files/2014-03/documents/location_efficiency_btu.pdf Please read the paper. The research shows that new multifamily homes in a transit oriented area are better for the environment than old single-family homes. That’s why the Uptown board should recommend that the city approve this project, it will help fight climate change!</p> <p>Sharon Gehl, 43[redacted] Hermosa Way, San Diego, CA 92103, 619-[redacted]</p>

Samuel Moore	<p>Hello I am a Hillcrest homeowner and wanted to write in support of the QUINCE Development. The project is reportedly in line with city regulations and the developer's have done a great job attempting to work with the community and have gone above and beyond addressing concerns over the canyon views. Further the design is great and should be a complimentary project for the neighborhood. But most importantly the project adds critically needed housing for San Diegans.</p> <p>Thank you Sam Moore Sloane street</p>
Ashley Roberts	<p>I am writing as a 92103 resident to express my strong support in favor of the quince project, which I believe will benefit our community and neighbors immensely. Additional housing, thoughtful design which is meant to compliment the bankers hill neighborhood, along with potential for mixed use spaces are a few of the reasons I am writing to voice my support. Please consider this email as an evidence of support in the communicate when evaluating the project this coming Tuesday.</p> <p>I look forward to uptown planners approval and support of the same.</p>
Kevin Choquette	<p>I'm writing in support of the Quince project.</p> <p>My strongest reason for support is simply intelligent development in an superior infill location, where people want to live. San Diego is severely supply constrained. Rents and for-sale housing costs are completely out of control. It's going to become harder and harder for local businesses in our community to recruit employees on the early side of their career trajectory, that's going to stifle economic activity and the viability of many businesses. Simply put, we need supply. Further, the most intelligent place to put supply is in the urban core where the impacts are low and carbon footprints can be minimized due to the proximity of all of the urban amenities. These are the right kinds of projects, in the right places, with the right design sensibility and accommodations for local community concerns.</p> <p>Mark me down as in support of the Quince project.</p> <p>Thank you, Kevin</p> <p>Fident Capital, Inc</p>
Kevin Heinly	<p>As an architect interested in both increasing our housing supply in San Diego and elevating the quality of our built environment, I was struck by how the Quince Project accomplishes both of these goals. I am writing to express my support for the project.</p> <p>Kind regards- Kevin</p> <p>J. Kevin Heinly, AIA, LEED AP BD+C Principal & Managing Director Gensler</p>

<p>Nicholle Wright</p>	<p>Please accept this email as a letter of support for the Quince Project; please incorporate this in the public comment record for the project.</p> <p>The region is facing a critical lack of housing and responsible development. With a growing deficit of housing, it is simple supply and demand that any increase in supply will help ease the growing problem in the region. Approval of more projects is needed.</p> <p>The project has demonstrated a commitment to being consistent with all of the City’s Complete Communities regulations, as well as all other applicable regulations and policies, while still providing much needed affordable and market-rate housing. This has included design changes responsive to the Uptown and other Bankers Hill organizations’ comments, including incorporating a number of design and building management requests into the project to the maximum extent possible.</p> <p>Beautiful, responsible, and context appropriate projects that increase our housing availability in the region and comply with regulations should be approved. Please approve this project for the San Diego region.</p> <p>Thank you for your time and consideration. Nicholle N. Wright, AICP</p>
<p>Robert Clark</p>	<p>I am writing to you as one of the homeowners who will be directly impacted by the proposed CAST development – THE QUINCE – (a.k.a. 301 Spruce) spanning a full block from 4th Ave and Spruce to 3rd Ave. and Spruce. On December 7, we learned that CAST Development is now asking to expand along 4th Ave. impacting our property even further.</p> <p>Much to our disappointment they have not shared any information with the adjacent property owners regarding this addition. We have been kept in the dark purposefully, as that addition has an even greater impact on our homes that the original design. Only yesterday did we see to what extent that 4th Ave. extension will do to Maple Canyon. Their plans include building this addition to the bottom of the Maple Canyon floor on the east side of the canyon. The removal of all vegetation, fully developed trees and 3 majestic 10 + story-high pine trees along 4th Ave. This is disgraceful and disrespectful of Bankers Hill, those of us who would be adjacent neighbors of “The Quince”, and Maple Canyon! Why and how could this happen in San Diego?</p> <p>To be clear, my wife and I fully understand the need to expand housing availability to a broader range of families considering the ever-growing number of people moving into San Diego and the current cost of housing. We not only don’t object to having downtown move this direction. We have always expected that to happen, it’s just taken longer than we might have guessed. That doesn’t mean we don’t have some serious questions about what is happening in Bankers Hill and surrounding neighborhood communities.</p> <p>Our concerns regarding the CAST proposal centers around what to us appear to be an unbalanced deal for relatively very few units that will accommodate individuals with “low to moderate” incomes (if that term is still applicable). We know that those who fall into that income category are often teachers, and firefighters, etc. and not people whose presence would negatively impact the image of the area.) In any case, that will be only a handful of people relative to those renting the several thousand dollar a month - two- and three-bedroom units in this development.</p>

CAST seems to be taking advantage of the City's "Complete Communities" legislation in proposing a block wide, seventeen-story apartment building, let alone now attempting to add a 10-story building that stretches more than halfway down the block on 4th Ave. We also understand that CAST doesn't plan to provide parking for all its units. Honestly, we don't know if they are serious in this proposal or are they merely proposing this expansion so if they are denied that request everyone will have forgotten the issues with the original 17-story proposal. You know, the old "sell them death and they will embrace illness" tactic.

Furthermore, although we understand the need, it seems like our neighborhood had been targeted as "the place" to solve this issue considering the concentration of units that address this issue which are already here plus the proposed developments in the area. We already have Section 8 housing complex on the southwest corner of 3rd and Redwood, not a block from the proposed CAST project. We also have heard that the home-apartment conversion on the northwest corner of 3rd and Redwood which is directly across the street from our home is slated to be torn down and another Section 8 Apartment building is to be constructed there. The folks who live in that building have had their leases terminated and all have relocated. Meanwhile as residents who live on the same street, we have received no information directly from the owner of that property re future development.

Likewise, most of the information we have received regarding the CAST Development project has been second and third hand. Several months ago, we respectfully requested to meet with a representative of CAST hoping to learn more about the project and its intended timeline. We never received a response to our request. We know of at least one other neighbor who did the same and was also ignored. Professionally, I have worked with many developers and was more than willing to give CAST the benefit of the doubt, but they have proven to be less than open and more secretive than most. This makes us very leery of CAST's initial appearance of being far more open to conversation, while having no sense of what it means to be a good neighbor.

We would hope that the Uptown Planners, the Development Services Department, the Planning Commission and, of course, City Council would not allow the CAST Development to maneuver the City into moving forward with any approval until these issues have been reviewed thoroughly and that **any development that is approved not only balances sufficient housing needs with benefits afforded any developer who is cashing in on the bonuses of the "Complete Community Plan"**.

Tending to the housing needs of today while being respectful and protective of the housing developments of yesterday is all we ask. My wife and I have lived in this home for nearly 23 years and hope the character and scale of this neighborhood is respected as well.

One final note: A group of Neighbors of Bankers Hill have collected over 1,500 petition signatures against the 301 Spruce Proposal. They accomplished this in just 10 days. They would be pleased to leave them with the appropriate party, if you would be so kind as to share that information with me, I'll pass that information on. Thank you.

Should you have any questions or wish to speak to me for any reason my cell is 858.[redacted].

Sincerely,

	<p>Robert A. Clark, a neighbor and interested party.</p> <p>31[redacted] 3rd Ave. San Diego CA 92103 One of the homes on the same block as the CAST Development Proposal(s).</p>
<p>Jennifer Finnell</p>	<p>I am writing in support for the Quince street development project. I think important and would add much needed housing, and make Bankers Hill a better community to live in. As a 25+ year resident of uptown, I think this is of the utmost importance! thank you!</p> <p>Jennifer Finnell, MA 12[redacted] Cypress Ave</p>
<p>Tyler Wilkinson</p>	<p>I am a lifelong 45+ year resident of SD & extremely familiar with the Banker’s Hill neighborhood & specifically the Quince project. I have a legal background and spent 10+ years in real estate development, and thereby have a very deep appreciation for the time, effort, and significant financial resources it takes to design a project as beautiful & thoughtful as Quince.</p> <p>In short, I am 100% in support of the Quince housing project for countless reasons. I can literally think of NO reason to not fully endorse & embrace this project immediately & wholeheartedly! I absolutely LOVE the gorgeous design and character of the project and how the development team has made an outstanding effort to connect the neighborhood and building with the nature afforded by Maple Canyon. As you know, the project engages the pedestrian realm through its designed openings, leading the public to enjoy restaurant dining adjacent to its serene canyon setting. This project is 100% consistent with the Community Plan and underlying zones & fully avoids environmentally sensitive land in the adjacent canyon. Lastly, this project preserves canyon views with breaks in the building facade and creates public/private spaces for the general public in the onsite commercial spaces</p> <p>Furthermore, it is my understanding the project has been designed to provide 75% EV charging, a fleet of building-branded E-bikes, and much needed affordable and market-rate housing in a transit-rich part of San Diego.</p> <p>As far as our housing crisis in SD, this project will be highly accretive to helping alleviate our current housing shortage. I fully appreciate the developer’s commitment to meeting the requirements of the complete communities program aimed at adding more housing inventory to Transit Priority Areas without sacrificing design or function whatsoever. As you may have read in the SD Union piece recently, a regional housing study projected San Diego will need more than 13,500 housing units every year to meet the demand of all income levels by the end of the decade. This year, the city only authorized construction on less than 33% of that!!!!</p> <p>In closing, I am FULLY in support of the Quince apartment project, which is exactly what the city needs developers to be doing, adding density with an absolutely iconic, beautiful design!</p> <p>Thank you very much for your consideration & I really hope ya’ll do the right thing & approve this project ASAP!</p>

	<p>Best, Tyler Wilkinson, J.D. Luminia</p>
Chris Miller	<p>I have reviewed the Quince development proposal and I am in support. More housing units, for better or worse, are needed in San Diego.</p> <p>The City could benefit from this and the Municipal Code allows developers to add density in certain infill areas. This project also has an interesting design component.</p> <p>Regards, Christopher Miller, Zoning Consultant</p>
Emily Laetz	<p>As a resident of San Diego County, I would like to voice my support for the Quince project. The project is beautifully designed and will bring badly needed housing units to our community. Bankers Hill is in dire need of more housing units, and is perfectly situated close to job centers, transit, and recreation.</p> <p>The design team has thoughtfully designed the Quince project for its setting, offering a view corridor through the building of Maple Canyon and the Quince Bridge. The ground floor level and its commercial spaces have been designed to welcome the public in, providing valuable spaces for the surrounding community to gather. The architecture is attractive and thought-provoking. The building will be an asset to the community for years to come.</p> <p>I strongly support the approval of this project and hope that the City of San Diego moves forward with approval.</p> <p>Respectfully, Emily Laetz</p>
Lawrence Howard	<p>I have been made aware that supporters have been sending emails to this email: uptownplannerssd@gmail.com Please make sure that these are noted in the file as well. Robin has been copied on these as well.</p> <p>Thank you.</p> <p>LAWRENCE HOWARD CAST DEVELOPMENT</p>
Derek Hobson	<p>In anticipation of the upcoming special meeting regarding the Quince Project, I am emailing you in support of the project.</p> <p>I was born, raised and currently live in San Diego, and have seen the City of San Diego slip further and further behind its housing goals, which has only exacerbated the homeless crisis.</p> <p>I currently work in Banker's Hill, not far from the proposed project, in the Manchester Financial Building. I have worked in this</p>

	<p>building since 2013. Each year I have felt less and less safe, as the homelessness problem has increased.</p> <p>We need dense projects that engage and activate the area. The more individuals that are in the area, the safer we are. I have walked in the Banker's Hill area countless times, and most every time I am approached by a homeless individual, many times in an aggressive manner.</p> <p>The answer is more housing and density. This project will provide housing solutions – which we are in dire need of right now. Thank you.</p> <p>Derek L. Hobson, Assistant Vice President BWE</p>
Vicki Lee	<p>I am emailing you with my support of the Quince Project. I've dealt with and known the developer for many years for insurance needs. The project looks to be an asset to the City of San Diego.</p> <p>Sincerely, Vicki</p> <p>Victoria C. Lee Crown Island Insurance</p>
Steven Rhoads	<p>I am emailing to share my support for the Quince Project.</p> <p>The City of San Diego has long been suffering from a housing shortage, and development like the one proposed by Mr. Howard and Cast Development is exactly what San Diegans need. This is a thoughtfully designed, beautiful building that will benefit the neighborhood.</p> <p>The increase in density with this aesthetic is exactly what Mayor Gloria is looking for. I am in full support of this project.</p> <p>Thanks, Steve Rhoades</p>
John Holzenthaler	<p>The Cast development project Quince will provide needed construction jobs and affordable housing options for the Bankers Hill neighborhood, while putting minimal strain on the City's infrastructure.</p> <p>All due diligence and responsible planning has been carried out by the developer and is a shining example of what forgotten areas of our City can become.</p> <p>Thank you for your consideration.</p>
Don Liddell	<p>Letter of 1/17/23, "Subject: 301 Spruce St" [OPPOSED]</p>

Karla Mohnhaupt	<p>The City of SD desperately needs housing. There are too many complaints about housing on both sides. Everyone that has a house wants to draw the bridge up behind them so their neighborhoods don't grow and stay expensive. It is nearly impossible for young adults to buy a home in this city. Restricting the development of future rentals only drives young adults away from this great city. Housing is needed to keep current and future leaders involved in their communities. If the city does not create opportunities, it will lose great people to more welcoming cities around the country.</p> <p>Thank you.</p> <p>Karla V. Mohnhaupt, CPA</p>
Alec Schiffer	<p>I would like to voice my support for the Quince Development project by Cast. The developer has shown great commitment to meeting the requirements of the complete communities program and is adding housing where it is needed in transit priority areas. They have done so without sacrificing quality or function in the design. We are facing a significant shortage in housing and projects like this that honor the requirements, the neighborhood and its surroundings should be supported.</p> <p>Alec Schiffer Managing Director Trammell Crow Residential, A Crow Holdings Company</p>
Nina Howard	<p>I'd like to share my praises on the Quince Project in Bankers Hill. It is a beautiful project. I am confident that the project will raise the bar in design, living experience and be a great asset to our city and community.</p>
Taylor Marvin	<p>I am an Uptown resident writing in support of the planned 301 Spruce St. / Quince Apartments. We are in a housing crisis that makes living in San Diego increasingly unaffordable, particularly for young people. I strongly support projects that add housing in Uptown, particularly those like 301 Spruce St. that add income-restricted housing by replacing underutilized commercial buildings. If we continue to allow entrenched interests to block projects like 301 Spruce St. it only shows that San Diego is not serious about building the housing we desperately need.</p>
Victoria Bost	<p>I wanted to express my strong support for the Quince development project, which I believe you'll be reviewing on Tuesday. The fact that I cannot attend the meeting in now way minimized how excited I would be to see this project accomplished for San Diego's community and skyline. The architecture is gorgeous, and the fact that it would provide so much additional housing is so important with housing space at such a premium. I also love the attention to detail with the bridge, retail and affordable housing units with added outdoor space and balconies.</p> <p>I think it will be a true reflection of San Diego's positive growth! Thank you for lending your support to our community and residents!</p> <p>Sincerely,</p> <p>Victoria Bost Concerned Citizen in Support of Quince!!!</p>

Ken Gentart	<p>I feel it is of immense importance to reach out to the Chair in support of the Quince Project. This project is an incredible representation of what can happen when a group of individuals pull together to improve a community. So often today, with rising construction costs, interest rates, and general economic uncertainty - developers dilute a project to save cost, or simply walk away from projects. These projects are, in aggregate, what will drive relief to the housing shortage.</p> <p>This project has been methodically planned, designed, crafted, and positioned to balance the preservation of views, protect sensitive lands, and raise the bar on the architectural standards for further development in and around the area. We must embrace and support the efforts of CAST Development. It takes an immense amount of courage and fortitude to invest in developing a community like Quince, endless nights, personal financial risk, a monetary investment, but also one of sacrifice.</p> <p>While I respect the right of all to share and express opinions, I urge the committee to truly understand the importance. It is time to put an end to the debate, an end to the intentional misrepresentation of facts. The community needs projects like Quince, leaders like CAST, and new solutions to evolve into the coming years - we can not continue to believe that what we have done for the last 50 years will work for the next 50.</p> <p>This is a great project and a great building - it's time to finally admit this and move forward.</p>
Spencer Gordon	<p>My wife and I are writing in support of the Quince housing project. We are founders of Uqora, a women's urinary health and UTI prevention company with offices at 3043 4th Ave in Banker's Hill, just a block from the Quince site (you can see our sign from 4th Ave). We spend a lot of time in the area and a few of Uqora's 40+ employees live in high rises in Banker's Hill and enjoy walking to the office and living in the neighborhood. Many others would enjoy more housing options in the area if they were available.</p> <p>Generally, San Diego needs more density in our uptown areas and Banker's Hill is a wonderful neighborhood with lots of room to grow. The Quince project is a beautiful building that will be a signature piece of the neighborhood, bringing new housing and tasteful design.</p> <p>As local entrepreneurs who love San Diego, my wife and I are eager to see this project come together.</p> <p>Thank you for your time.</p> <p>Spencer & Jenna Gordon</p>
Alan Nevin	<p>my name is alan nevin and i am the developer of the condominium projects at 235 quince and 2651 Front Street, both on the canyon.</p> <p>The demand for multi-family housing in that vicinity is very strong as evidenced by the rapid rent-up of the Secoya project at 6th and Redwood, the Greystone project at 6th and Olive and 777 Robinson, all three of very high quality.</p> <p>The developers have designed a very high quality project that will be a major benefit to the neighborhood and well received by the rental market.</p>

Jim Frager	<p>Being a native of San Diego and having worked in the Banker’s Hill/Hillcrest area for many years of my career I wanted to offer my support for the approval of the Quince Street Project being developed by Cast Development. The project follows the guidelines for Complete Communities, it provides adequate parking for the residents and the architecture will be Iconic for years to come. This project is an example of what can make San Diego an even greater city for years to come.</p> <p>Thank you for your time and efforts,</p> <p>Jim Frager City of San Diego Resident PointSource Construction Management</p>
Matthew R	<p>I’m writing to voice my support of the 301 Spruce St / Quince Apartments project. This project will add sorely needed housing and will allow many more people to enjoy the amenities offered by Uptown and Balboa Park.</p> <p>As someone born and raised in the area, I have seen far too many people I love priced out or struggling to afford housing. 301 Spruce will open opportunities for many young people to stay San Diego. Lastly, I think the project will enrich the community of Bankers Hill in many ways and it looks really nice.</p> <p>Best regards, Matt Rodman</p>
Larry Murnane	<p>We at Regal Properties would like to express our support for this nice and much needed project which will be a positive development for the community.</p> <p>Thank you, Larry Murnane, President</p>
Paul Krueger	<p>I am not a Hillcrest/Bankers Hill resident, but like many San Diegans, I frequently visit that area to shop, dine, walk, run errands and for medical/dental appointments. I also lived at 33[redacted] Spruce Street, at the corner of 3rd and Spruce, for two years in the 1980s.</p> <p>As a 50-plus year resident of San Diego I can state unequivocally that the 301 Spruce Street project defies any and all norms for smart — and even just acceptable — city planning and land use. It’s immense and neighborhood-busting size, scope and scale make it completely inappropriate and unacceptable not just for neighbors, but for all San Diegans who live, work, play and visit in the Hillcrest, Banker’s Hill area.</p> <p>I urge the Uptown Planners — and the city planning department — to immediately and forcefully reject any effort to develop this project in its current design.</p> <p>Thank you, Paul Krueger, Talmadge Resident</p>

<p>The Altieri's</p>	<p>Not opposed to this development but would like to see a couple of floors taken off the top so that it is not quite so tall.</p> <p>Thanks, Diane Altieri 30[redacted] 1st Ave</p>
<p>Lisa Mortensen</p>	<p>This project is mislabeled 'complete communities' because it is not going to truly make any dent in affordable housing or San Diego's homeless crisis. In fact, during this public road show by the developer is the only time we will hear about the sprinkling of so-called 'affordable' units. We need 100% affordable housing projects with adequate parking and receipt of developer fees to pay for correlating infrastructure.</p> <p>301 Spruce is a con job that will only line the pockets of developers and our elected officials at City Hall. Shameful!</p> <p>Lisa L. Mortensen BRE#00583530 SCOTT & QUINN REAL ESTATE</p>
<p>Carol Emerick</p>	<p>What about San Diego's CAP plan and the existing massive canopy on the property? How will the removal of the very large trees at the south end of the lot that ends on 3rd Ave, be mitigated? Will the whole property have tree canopy of 28%, the city's stated goal, by 2030? Does the CAP Consistency Checklist reflect the existing massive tree canopy? CAP issues 34-39 do not address the tree canopy. What cycle issue addresses the existing tree canopy???</p> <p>Thank you for answering our questions about the trees that currently exist on the property.</p>
<p>Karen Ebner</p>	<p>This proposed structure would be a crime not just to neighborhood but to the City of San Diego. It would set a precedent for further irresponsible developments to occur in our Uptown community. Bringing downtown hi rises to our neighborhood would destroy our community with added strain on streets, traffic, parking, water, pollution, utilities. Please do what you can to oppose this development.</p>
<p>Danna Givot</p>	<p>This project is an affront to anyone who believes in community planning and zoning. "Complete Communities," as codified by the City of San Diego, is designed to ignore both. Based on today's proposed plans, 301 Spruce Street represents an increase of more than 400% over the zoned capacity of the combined underlying parcels, ignoring both the existing zoning and the intentions of the Community Plan. It will produce only 8.5% so-called "affordable housing," over a third of which will be at 120% AMI - which are market-rate housing. Quince Apartments will scar and cast their 17 story shadow over Maple Canyon in direct conflict to the City's Climate Action Plan goal of preserving open space. The project is in and of itself the reason why San Diego's "Complete Communities" Code should be rescinded.</p>
<p>Kenneth Hasegawa</p>	<p>I am writing to voice my strong support for the Quince Project being discussed at Uptown Planner's 2/21/23 meeting.</p> <p>This is a bold project that provides much needed access to housing with an extremely elegant design. San Diego requires solutions like this, which responsibly increase density, if we are to address the scarce housing supply in the city.</p>



	<p>Furthermore, the project offers a unique gesture that I believe will make it a success in the neighborhood. The large arched gateway in the front frames the canyon and invites the public to enjoy the views and ground floor spaces.</p> <p>As a designer myself, I welcome this project’s architectural merits. The articulations in the massing help to provide relief and texture. While the arched windows evoke San Diego’s architectural history and provide a strong sense of place. I believe this project will be a great benefit to the community and an architectural highlight for the city as a whole.</p> <p>I hope that the Uptown Planner’s will support this project. Thank you for your consideration.</p>
<p>Rhea Kuhlman</p>	<p>We respectfully ask that the Uptown Planning Board vote to oppose the project proposed for 301 Spruce St. as presently designed.</p> <p>The project proposes to extend 20 feet into Maple Canyon, and the ecological destruction it would create in the canyon would go far deeper. San Diego must preserve its precious open spaces.</p> <p>The 17/10 story project is adjacent to historic one and two story dwellings, and will be completely incompatible with its surrounding neighbors.</p> <p>The project violates the Community Plan and current zoning. Calling it a “Complete Communities” project, and thereby enabling it to ignore existing regulations, is disingenuous, especially when such a small number of affordable units are proposed.</p> <p>The City’s analysis has not taken into account the other developments proposed in Bankers Hill, and whether existing infrastructure could handle all those projects. To assume that residents won’t have cars just because they’re near public transit is either naive or disingenuous.</p> <p>Thank you for your consideration,</p> <p>Rhea and Armin Kuhlman 25[redacted] Albatross Street Bankers Hill</p>
<p>Stath Karras</p>	<p>I am writing in support of the Quince Housing Project. The lack of housing supply in San Diego impacts housing affordability at every level including trickling down to impact the homeless situation. All housing options should be considered ESPECIALLY those that meet the requirements of the complete communities program aimed at adding more housing inventory to Transit Priority Areas without sacrificing design or function.</p> <p>I would encourage moving this project forward to help ease the burden of the significant housing supply/demand imbalance that exists in our community. Thank you.</p> <p>STATH KARRAS Executive Director Burnham-Moores Center for Real Estate</p>

<p>LuAnn Porter</p>	<p>The idea of building a 17 story rise at the top of this canyon is unacceptable. The amount of traffic alone will be very detrimental to the neighborhood. How much of this will really be “affordable housing”. ??</p> <p>Who will be paying for all the additional infrastructure that will be needed for putting that many people in one place at the end of the canyon?</p> <p>Developers are “getting away with murder” all because that’s what Todd Gloria wants and pushes constantly to the City Council. Stop and take a breath please. Think this type of crazy “infill” through!! Please!</p>
<p>N.R.</p>	<p>The current disgusting out of control density is a failure and disaster. Everywhere I turn there are massive projects emerging! Anything goes! Newsflash! This equals: Increased automobiles Increased pollution-noise and air Increased water use Increased congestion/traffic decreased open space (there is none!) The worst offense: a lower, depressing quality of life because of all of the above!!!</p> <p>This is for those in office who are culpable of this sickening density:</p> <p>What gives you the right to ruin our communities? What gives you the right to ruin San Diego?</p> <p>How do you sleep at night knowing that you are complicit?! You should be ashamed of this irreversible damage!</p> <p>Show some backbone and perception.....STOP THE MADNESS!</p> <p>N.R. Mission Hills</p>
<p>Deborah Quillin</p>	<p>The proposed building is a disaster on many counts!</p> <ol style="list-style-type: none"> 1. It is too large for the property and the area. 2. It will cause ecological and climate damage to the area. The canyon will be destroyed. Environmental impact has not been thoroughly studied and will be substantial. Environmental impact should not be dismissed lightly. 3. It is also highly likely the construction itself will cause neighboring historic homes to become damaged and unstable. 4. The building itself is a monstrous ugly building, and the architectural group has made no effort to make it appropriate for its historic location. It is an aesthetic nightmare. 5. Waving fees that developers used to pay that went for infrastructure improvement, is going to cause nightmares in the future

	<p>for our city. I understand we are more than \$5 billion behind on infrastructure improvement, and if we don't invest in water and sewer and schools and libraries and parks as we increase housing density, we will pay for it in death and destruction in our city.</p> <p>6. San Diego is an earthquake prone area, and we are overdue for the possibility of a very large event. As we've seen in Turkey, high-rise buildings could murder tens of thousands of people.</p> <p>I am all for increasing housing and recognize that need. Destruction of existing historic neighborhoods is not necessary to accomplish that.</p> <p>I have attended a couple of special meetings regarding this building, one with the architectural team and the developers present.</p> <p>By education, I am an interior designer and space planner. I have studied architecture extensively and had a career as a commercial building restoration expert. I was responsible for researching and submitting 100 homes to the Mission Hills Historic District about 10 years ago. I am Past President of Mission Hills Heritage and active in my community.</p> <p>Deborah Quillin 42[redacted] Argüello St., 92103</p>
<p>Phil Miller</p>	<p>I'm writing in SUPPORT of the planned residential development at 301 Spruce. I am a nearby resident of Hillcrest and walk past the location of this proposed development frequently. In light of the project's central location, walk-ability, bike-ability, and transit access, and the many nearby businesses, I believe this is an ideal location in which to support greatly increased residential density. San Diego needs to greatly increase its housing supply to meet demand, and this project would contribute to doing so in a way that avoids the many negative impacts of sprawling development on the urban fringe.</p> <p>Sincerely, Philip Miller 909-[redacted] 35[redacted] Fifth Ave, San Diego, CA 92103</p>
<p>Nadine Corrigan</p>	<p>Bankers Hill is one of San Diego's unique and charming neighborhoods that has always felt like an uptown oasis away from the high rise density of downtown.</p> <p>We own at Alicante and are outraged by the scale and canyon location of this enormous development that is completely out of character for the Bankers Hill community.</p> <p>The enormity of the project , the very limited parking , the tiny amount of truly affordable rental units and the lack of vital infrastructure make the development a complete outlier. An eyesore on the land. The city and developer have paid no heed to the local resident voices. It's about time they listen to the concerns of the area residents and amend the project to align with the soul of this singular community.</p>
<p>Mike Gordon</p>	<p>I wish to register my support for the Quince Housing Project currently being promoted by CAST Development.</p> <p>As we are all aware, there is a dearth of housing in San Diego. This project will make some inroads to lessening that lack of housing in an attractive, environment conscious form.</p>

	<p>Those who are trying to deny this project display the most virulent form of NIMBYism and demonstrate the example of “now that I’m here, I won’t suffer any change, even if that brings good”.</p> <p>The City of San Diego has seen that the need is there for this type of project. Should that be subverted by a small group with a narrow view?</p>
<p>Eric Jacobson</p>	<p>I am writing in opposition to 301 Spruce Street. I feel this project is not compatible with the neighborhood.</p> <p>Thank you,</p> <p>Eric Jacobson 18[redacted] Washington Pl San Diego CA 92103</p>
<p>Sharon Gehl</p>	<p>One of the reasons I support the Quince Apartments project is because of the positive environmental effect it will have on Maple Canyon.</p> <p>Some people have the mistaken impression that Maple Canyon is a pristine environment full of native plants that have never been disturbed. The Site Development Plan shows that the site has been graded, filled, and there are storm drain pipes running through it. Photos of the plants suggest a majority of them are invasive nonnative plants, such as highly flammable arundo, eucalyptus, and European grasses. People have even reported that there are flocks of nonnative invasive red masked green parrots in canyon trees.</p> <p>The developer is required to adhere to the San Diego Municipal Code Brush Management regulations to prevent brush fires in the canyon, which will retire a canyon cleanup, some new plantings, and permanent irrigation. The developer is required to add more trees to the site, in addition to replacing any trees that are removed as part of the development. This will result in a “net canopy tree gain”.</p> <p>This project will have a positive effect on the canyon environment, by making it safer in the event of a brush fire, adding new native plants and trees, and an irrigation system to keep them healthy. It will also make this privately owned canyon accessible to more people; those who will live in the apartments over the years, and those who will enjoy public amenities such as the restaurant and gym.</p> <p>I urge the Uptown Planners board to support this project by recommending that the City Planning Department approve it.</p> <p>Sharon Gehl, 43[redacted] Hermosa Way, San Diego, CA 92103, 619-[redacted]</p>
<p>sheila Cushman</p>	<p>I am adamantly opposed to the massive skyscraper planned for 301 Spruce Street. I have sat through well-attended community meetings and have listened to the developers and to the community members that spoke. I don’t live in the neighborhood, but I do walk and drive past the site on my way to Balboa Park. This project is entirely out of scale and character for this beautiful,</p>

	<p>historic neighborhood. The planned parking is inadequate (almost laughable) and it is clear that the units are designed to make money for the developer, not to meet the genuine need of reasonably priced housing for working folks and families.</p> <p>Do not approve this project!</p> <p>Sheila Cushman Mission Hills resident</p>
<p>Sharon Gehl</p>	<p>I support the Quince Apartment project, because it will be one step toward increasing the supply of much needed housing for the middle, the working class, and the poor in San Diego.</p> <p>We don't have enough housing for everyone now, because our governmental laws and regulations have intentionally restricted the amount of multifamily housing that is allowed to be built to less than what people need. The result is that even slum housing is too expensive for many of the working poor.</p> <p>The only way to solve our housing problem is to build more multifamily homes like these, where they should be, near public transit and public amenities.</p> <p>I urge the Uptown Planners board to support this project by recommending that the City Planning Department approve it.</p> <p>Sharon Gehl, 43[redacted] Hermosa Way, San Diego, CA 92103, 619-[redacted]</p>
<p>Cynthia Driver</p>	<p>I am sending this email to register my strong support for the Quince Development. I have lived and worked in Bankers Hill, University Heights and Downtown San Diego since 1980. The need for housing in our community is dire and this beautiful project not only fills that need but provides many added amenities. It is a thoughtful and well planned design and would be an asset to our community.</p> <p>Cynthia Driver 619-[redacted]</p>
<p>Lisa Mortensen</p>	<p>I am not sure if this will be helpful to you but there is an online petition that is closing in on it's goal of 1,500. There are many comments as well in opposition to this project.</p> <p>It is my belief that the opposition has very cogent reasoning in opposing this massive non-conforming development. Surely the long time community advocates should have some say on this project. The developer does not live in the community nor will they ever live there. Just make their pile of money and move on to the next destruction.</p> <p>No to 301 Spruce.</p> <p>https://chng.it/mf5TBsmBhj [LINK TO ONLINE PETITION, "Oppose 301 Spruce (Quince Apartments): Preserve Maple Canyon and Our Historic Neighborhood"]</p> <p>Thank you, Lisa Mortensen</p>

<p>Drew Peterson</p>	<p>I am writing to lend my support of the Quince project whereas I think it is an incredibly well designed and beautiful building that will not only change the sky line and the area for the better but will also provide housing for both Affordable and Market rate of which is both badly needing in San Diego. The project will be an incredible enhancement to the existing buildings that are on site. The thoughtfulness of the design and the attention to detail will no doubt be a positive fixture in the neighborhood.</p> <p>Thank you very much,</p> <p>Drew Peterson 619-[redacted]</p>
<p>Sharon Gehl</p>	<p>I support the Quince Apartment project, because as the two renditions below show, it will fit into Bankers Hill.</p> <p>People love the Aliante Condos on the right, which look down on Maple Canyon. People will love the Quince Apartments, which will be on the other side of 4th Ave too!</p>  <p>DESIGN SYNTHESIS</p>  <p>There are a lot of tall buildings in Bankers Hill, because it's an urban area close to public transit, community amenities, Balboa Park, and the views are fantastic! The Quince Apartments will fit right in.</p>

	<p>I urge the Uptown Planners board to support this project by recommending that the City Planning Department approve it.</p> <p>Sharon Gehl, 43[redacted] Hermosa Way, San Diego, CA 92103, 619-[redacted]</p>
<p>Uptown United</p>	<p>Letter of 2/18/23, "Re: Project at 301 Spruce St. Opposition."</p>
<p>Suzan Clausen</p>	<p>I live on Second Ave. a block from the proposed project. I oppose it on historical grounds, neighborhood environmental grounds and size of project grounds. Please encourage the developers to talk with the surrounding community.</p> <p>Sincerely,</p> <p>Suzan Clausen 31[redacted] 2nd Ave</p>



January 3, 2023

Mat Wahlstrom, Chair of Uptown Planners

Patty Ducey-Brooks, Chair of the Design Review Committee of Uptown Planners

RE: Proposed 301 Spruce Project

Dear Mat and Patty:

With this letter the undersigned Board of Directors of the Bankers Hill Community Group express our strong opposition to the proposal by CAST Development to construct a 17-story apartment project known as the 301 Spruce Project.

In general, we feel that the City's Complete Communities Program (CCP) is flawed and does not pay sufficient attention to providing for compatibility with existing development and disregards the rights and lives of existing residents. Our concerns about the CCP have only been reinforced by the proposed project at 301 Spruce Street.

A. We are concerned about the following:

The subject project may not be legal. To be eligible for CCP rules, a project must be within a Transit Priority Area. A TPA is defined in the codes as within a half-mile of a trolley stop or the intersection of major bus lines. There is no definition of intersection in the codes, and the dictionaries define it as the crossing of two lines. Although the city map indicates that central Bankers Hill is in a TPA, there is in fact no crossing of bus lines within a half-mile of 301 Spruce. All lines in the area run parallel, in a north-south direction. Thus, the central part of Bankers Hill has been wrongly identified as a TPA; and 301 Spruce should not come under CCP rules.

It's in the wrong place and is not compatible with existing development. The existing zoning rules allow high-rise buildings only along Fifth and Sixth Avenues. These rules have been worked out through lengthy discussions over many years among local planning groups and the city. Areas west of Fifth Avenue are generally zoned for low-rise, mixed-use development. All this careful planning has been voided by the Complete Communities Program (CCP). The proposed structure would be twice the height of any other structure on Fourth Avenue north of downtown. On Third Avenue it would be 2 1/2 times the height of anything else, and the only structure above the trees along the street.

The impact on the surrounding neighborhood would be devastating. The blocks just north of the site would be in almost permanent shadow. The added traffic on Third Avenue from the subject project would overwhelm this quiet, mostly residential street. Disturbance and damage to the north end of Maple Canyon could be irreparable.

The CCP allows the developer to violate many existing rules. For example, the walls on Third Avenue, Spruce Street, and Fourth Avenue go straight up for many stories. Instead of the building set-backs and step-backs next to a single-family home required by zoning, the CCP allows an 8-story wall within 10 feet of an adjacent home.

It would not be an attractive neighbor. The developer makes much ado about amenities such as bicycle racks, electric stoves, and patios, and "Irving Gill inspired" arches, but these are minor compared to the



overall appearance and scale of the building. Viewed as a whole, the facade is a huge monolith, almost soviet in style. It towers over the neighborhood like a ziggurat and simply is not compatible.

B. We also have concerns about the viability of the project and whether or not it will actually help to meet affordable housing needs:

It targets the wrong market. We all know that San Diego and all of California have a housing shortage. We need to recognize that it is lower and middle-income individuals and families that need housing. Thanks to the CCP this project is 92% "market rate" units, mostly studios and 1bedroom units. Market rate in the neighborhood is over \$4000/month for a 700 sq ft one bedroom apartment. This equates to an income of \$150,000/year, well above the median. The city and state need housing for teachers and firefighters and families with incomes around the median. There is no housing shortage for high income, market rate people.

More about affordable housing. Proponents of this and other developments point out that construction costs are so high that it doesn't pay to build affordable housing. Maybe so, but their solution is to build more un-affordable housing (which is not needed) to increase the number of homes. In the case of 301 Spruce, it would be relatively low cost to retrofit the 4-story office building at the corner of Fourth and Spruce for affordable apartments. This would provide more affordable units than the proposed project.

C. Our Request: Please do not approve this project. This project is enabled by the CCP which was passed by the city council in December 2020, when all of us were consumed by the pandemic. It may have been well-intentioned, but it wasn't closely examined and the consequences may be disastrous. Within Uptown, the CCP enables projects such as 301 Spruce throughout Hillcrest, Middletown, Bankers Hill, the Medical Center District, and University Heights, exempting only Mission Hills. It will set a precedent that will be hard to undo. **We urge the Design Review Committee and the full board of Uptown Planners to reject the 301 Spruce project and to urge the San Diego City Council to place a moratorium on the CCP until it can be reassessed.**

Sincerely,

Bankers Hill Community Group

John Percy and Pete Politzer, Co-Chairs; Rebecca Veen, Vice-Chair; Nancy Moors, Director-at-Large

Copies via email to: Councilmember Whitburn
Ryan Dorsey
Emily Bonner
Mayor Gloria
Kohta Zaiser
BHCG Steering Committee

3115 Third Avenue
San Diego, CA 92103
February 14, 2023

Mat Wahlstrom- Chairperson
Uptown Planners San Diego
Subject: 301 Spruce Street Project

Dear Mr. Wahlstrom:

This letter supplements my letter sent on behalf of six of the seven members of the 7 on Third Homeowners Association (3103-3133 3rd Avenue) to Patty Ducey-Brooks, Uptown Planners Design Review Committee Chair. (enclosed)

In addition to my remarks at the recent Design Review Committee meeting, the environmental review documentation required for the project should certainly include a study by appropriate experts to assess overshadowing as measured in loss of annual sunlight hours caused by the 301 Spruce Street Project and also the negative impact on not only our quality of life and home values but also on the expected financial returns from the solar panels installed on five of our homes. The project's impact on biota, including plants and animals in the adjacent canyon, and the negative psychological impact on nearby residents should also be studied, including the inevitable anxiety and depression that will be occasioned by living directly adjacent to and in the shadow of a 17/10-story buildings with no setbacks.

We also question whether driving lateral support beams beneath adjacent structures, or other modern engineering methods, will be sufficient to mitigate the negative impact of disturbance and subsidence resulting from excavation of the project footprint during and after completion of construction. Of course, we will look to the geotechnical studies approved by the City to assure homeowners of the ability to seek compensation for potential claims against the developer and the City for property and other damages, including those arising from emotional distress, if the project is mismanaged.

We appreciate the help of Uptown Planners in keeping the Department of Development Services in line with their public communication responsibilities, and promptly forwarding all studies, including overshadowing, environmental and updated geotechnical studies, for review by our experts as soon as they become available.

I would appreciate time to speak at the upcoming meeting on the 21st of February.

Sincerely,

Wendy Johnson
Wendy Johnson

CC: Robin MacCartee rmaccartee@sandiego.gov

UPTOWN UNITED

San Diego, California

www.uptownunitedSD.org
UptownUnited3@gmail.com
619-889-5626

Feb. 18, 2023

To: Uptown Planners
via email

Re: Project at 301 Spruce Street. Opposition

We are strongly opposed to this project, for many reasons.

1. Does not meet the Community Plan requirements:
 - a. That new projects are compatible with the existing neighborhood in scale and mass, and does not detract from the surrounding neighborhood.
 - b. Compatible with lower density development.
 - c. Transitions between new and existing development.
 - d. Respecting the unique character of the neighborhood and community.
2. Does not meet requirements for canyons and environmentally sensitive lands.
 - a. That new projects do not detract from canyons and open space.
 - b. Does not alter existing land forms.
 - c. Does not impact the biological setting, including trees, plant and wildlife.
 - d. Does not impact the drainage.
 - e. Is unobtrusive.
3. The project has not been proven to be safe to surrounding homes, especially during construction. The underground garage excavation is likelt to destabilize nearby homes.
4. Traffic impacts.
5. Lack of adequate parking.
6. Excessive blocking of sunlight to nearby properties.

The project must be redesigned to minimize these harmful impacts.

Neighbors: To join in the opposition, connect to our website and go to "Take Action". www.UptownUnitedSD.org

Tom Mullaney
Executive Director

Spruce Street comment, Uptown United.docx

3115 3rd Avenue
San Diego, CA 92103

4 January 2023

Ms. Patty Ducey-Brooks
Chair, Uptown Planners Design Review Committee

Dear Patty:

I am writing this letter on behalf of six homeowners of the 7 on Third Homeowners Association (3103- 3133 3rd Avenue). Our homes take up the almost entire block located on the east side 3rd Avenue between Spruce and Redwood streets backing directly onto Maple Canyon. The proposed Cast Development project 301 Spruce Street/Quince Apartments will be located directly perpendicular to our block on 3rd Avenue and continue onto 4th Avenue directly across the canyon in front of five of our homes.

There are many reasons we oppose this project and we have individually provided comments to your committee, but I would like to summarize some of those concerns.

Impact on our Community: We believe the quality-of -life for ourselves and our neighbors in the vicinity will be negatively impacted. Bankers Hill is a unique neighborhood whereby we share our environment with small multifamily housing, Section 8 and senior housing, low-rise condominiums, and high-rise buildings on 5th and 6th Avenue. Magnificent historic stately homes in the area are surrounded by green space and canyons. We are blessed to live in one of the oldest neighborhoods in San Diego with character and a long history. It will be truly a travesty to see this change. Someday there will be no one left to remember what Bankers Hill was and think that high-rise living has been the norm.

We are saddened at the proposal to cut down two magnificent pine trees that must be close to ten stories tall to make way for a building of equal or greater size. Flocks of wild parrots and other birds can be seen nesting in these trees. Maple Canyon is the home of many native species- plants, animals and insects that will be displaced by this project.



There are no projects of this magnitude in San Diego built directly on a canyon adjacent to a private property canyon maintained by the homeowners. This project also raises many environmental questions.

Bankers Hill and 7 on Third quality of life: For those of us in the area, we will be living in a construction zone for many years. Not only will the building phase of 301 Spruce be disruptive but at the same time the Spruce Canyon Storm Water Runoff and Habitat Restoration is also underway. Once 301 Spruce is complete, we will have a lack of sunlight and privacy with tenants from both buildings being able to look directly into our windows as well as block our views of the canyon and east toward Balboa Park.

At the southwest corner of 3rd and Redwood streets directly across from some of our homes, the current building is slated to be torn down shortly (eviction notices have been provided to current tenants) and a new Section 8 project will replace the current building adding to the chaos on our block. As transparency is lacking for almost any building project in our vicinity, we have no idea what will be built on this corner, nor other plans by other developers for our surrounding area. Approving projects one-by-one does not consider the impact on the community as a whole.

Safety: In order to build 301 Spruce Street, significant excavation will need to occur to build a subterranean parking garage. Earth moving equipment will be everywhere. HOA members are extremely concerned how this construction will impact the integrity of our end of Maple Canyon and in particular the stability of the hillside on which our homes are built. Who will be responsible for the integrity of our homes should the excavation or land settlement impact us? Will individual homeowners be able to afford to seek compensation for a large developer should this happen?

Maple Canyon is very dry from many years of drought. How will the canyon and our homes be protected against fire during building phase? We believe there could be a danger of sparks caused by welding causing a fire in the canyon.

Furthermore, we are anxious for ourselves and our neighbors about debris from such a large project impacting our daily living. Where will the staging area for heavy equipment be placed? How will the community be protected from nails, glass, and other construction debris? Those of us who have lived in construction zones can relay stories of punctured tires, cuts, and bruises by lack of careful clean up.

In conclusion, we have many other apprehensions addressed by us individually and we suspect by others in our neighborhood, such as destruction of the environment, the project size setting a precedent for things to come and of particular concern west of 5th Avenue, lack of parking for tenants and visitors in an already parking-constrained area, little affordable housing with this project being predominantly market rate units (rents at 525 Olive Street which has comparable amenities range from \$4,000-\$13,000 per month) lack of trust with the developer who has refused to meet with neighbors to discuss their plans and has tried to buy additional properties on 3rd Avenue and in the same vicinity.

We urge members of the committee and Uptown Planners to walk through our neighborhood and canyon to see for yourselves the potential impact this project could have before making your recommendations. Thank you for listening to our opinions and we urge the Design Committee to reject this project for the reasons described herein.

Respectfully,

Wendy Johnson

As part of its appeal, the Uptown Planners (the local Community Planning Group) attached and incorporated public comments received as part of its special meeting held on February 21, 2023, relating to the project. Staff's responses to the public comments received and incorporated into the appeal are set out below.

1. Carol Emerick

How has your project complied with the city's Climate Action Plan? At the Uptown Planners meeting in January 2022, you acknowledge the large trees on the south side of the lot that ends on 3rd Avenue. Those trees provide a significant amount of canopy for the community. Those trees are a significant biological resource. Those trees are well over 50 years old, probably closer to 100 years old ... It will take many years for a new tree to provide the amount of canopy and carbon sequestration that is currently provided by the trees that exist on [the] property. Are the trees currently acknowledged in the cycle issues that reviewed your plan? Has the Climate Action Consistency Checklist been completed? Item #6 asks "Does that proposed project include policies or strategies for preserving existing trees?" ... The city has made a commitment to clean air and climate care. There are a number of city documents and policies that address the need to maintain the tree canopy that exists. New trees do not provide sufficient canopy very quickly. The city has set goals that need to be met in the next seven to twelve years. There are sustainability goals. How are you addressing those goals? The newest city document is called Our Climate Our Future.

Staff Response:

The project was deemed complete on April 18, 2022. At that time, the appropriate process for analyzing a project's consistency with the CAP was the completion of the CAP Consistency Checklist. The project's CAP Consistency Checklist was included in Appendix E to the 15162 Evaluation and the project is consistent with the CAP.

In September 2022, the City adopted an updated CAP and subsequently codified the CAP as regulations in the SDMC at sections 143.1410 and 143.1415 (CAP Regulations). Projects are now required to comply with the codified CAP Regulations. Projects deemed complete prior to the adoption of the CAP Regulations, like the proposed project, may opt into compliance with the CAP Regulations or maintain the previous path of demonstrating consistency through the CAP Consistency Checklist. It is staff's understanding that because of where the project was in the approval process, the applicant opted to maintain compliance via the CAP Consistency Checklist. Nonetheless, as demonstrated in Table 1 below, the project complies with the CAP Regulations.

Table 1

CAP Regulations Consistency Table

CAP Regulation	Project Consistency
<i>SDMC § 143.1410 Mobility and Land Use Regulations</i>	
<p>(a) Pedestrian enhancements that reduce heat island effects shall be provided as follows:</p> <p>(1) Development on a premises that contains a street yard or abuts a public right-of-way with a Furnishings Zone, at least 50 percent of the Throughway Zone shall be shaded as specified below:</p> <p>(A) If the abutting public right-of-way contains a Furnishings Zone, shading shall be provided by street trees.</p> <p>(B) If the abutting public right-of-way does not contain a Furnishings Zone, shading may be provided by a combination of trees and shade structures placed in the street yard.</p> <p>(C) The shade coverage of a tree shall be determined by the expected canopy at 10-year maturity. The tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.</p> <p>(D) Trees shall be irrigated and maintained consistent with Section 142.0403.</p> <p>(E) The number of street trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.</p>	<p>(A), The project contains a Furnishing Zone between the sidewalk and the public right-of-way. Street trees are provided within the Furnishing Zone for shading.</p> <p>(B) N/A. the project contains a Furnishing Zone between the sidewalk and the public right-of-way.</p> <p>(C) Street trees have been selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide. Street trees have been selected for their shade coverage determined by the expected canopy by 10-year maturity. Street trees would have a mature canopy of 30 feet (non-fruiting olive) to 40 feet (coastal live oak, Chinese elm).</p> <p>(D), (E) In total, the project will provide 47 trees, which represents a net increase of 17 trees on-site. The project site includes 200 feet net frontage on Spruce Street, 80 feet net frontage on Third Avenue, and 250 feet net frontage on Third Avenue. The project is thus required to provide 26.5 street trees per the City's Landscape Regulations in SDMC Chapter 14, Article 2, Division 4 and will provide 27 street trees. The project proposed to provide 10 non-fruiting olive trees along Spruce Street, four coastal live oak trees along Third Avenue, and 13 Chinese elms trees along Fourth Avenue.</p> <p>The remainder of the trees provided is comprised of 19 trees distributed throughout Levels 1, 2, and 10, with one existing tree to remain.</p> <p>All landscape and irrigation would conform to the standards of the Citywide Landscape Regulations and the Land Development Manual Landscape Standards.</p>
<p>(c) At least 50 percent of all residential and non-residential bicycle parking spaces required in accordance with Chapter 14, Article 2, Division 5 shall be supplied with individual outlets for electric charging at each bicycle parking space.</p>	<p>The project provides 128 bicycle parking spaces in secure bicycle rooms with e-bike charging available, four short-term bicycle parking spaces and two long-term bicycle parking spaces (lockers). Additionally, the project will provide bike rack installation in any unit at the request of the resident.</p>

CAP Regulation	Project Consistency
<i>SDMC §143.1415 Resilient Infrastructure and Healthy Ecosystems Regulations</i>	
<p>(a) Two trees shall be provided on the <i>premises</i> for every 5,000 square feet of <i>lot</i> area, with a minimum of one tree per <i>premises</i>.</p> <p>(1) If planting of a new tree is required to comply with this section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.</p> <p>(2) Where possible, trees should be planted in native soil. Where native soil planting is prohibited by site conditions, required trees may be provided in built-in or permanently affixed planters and pots on structural podiums. Planters and pots for trees shall have a minimum inside dimension of 48 inches.</p> <p>(3) For a <i>premises</i> located within a base zone that does not require open space to accommodate the planting of on-site trees in compliance with this Section, the <i>applicant</i> shall do one of the following, except that all trees required by the Landscape Regulations in Chapter 14, Article 2, Division 4 must be provided on-site:</p> <p>(B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund consistent with adopted City Council Resolution.</p> <p>(4) Trees shall be irrigated and maintained consistent with Section 142.0403.</p> <p>(5) The number of trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.</p>	<p>(1) New tree planting is required for the project, and trees have been selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide. In total, the project will provide 47 trees, which represents a net increase of 17 trees on-site. The project site includes 200 feet net frontage on Spruce Street, 80 feet net frontage on Third Avenue, and 250 feet net frontage on Third Avenue. The project is thus required to provide 26.5 street trees per the City's Landscape Regulations in SDMC Chapter 14, Article 2, Division 4 and will provide 27 street trees. The project proposed to provide 10 non-fruiting olive trees along Spruce Street, four coastal live oak trees along Third Avenue, and 13 Chinese elms trees along Fourth Avenue.</p> <p>The remainder of the trees provided is comprised of 19 trees distributed throughout Levels 1, 2, and 10, with one existing tree to remain.</p> <p>(2) Where possible, trees will be planted in native soil. All selected street trees will be planted as 48-inch box dimensions.</p> <p>(3) N/A. The project includes the required planting of street trees.</p> <p>(4), (5) All landscape and irrigation would conform to the standards of the Citywide Landscape Regulations and the Land Development Manual Landscape Standards.</p>

What about San Diego's CAP plan and the existing massive canopy on the property? How will the removal of the very large trees at the south end of the lot that ends on 3rd Ave, be mitigated?. Will the whole property have tree canopy of 28%, the city's stated goal, by 2030? Does the CAP Consistency Checklist reflect the existing massive tree canopy? CAP issues 34-39 do not address the tree canopy. What cycle issue addresses the existing tree canopy???. Thank you for answering our questions about the trees that currently exist on the property.

The 35,188-gross-square-foot project site is currently the location of 30 trees. These trees include 15 American sweetgum, three Canary Island pine, and 12 red-spotted gum (a variety of eucalyptus). Existing trees are non-native and are not sensitive or protected species.

In total, 29 existing trees will be removed; one American sweetgum tree will be retained on-site. Removal of the 29 trees is required due to their location within the footprint of the new building or because they are in a location not allowed by brush management requirements. Additionally, eucalyptus is an invasive species that represents a safety hazard, due to their tendency to drop large limbs without forewarning and constantly shedding bark, which is a fire hazard.

In total, the project will provide 47 trees, which represents a net increase of 17 trees on-site.

This net gain of 17 trees creates a resilient environment on-site and furthers the City's CAP goals relative to urban forestry and carbon sequestration.

2. Bruce Dammann

As part of the land use goals in the community plan, the plan identifies the importance that the project does not detract from the surrounding neighborhood, which in this case is low scale residential structures along third avenue. How does the design of this project address that policy?

As part of the land use policies, the community plan requires that medium and high-density residential development should be designed to be compatible with lower density development. (LU-2.6) How does the design of this project respond to that policy?

The urban design policy 4.72 and UD-4.77 requires the design to respond to the rhythm of the adjacent development and requires building heights to sensitively address transitions between new and existing development. Third Avenue is residential low scale development. A key aspect of the Urban Design element in the plan is to ensure that the bulk of higher scale buildings do not appear imposing on adjacent buildings, Higher buildings need to incorporate designs that sensitively address lower scale building to provide a transition in scale. How does the design of this project address that policy?

The community plan requires that development along the canyons does not detract from the aesthetic, environmental or open space benefits that they provide for the community. The urban design policy promotes building designs that are responsive to the canyon environment and requires canyon development to be unobtrusive (UD 1.6) How does the design of this project respond to that requirement?

Staff Response:

The project as designed is consistent with the applicable principles, goals, and policies of the Uptown Community Plan. One of the Community Plan's Guiding Principles is *to maintain distinctive neighborhoods by preserving the qualities and resources that make Uptown unique*. Maple Canyon is one of the identifying features of the Bankers Hill neighborhood. The project steps back from the canyon edge to facilitate public views into the canyon. The project adds to an urban form that respects neighborhood context by promoting sustainability and providing transitions between existing and infill development, specifically echoing the transition embodied at the Alicante (a 14-story high-rise residential building) located to the south of the site.

The Uptown Community Plan focuses medium to high residential density located along the major commercial corridors including Fourth Avenue. Multi-family residential uses are generally

distributed throughout the community adjacent to the commercial land uses along the major corridors. The project adds high density residential and commercial uses along Fourth Avenue, an identified Mixed-Use Corridor, consistent with the Uptown Community Plan. The design of the project, however, allows for this high-density development to fit within the existing community. The proposed project will be an “L” shaped building fronting predominantly on Spruce Street and Fourth Avenue to allow for the greatest separation between the new structure and existing residences to the west/southwest, as well as Maple Canyon. The project design includes setbacks and stepbacks (where the building mass steps back from the ground-level frontage) from existing development and Maple Canyon. These setbacks and stepbacks occur at Levels 2, 3, 4, 6, 9, 10, 12, and 14. These stepbacks, coupled with the siting and layout of the building, allow for compatibility of the project with the existing neighborhood, while the density of the project implements the planned character of the neighborhood.

Surrounding uses include single- and multi-family residential structures to the west and northwest, commercial and residential (single-family and multi-family) uses to the north, commercial and residential uses (single-family and multi-family) to the east, and single-family residential and open space (Maple Canyon) to the south. Residential development in the neighborhood surrounding the project site ranges from one to 14 stories. The project would develop at a height that is greater than the immediate surrounding development but not out of character for multi-family residential buildings in the Bankers Hill/Park West neighborhood, which is punctuated at regular intervals by high-rise development (see Figure 5), including Alicante, which is 14 stories in height and located at Fourth Avenue and Redwood Street, and Broadstone Balboa Park, which is eight stories in height, located at Fourth Avenue and Thorn Street. The Alicante and Broadstone Balboa Park establish the area as an urbanizing corridor, with a new 21-story development at Fifth Avenue and Thorn Street of 21 stories further solidifying this urbanizing trend. Additionally, the project’s pattern of varied stepbacks builds upon that already presented with the Alicante, mimicking the existing character of an adjacent building and further blending the project with the community. The project complies with the existing and evolving character of the neighborhood when viewed in light of current and future development patterns.

Park West and Bankers Hill are characterized by intermittent punctuations of high-rise structures, as illustrated by the following image of the Uptown skyline as photographed from San Diego International Airport. Buildings dating from the 1960s (Manchester Financial building) and 1970s (Park Central Towers) through the new millennium with 525 Olive opening in 2021, can be seen across the neighborhood. The skyline of Uptown had regular infusions of buildings up to 20 stories in height that add variety and interest, as well as high-density housing and other necessary land uses. High-density development also provides for greater concentrations of residents along the



commercial corridors of Uptown, contributing to walkability and safety within the pedestrian realm. The project creates a bookend to this undulating character of structure heights in Uptown, meeting the existing rhythm and character seamlessly.

Moreover, the project recognizes the environmental and visual value of Maple Canyon by incorporating the canyon into the heart of project design. Maple Canyon is invited into the project design as the project building edges the canyon without intruding into it and provides resident windows and balconies overlooking the canyon. The project has been designed with subterranean parking, to maximize views of the canyon from the ground level. An expansive open plaza element has been incorporated into the ground floor of the building to allow for residents and community members alike to observe the canyon and take passive enjoyment at the canyon rim, with outdoor seating and dining envisioned for the plaza, as well as open gathering space.

In particular, the project's design incorporates stepped massing away from the canyon, as well as an expansive canyon-side plaza. The project adds views into the canyon from several locations, where currently none exist. In fact, the project massing was designed to echo Alicante, located just to the south of the project site, relative to the building's interface with the canyon.

3. Bankers Hill Community Group

The subject project may not be legal. To be eligible for CCP (Complete Communities Program) rules, a project must be within a Transit Priority Area. A TPA is defined in the codes as within a half-mile of a trolley stop or the intersection of major bus lines. There is no definition of intersection in the codes, and the dictionaries define it as the crossing of two lines. Although the city map indicates that central Bankers Hill is in a TPA, there is in fact no crossing of bus lines within a half-mile of 301 Spruce. All lines in the area run parallel, in a north-south direction. Thus, the central part of Bankers Hill has been wrongly identified as a TPA; and 301 Spruce should not come under CCP rules.

Staff Response:

The CCHS Regulations provide a FAR based incentive program for project development within (SDAs), that provide housing for very low-income, low income, or moderate-income households. Qualifying projects are entitled to heightened FAR ratios, as well as incentives and waivers to deviate from development standards. Qualifying projects earn the heightened FAR by restricting 40% of base units for rent at affordable rates. The project meets the required provisions of the CCHS Regulations pursuant to SDMC Section 143.1015 and Section 143.1010(j)(1) by providing a total of 22 units (40% of the 52 Pre-Density Bonus units) and payment of a fee to the "Neighborhood Enhancement Fund" in accordance with SDMC Section 143.1020(a).

The proposed development is located within a SDA as defined in SDMC Section 113.0103 as it is within walking distance along a pedestrian path of travel from a major transit stop. SDMC Section 113.0103 identifies a major transit stop as a site defined in California Public Resources Code section 21064.3, as may be amended, or a site that contains an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The San Diego Metropolitan Transit System (MTS) provides a major transit stop at the corner of Upas Street and Fourth Avenue, less than 0.15 miles from the project site. Major bus routes 3 and 120 intersect at this location at intervals of 7-8 minutes in both the morning and afternoon peak commute hours.

We also have concerns about the viability of the project and whether or not it will actually help to meet affordable housing needs: Thanks to the CCP this project is 92% “market rate” units, mostly studios and 1 bedroom units. Market rate in the neighborhood is over \$4000/month for a 700 sq ft one bedroom apartment. This equates to an income of \$150,000/year, well above the median. The city and state need housing for teachers and firefighters and families with incomes around the median. There is no housing shortage for high-income, market rate people.

Staff Response:

The CCHS Regulations are part of a regional strategy to find a balance of mobility, parks, and affordable housing. The strategy aims to increase affordable housing concentrated around mixed-use and multi-family areas served by transit, while also investing in neighborhood amenities, such as parks and urban plazas. The CCHS Regulations seek to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City with an emphasis on housing near transit; and to encourage the use of mobility alternatives through the construction of neighborhood-serving infrastructure amenities. Investment in neighborhood-serving infrastructure that creates destinations and encourages walking, biking, and use of transit is critical to the City’s CAP goal to reduce greenhouse gas emissions.

The project proposes development under the CCHS Regulations, which were approved by the City Council in December 2020, and is a local adaptation of State Density Bonus Law. The CCHS Regulations provide a FAR-based incentive program for project development within SDAs) that provide housing for very low-income, low-income, or moderate-income households. Qualifying projects are entitled to heightened FAR ratios, as well as incentives and waivers to deviate from development standards. Qualifying projects earn the heightened FAR by restricting 40% of base units for rent at affordable rates. The project meets the required provisions of the CCHS Regulations pursuant to SDMC Section 143.1015 and Section 143.1010(j)(1) by providing a total of 22 units (40% of the 52 Pre-Density Bonus units).

In order to be eligible for the waivers and incentives provided by the CCHS Regulations, a prescribed amount of deed-restricted affordable housing must be included within the development project. SDMC Section 143.1015 provides the two scenarios available to developers to meet the required affordable housing provision. The project applicant has elected to proceed with Section 143.1015 (a)(1) through (3), and therefore, the project must provide:

- (1) At least 15 percent of rental dwelling units in the development, excluding any additional dwelling units allowed under a floor area ratio bonus, for rent by very low-income households at a cost, including an allowance for utilities, that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size.

(2) At least 15 percent of the rental dwelling units in the development, excluding any additional dwelling units allowed under the floor area ratio bonus, for rent by moderate-income households, including an allowance for utilities, that does not exceed 30 percent of 120 percent of the area median income, as adjusted for household size.

(3) At least 10 percent of the rental dwelling units in the development, excluding any additional dwelling units allowed under the floor area ratio bonus, for rent by low-income households, including an allowance for utilities, that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size.

The total required affordable housing provision of the CCHS Regulations is 40 percent of the maximum base density. The project provides a total of 22 deed-restricted affordable units, meeting and exceeding the requisite number of affordable units. Of this total, eight units (15 percent of the maximum base density) will be provided to households with incomes at 50 percent of AMI, six units (10 percent of the maximum base density) will be provided to households with incomes at 60 percent of AMI, and eight units (15 percent of the maximum base density) will be provided to households with incomes at 120 percent of AMI.

4. 7 on Third Homeowners Association (January 4, 2023 Letter) (1 of 2 letters)

We are saddened at the proposal to cut down two magnificent pine trees that must be close to ten stories tall to make way for a building of equal or greater size. Flocks of wild parrots and other birds can be seen nesting in these trees. Maple Canyon is the home of many native species- plants, animals and insects that will be displaced by this project.

Bankers Hill and 7 on Third quality of life: For those of us in the area, we will be living in a construction zone for many years. Not only will the building phase of 301 Spruce be disruptive but at the same time the Spruce Canyon Storm Water Runoff and Habitat Restoration is also underway. Once 301 Spruce is complete, we will have a lack of sunlight and privacy with tenants from both buildings being able to look directly into our windows as well as block our views of the canyon and east toward Balboa Park. At the southwest corner of 3rd and Redwood streets directly across from some of our homes, the current building is slated to be torn down shortly (eviction notices have been provided to current tenants) and a new Section 8 project will replace the current building adding to the chaos on our block. As transparency is lacking for almost any building project in our vicinity, we have no idea what will be built on this corner, nor other plans by other developers for our surrounding area. Approving projects one-by-one does not consider the impact on the community as a whole.

Safety: In order to build 301 Spruce Street, significant excavation will need to occur to build a subterranean parking garage... HOA members are extremely concerned how this construction will impact the integrity of our end of Maple Canyon and in particular the stability of the hillside on which our homes are built. Who will be responsible for the integrity of our homes should the excavation or land settlement impact us? Will individual

homeowners be able to afford to seek compensation for a large developer should this happen?

Maple Canyon is very dry from many years of drought. How will the canyon and our homes be protected against fire during building phase? ... Where will the staging area for heavy equipment be placed? How will the community be protected from nails, glass, and other construction debris?

In conclusion, we have many other apprehensions addressed by us individually and we suspect by others in our neighborhood, such as destruction of the environment, the project size setting a precedent of things to come and of particular concern west of 5th Avenue, lack of parking for tenants and visitors in an already parking-constrained area, little affordable housing with this project being predominantly market rate units (rents at 525 Olive Street which has comparable amenities range from \$4,000-\$13,000 per month) lack of trust with the developer who has refused to meet with neighbors to discuss their plans and has tried to buy additional properties on 3rd Avenue in the same vicinity.

Staff Response:

No sensitive animal species were observed or detected on the project site. The California Native Diversity Database (CNDDDB) search identified three sensitive animal species [western spadefoot (*Spea hammondi*), southern California legless lizard (*Anniella stebbinsi*), and peregrine falcon (*Falco peregrinus anatum*)] whose locations, based on the low levels of accuracy, could intersect with the site. However, there is no potential habitat for these species present on-site. The Cooper's hawk was not observed on the project site and is not listed as a potential species to occur. (Biology Memorandum, Attachment 16.)

Shoring Design Group prepared a Temporary Shoring Lateral Support of Adjacent Improvements memorandum, dated July 27, 2023 (Shoring Memo). A copy of the Shoring Memo, which was reviewed and approved by staff, is included as Attachment 17. The Shoring Memo documents that the project will not include pile driving or driving lateral support beams beneath adjacent structures. Temporary shoring for the project has been designed in accordance with the geological recommendations for lateral support and stability according to the approved geotechnical report prepared by Leighton & Associates, a copy of which was included as Appendix D to the 15162 Evaluation. Existing site survey/conditions for the adjacent right-of-way and southerly canyon are properly shown and accounted for within the project design. The design includes acceptable safety factors relative to global stability. The project site, which has been reviewed for geologic stability by City Staff, is "suitable to receive the proposed improvements" as shown in the approved geotechnical report and reiterated in the Additional Geotechnical Comments memo, dated July 25, 2023, prepared by Leighton and Associates, Inc. (Geotechnical Memo). A copy of the Geotechnical Memo, which was reviewed and approved by staff, is included as Attachment 14.

The method of construction and shoring design is the most widely used shoring system in the City of San Diego. This shoring system will not destabilize the adjacent canyon or public right-of-way during construction.

Finally, construction-related impacts are clearly addressed in the Section 15162 Evaluation prepared for the project. (See Section 15162 Evaluation discussion under *Air Quality, Noise, Historical Resources,*

Geologic Hazards, Paleontological Resources, and Hydrology/Water Quality.) As identified in the 15162 Evaluation and called out in the Mitigation Framework included in the Uptown CPU PEIR, mitigation measures would be required for potential impacts associated with noise, historic resources, and paleontological resources. The project's general contractor will be required to have a City-approved traffic control plan that will dictate the terms of the project's construction, including any minimal offsite staging that is required to occur in the public right-of-way.

Relative to setting a precedent west of Fifth Avenue, any future project of a similar size and scale utilizing CCHS Regulations would need an NDP if the building exceeds 95 feet or the base zone height. There are also a number of discretionary permits that may be triggered, even when utilizing CCHS Regulations, which would also require a similar review and process to the project. During that discretionary review, environmental effects would be analyzed and public input would be solicited, allowing for a transparent and open review process. The trend throughout the urbanized portion of San Diego is to provide high-density housing adjacent to services, employment, and transit in a manner to meet the dual needs of housing the population and addressing climate change, however, no potential precedent would supersede the discretionary permit process.

Relative to parking, as part of the City's strategies to reduce personal automobile use, specific residential and commercial developments within SDAs, as well as with respect to certain other parameters (such as affordable housing units) are able to provide a minimum of zero parking spaces. However, due to market demands, most projects do provide parking at various rates that allow for the development to be viable to the renting or consumer populations. This policy of zero minimum parking aligns with the City's sustainability goals and helps to meet the City's CAP goals.

Relative to the provision of affordable units, the project provides 40 percent of the base density as affordable housing, in compliance with the CCHS Regulations.

5. 7 on Third Homeowners Association (February 14, 2023 letter) (2 of 2 letters))

The environmental review documentation required for the project should certainly include a study by appropriate experts to assess overshadowing as measured in loss of annual sunlight hours caused by the 301 Spruce Street Project and also the negative impact on not only our quality of life and home values but also on the expected financial returns from the solar panels installed on five of our homes. The project's impact on biota, including plants and animals in the adjacent canyon, and the negative psychological impact on nearby residents should also be studied, including the inevitable anxiety and depression that will be occasioned by living directly adjacent to and in the shadow of a 17/10-story buildings with no setbacks.

We also question whether driving lateral support beams beneath adjacent structures, or other modern engineering methods, will be sufficient to mitigate the negative impact of disturbance and subsidence resulting from excavation of the project footprint during and after completion of construction. Of course, we will look to the geotechnical studies approved by the City to assure homeowners of the ability to seek compensation for potential claims against the developer and the City for property and other damages, including those arising from emotional distress, if the project is mismanaged.

Staff Response:

An assessment of the project's shadows was conducted by the applicant as part of the project design phase and submitted to the City in response to comments from the community. The discussion below provides an analysis prepared by Works Progress Architecture of how the project's shadows may affect adjacent properties throughout various times of the year. Discussion of shadow generation is presented by season.

NEW SHADOWS GENERATED BY THE PROJECT

The project includes multiple step backs in building massing throughout the height of the structure. Step backs will be present at Levels 2, 3, 4, 6, 9, 10, 12, and 14. These step backs assist in minimizing project shadow length, duration, and location. Surrounding structures that may be slightly affected by project shadows include single-story residential and commercial buildings, two-story residential and commercial buildings, three-story residential and commercial buildings, and seven-story mixed-use and commercial buildings.

Winter Solstice

As shown in Figure A, the project's shadow sweeps rapidly from 9:00 a.m. to 3:00 p.m. With the exception of the commercial structure immediately north of the project site, shadow is not likely in any one location for more than three hours. Shadow will cast northwest toward the predominantly single-family residential block bound by Thorn Street, Spruce Street, Third Avenue, and Second Avenue for the 9 o'clock hour, shifting away from this block by the 10 o'clock hour. During the 10 o'clock hour, shadow will cast in the southwestern half of the block to the north of the project, with affected structures including single-family residential and commercial buildings. Shadow will remain on this block into the 11 o'clock hour, encompassing roughly the southern half of the block. Shadow will shift to the southeast portion of this block in the 12 and 1 o'clock hours. In the 2 o'clock hour, the shadow begins to shift to the block bound by Thorn Street, Spruce Street, Fourth Avenue, and Fifth Avenue. Affected structures on this block include commercial and multi-family residential buildings. In the 3 o'clock hour, shadow shifts further northeast, encompassing a portion of the northwest corner of the block immediately east of the project site, which is the location of multi-family residential and commercial structures.

Figure A. Winter Solstice Shadows

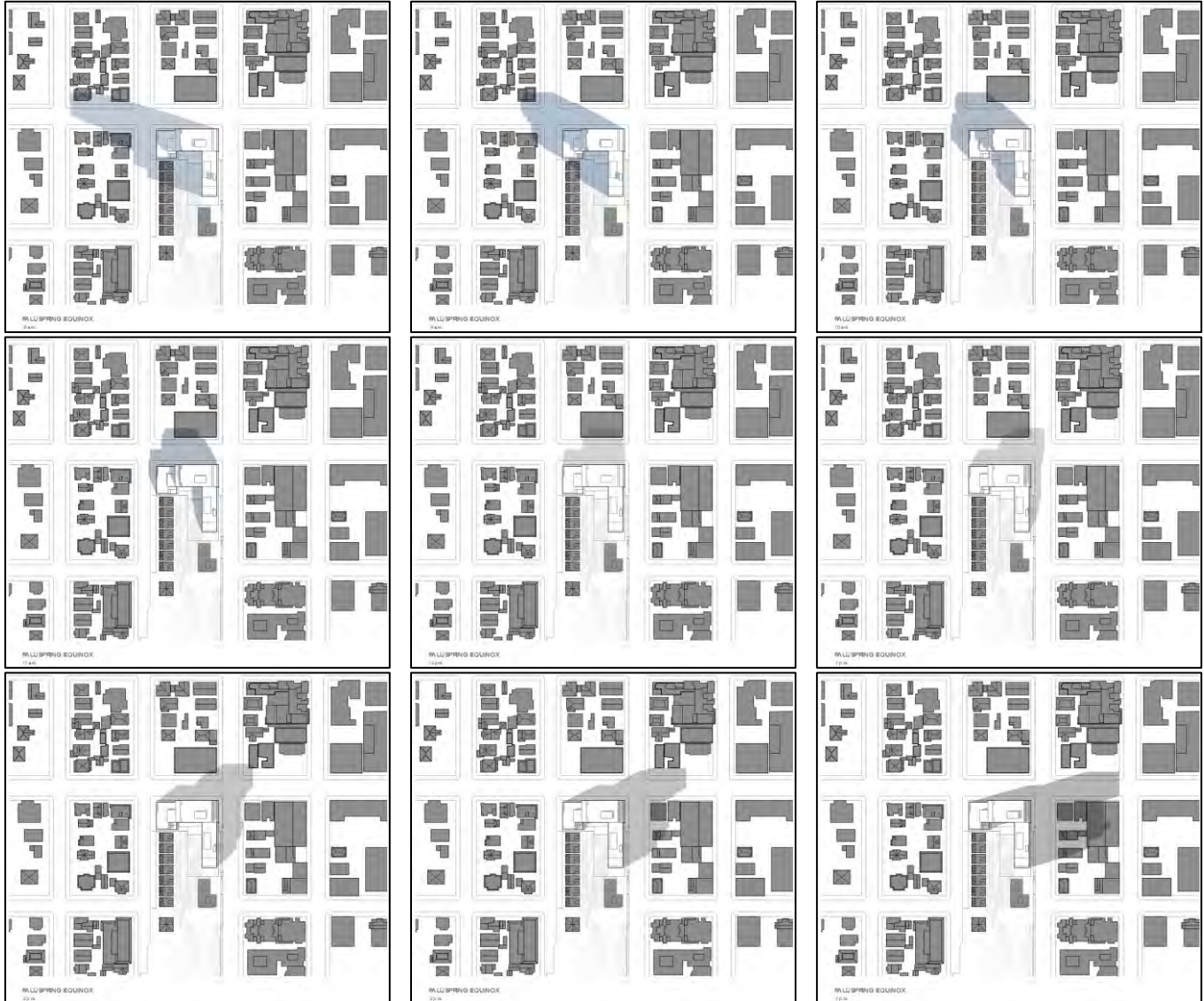


Fall/Spring Equinox

As shown in Figure B, the project's shadow sweeps rapidly from 9:00 a.m. to 4:00 p.m.. With the exception of the commercial structure immediately north of the project site, shadow is not likely in any one location for more than three hours. Shadow will cast northwest toward the intersection of Spruce Street and Third Avenue, encompassing four residential structures, for the 9 o'clock hour, shifting away from this location by the 10 o'clock hour. During the 10 o'clock hour, shadow will cast on a small corner in the southwest of the commercial building to the north of the site. Shadow from the project will remain in the southernmost portion of this commercial building – and solely this commercial building – through the 1 o'clock hour. In the 2 o'clock hour, the shadow will clip the southwestern-most corner of the commercial structure at Spruce Street and Fourth Avenue. In the 3 o'clock hour, shadow shifts further northeast, encompassing one multi-family residential and two

commercial structures immediately east of the project site. Shadow remains on this block immediately east of the project site through the 4 o'clock hour, encompassing an additional three commercial structures.

Figure B. Fall/Spring Equinox Shadows

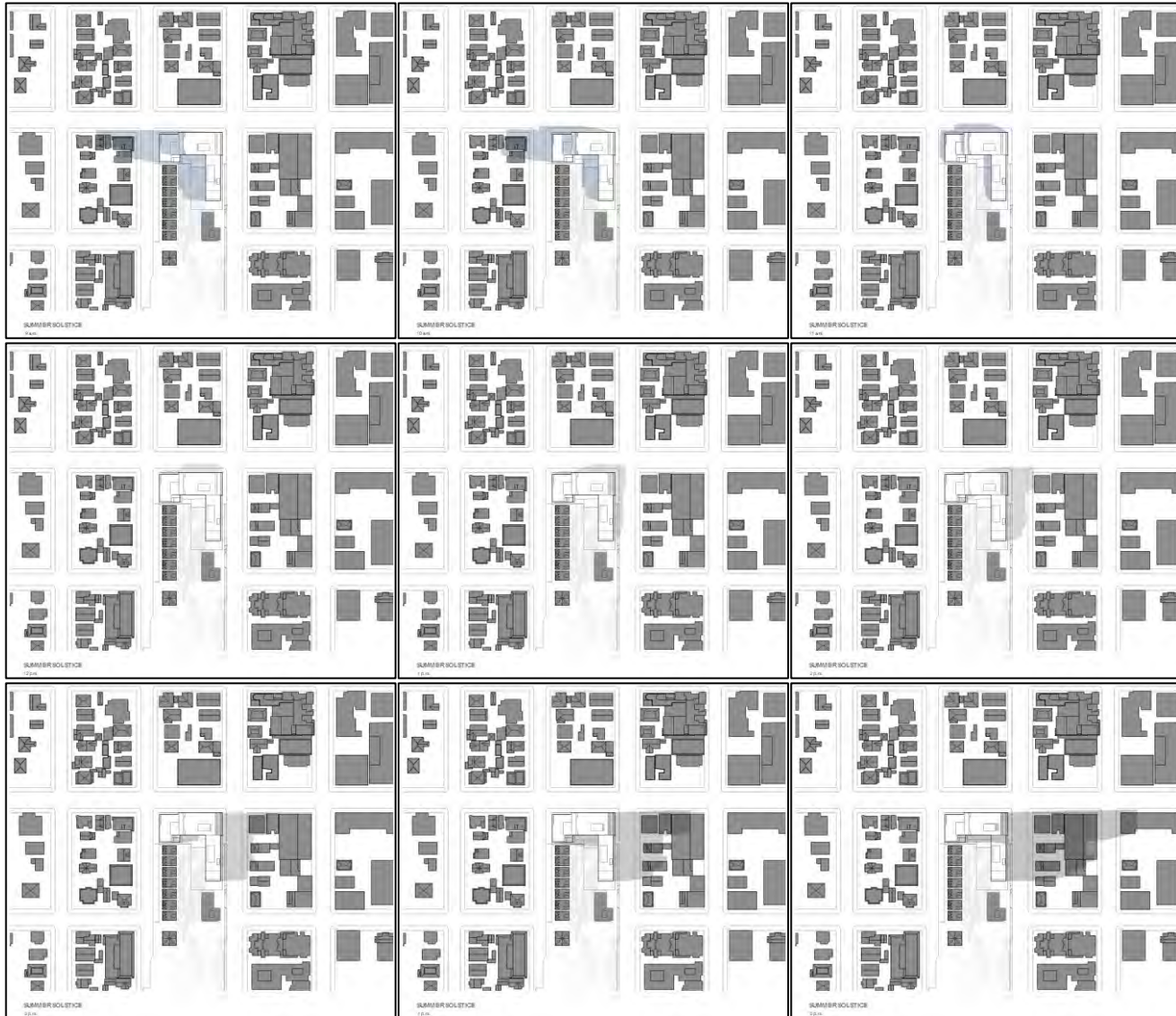


Summer Solstice

As shown in Figure C, the project’s shadow sweeps rapidly from 9:00 a.m. to 6:00 p.m. Shadow is not likely in any one location for more than three hours. Shadow will cast west of the site, encompassing four residential structures for the 9 and 10 o'clock hours. Shadow from the project will remain on-site (or within surrounding streets) from the 11 o'clock through 2 o'clock hours. In the 3 o'clock hour, shadow shifts to the east, encompassing one multi-family residential and three commercial structures immediately east of the project site. Shadow remains on this block immediately east of

the project site through the 4 o'clock hour, encompassing an additional two commercial structures. In the 5 o'clock hour, shadow will stretch to a corner of the block on the east side of Fifth Avenue.

Figure C. Summer Solstice Shadows



MAPLE CANYON

Due to the design of the project, shadow within Maple Canyon will be minimal. Project shadow will extend into the northeastern portion of Maple Canyon, primarily within the project site boundaries, in the 9 and 10 o'clock hours of the winter solstice. In the fall/spring equinox, shadow will extend into the northern portion of Maple Canyon, primarily within the project site boundaries, from the 8 o'clock to 11 o'clock hours. Similarly, during the summer solstice, shadow will extend into the northern portion of Maple Canyon, primarily within the project site boundaries, from the 9 o'clock to 11 o'clock hours.

The project includes revegetation (6,978 square feet) of the disturbed southern slopes that extend into the project site from Maple Canyon. The landscaping palette for revegetation within the project

site takes into account the shadow patterns of the project building to ensure appropriateness of plant species selected.

SOLAR COLLECTORS AND PHOTOVOLTAIC CELLS

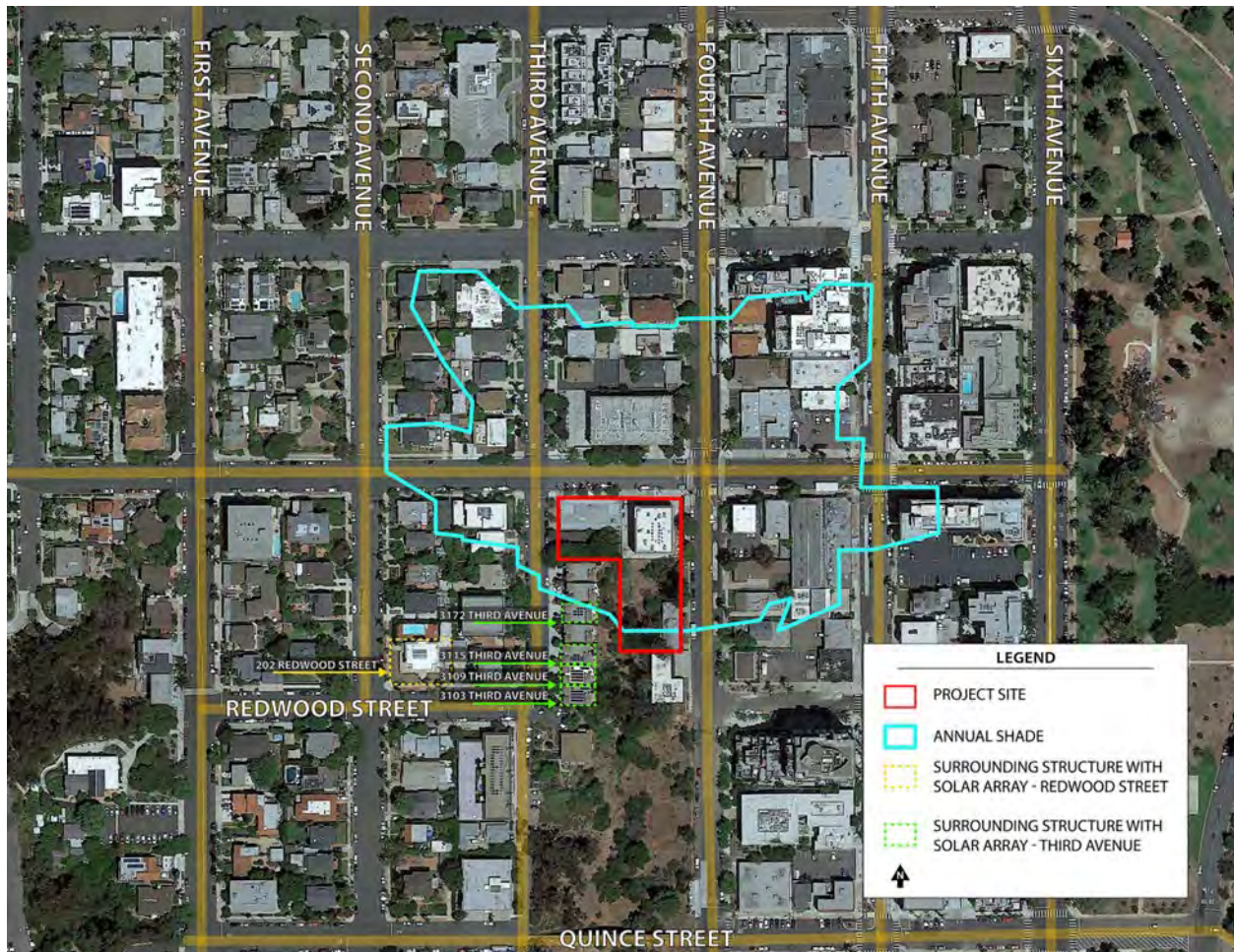
No solar collectors or photovoltaic (PV) cells that would be substantially affected by shadows resulting from the project were identified based on satellite imagery survey in the vicinity of the project (see Figure D). There are no apparent solar arrays on any structure on the blocks to the east (bound by Spruce Street, Redwood Street, Fourth Avenue, and Fifth Avenue), northeast (bound by Spruce Street, Thorn Street, Fourth Avenue, and Fifth Avenue), north (bound by Spruce Street, Thorn Street, Fourth Avenue, and Third Avenue), and northwest (bound by Spruce Street, Thorn Street, Third Avenue, and Second Avenue). From satellite imagery, there may be one solar array on the block to the west of the project site (bound by Spruce Street, Redwood Street, Third Avenue, and Second Avenue); if there is solar present on this structure (address approximately 202 Redwood Street), it is located outside of the shadow reach of the project building.

Within the project block, there are four structures fronting Third Avenue that have solar arrays: approximate addresses 3103 Third Avenue, 3109 Third Avenue, 3115 Third Avenue, and 3127 Third Avenue. Of these, project shadow would only extend onto the structure of 3127 Third Avenue at one occurrence – during the 8 o'clock hour of the fall/spring equinox. Due to the location of the solar array and building shadow, it appears approximately three panels of the apparent 11-panel array would be affected during this hour.

SUMMARY

It should be noted that the City's CEQA "Significance Determination Thresholds" (2022) do not include a significance threshold pertaining to the creation of shadows. Nevertheless, the project was designed to include multiple step backs in building massing throughout the height of the structure at Levels 2, 3, 4, 6, 9, 10, 12, and 14. These step backs assist in minimizing project shadow length, duration, and location. As shown above, shadows and shading due to the project will not result in shading of any single-family residential location for more than two hours, as the sun passes over. Where single-family structures are affected, shadows occur predominantly in the morning hours. For the most part, shadows will occur on commercial structures or multi-family development, with the longest duration being three to four hours on commercial structures. Maple Canyon would not have any substantial shading. Relative to solar access and PV cells, shading may occur on one single-family structure where solar panels are currently located. However, shading would occur for one house in the early morning hours and would not occur during prime solar production.

Figure D. Surrounding Solar Arrays



In regards to the comments relating to the negative impact of disturbance and subsidence resulting from the excavation of the project footprint, please see staff response to number 7 on Third Homeowners Association (January 4, 2023 Letter) number 4, above.

Relative to quality of life, the structures along Third Avenue are across the canyon from the residential units along the Fourth Avenue side of the project site. Due to topography and distance, new units along Fourth Avenue would largely have views of the rooftops of the structures of 7 on Third. None of the structures appear to have rooftop decks, which is where residents would be most visible. The units along Third Avenue do have small patios/decks on the east side of the buildings, but existing vegetation, proposed vegetation, and distance from existing structures to the new building are mitigating factors that preserve the privacy of these units. The portion of the building that fronts Third Avenue would have residential units that overlook the rooftops of 7 on Third and privacy would not be affected by this side of the building.

6. Don Liddell

The Bankers Hill Community Group raised a serious question at the Design review meeting as to whether the proposed project is eligible for evaluation under the Complete Communities program based on the point that there may be no “intersection” of relevant major bus lines within one-half mile of the site.

Staff Response:

Please see staff response to the Bankers Hill Community Group number 3, above.

As a local resident living near 301 Spruce Street and student of Bankers Hill history, I recently met with San Diego History Center staff to find out whether or not the site of the original San Diego Cable Railway Company Powerhouse built in 1889, later headquarters of the San Diego Electric Company trolley system, and the existing building constructed in 1913 that housed a local meat market and the Ideal Market corner grocery store until 1974 should be listed in the California Register of Historical Resources.

I think the property should be listed as a historic resource because the trolley system played a very large role in the growth of the City of San Diego and the local market was an anchor for Bankers Hill development for the greater part of the 20th century. California’s Government Code and San Diego’s Affordable Housing Regulations provide clear legal safeguards to preserve historical resources. Based solely on preliminary review of evidence submitted by the applicant, however, the Development Services Department concluded on April 7, 2021, subject to receipt of further evidence, that no historical research report was required for the property. The most recent Cycle Issues Report provided to the Uptown Planers Design Review Committee reported that the local historic review process was closed on November 18, 2022.

Staff Response:

The proposed project site contains four parcels with five current structures at 301 Spruce Street, 3170 Fourth Avenue, and 3130 Fourth Avenue. The structure at 301 Spruce Street was designed in 1913 by William S. Hebbard, a Master Architect established by the City’s Historical Resources Board (HRB). In 2021, an application was filed for a Preliminary Review under PTS-688539 to determine whether 301 Spruce Street AND 3149-3157 Third Avenue are historically significant under the City’s HRB Designation Criteria. On April 21, 2021, City staff determined that 301 Spruce Street and 3149-3157 Third Avenue did not meet the HRB Criteria for historic designation. In April 2023, additional information was provided to staff reviewing the project. Staff was provided an incomplete Historic Resource Research Report dated March 28, 2023. The incomplete report concluded that the property located at 301 Spruce Street is significant under HRB Criterion D – that the building is representative of a notable work of established Master Architect William S. Hebbard. As explained in the Project Issues Report PRJ-1053521, staff did not deem Historic Resource Research Report complete because of the number of procedural errors. Nonetheless, staff evaluated the new information provided in the report and found no evidence or analysis suggesting that the property is a notable work of an established Master Architect. Staff’s evaluation of 301 Spruce Street in the context of William S. Hebbard’s overall body of work revealed that the subject property does not express a particular phase in the development of Hebbard’s career, an aspect of his work, or a particular idea or theme in the craft. Furthermore, a remodel in 1974 changed the original four-unit storefront glass, changed the storefront footprint, removed the original transom windows,

introduced the non-original arched windows, and installed a new large ornate cornice. Due to the cumulative impact of integrity loss from the 1974 remodel to the building's exterior facades, staff concluded that the property no longer retains the integrity of design, materials, and workmanship as it relates to HRB Criterion D and the building is not eligible for designation under any HRB Criteria.

In 2022, an application was filed for a Preliminary Review under PTS-703220 to determine whether the property located at 3104-3130 Fourth Avenue and 3118 Fourth Avenue are historically significant under the City's HRB Designation Criteria. On September 15, 2022, City staff determined that 3104-3130 Fourth Avenue and 3118 Fourth Avenue did not meet the HRB Criteria for historic designation.

All City processes were followed in reviewing the subject site for historical significance.

I share many of the concerns presented in public comments submitted by others as to incompatibility of the project design with the Uptown Community Plan, the City of San Diego's Master Plan and the Land Development Code. I note that Section of the Land Development Code requires the City to make findings of fact supporting any determination to grant incentives and building design waivers and exemptions allowed under its Affordable Housing Regulations.

Staff Response:

Please refer to the submitted Findings (attachment 5). The findings established by the Affordable Housing Regulations included in SDMC Section 126.0404(f) are not required for the proposed project as it is a CCHS project, and the project is not subject to State Density Bonus Law. The proposed project complies with the Community Plan, General Plan and the SDMC, including all of the requirements of the CCHS program.

Additionally, the San Diego City Council adopted the CCHS program in December 2020. The project meets all of the requirements set out in the CCHS Regulations and thus qualifies for incentives and waivers subject to that program. The project would utilize two waivers (one for loading space size and another for loading space location) and no incentives.

7. Danna Givot

This project is an affront to anyone who believes in community planning and zoning. "Complete Communities," as codified by the City of San Diego, is designed to ignore both. Based on today's proposed plans, 301 Spruce Street represents an increase of more than 400% over the zoned capacity of the combined underlying parcels, ignoring both the existing zoning and the intentions of the Community Plan. It will produce only 8.5% so-called "affordable housing," over a third of which will be at 120% AMI - which are market-rate housing. Quince Apartments will scar and cast their 17 story shadow over Maple Canyon in direct conflict to the City's Climate Action Plan goal of preserving open space. The project is in and of itself the reason why San Diego's "Complete Communities" Code should be rescinded.

Staff Response:

Relative to CCHS, please see response to Bankers Hill Community Group comment number 3, above. Specific to the shadow claim, please see response to 7 on Third Homeowners Association (February 14, 2023 Letter) comment 5, above.

With regard to the project's compliance with the CAP, please see response to Carol Emmerick comment number 1, above. The project site is not designated as open space. The immediately adjacent canyon area is not designated as open space. The officially designated portion of Maple Canyon is located south of the project site. Additionally, the project is set back from the canyon, perched along the previously disturbed and developed canyon rim. As such, because the project would not develop in open space and because of the project's design away from the canyon edge, the project would not be in conflict with the City's goal of preserving open space.

8. Danielle Myers

I am a property owner of multiple units in Hillcrest/Bankers Hill and reside at 35[redacted] 1st Ave., San Diego, CA 92103. I am emailing my comments regarding the proposed project 301 Spruce "The Quince." My comments are, in no particular order:

- a) The proposed project is excessively large for the immediate surrounding neighborhood and dramatically dwarfs everything around it, particularly on 3d Ave. 301 Spruce is near a historic neighborhood (1st, 2nd and 3d Avenues) with 100-year old historically-designated two story homes. This 17-story building does not fit in the neighborhood (literally).**

Staff Response:

Please see response to Bruce Dammann comment number 2, above.

- b) The proposed project does not appear to offer truly affordable housing, which is what the City needs. Rather, it appears to be a continuation of the trend of recent developers of buildings that received height deviations along 6th Avenue who promised affordable housing but who built million-dollar condos and rental units exceeding \$3000/month, which is hardly affordable to the median income earner. What's the point of neighborhood planning if every developer is granted an exception?**

Staff Response:

The provision of affordable housing is regulated by the San Diego Housing Commission. The rate of affordable rents based on income category and household size is set annually by the U.S. Department of Housing and Urban Development (HUD) and the San Diego Housing Commission. The developer will be under contract with the San Diego Housing Commission to provide 22 affordable units at specified income categories (eight units available to households making 50 percent AMI), six units available to households making 60 percent AMI, and eight units available to households making 120 percent AMI), which will be deed-restricted for a period of at least 55 years. This is in compliance with the CCHS Regulations and monitored annually by the San Diego Housing Commission.

- c) The proposed project does not appear to offer any in-building parking, which at that height and number of units, is insane. The undeniable fact is that, in 2023, people living in million dollar condos don't ride their bikes to work or take the bus, so the fact that bus lines are within a few blocks is irrelevant. While it may be the City's (admirable) hope that more folks will take public transportation in the not-too-distant future, that is not the present reality, and any approved building plans need to reflect the fact that people living in million-dollar condos have 1-2 cars and commute to work. They must have somewhere to park those cars, and the largely residential streets from Front-4th Ave. in that part of Bankers Hill cannot absorb 1-2 cars per planned unit. There must be at least one parking spot per unit in any building approved by the City.**

Staff Response:

The project proposes 266 parking spaces within four stories of subterranean parking structure where zero parking spaces are required.

- d) What is the environmental impact to Maple Canyon?**

Staff Response

The project site is located proximate to Maple Canyon, separated from Maple Canyon by sloping terrain. The project would not impact Maple Canyon and includes revegetation of the southern slopes that extend into the project site from Maple Canyon. The project would predominantly be developed within the current footprint of existing buildings and associated improvements and would not occur within steep hillsides or within Maple Canyon as explained in the memorandum prepared by Nasland, dated September 19, 2023 (Engineering Memo; Attachment 15). Grading outside the current disturbed area encompasses a small area of southern slopes that extends into the project site from Maple Canyon. No development will occur within Maple Canyon.

Additionally, the project would have no indirect impacts (such as drainage and erosion) to Maple Canyon. The Drainage Study prepared for the project (Naslund, March 10, 2023) indicates that the project reduces the runoff rates compared to the existing conditions (i.e., no impact downstream). As stated in the (SWQMP) prepared for the project (Naslund, March 27, 2023), stormwater runoff from the project will be treated per City guidelines. The project meets the City hydromodification (retention) requirement by using a series of cisterns to retain stormwater and Modular Wetland systems to treat it, prior to being released to the street with flows that meet the City guidelines. The project is not discharging stormwater directly to the canyon on or off the project site. Stormwater from the project will ultimately make its way into the City storm drain system and then get discharged into Maple Canyon through the existing (or recently improved) pipes. Per the Maple Canyon Restoration Project, the proposed storm drain systems all have energy dissipation structures.

- e) What is the traffic impact to the surrounding residential streets of that many new residents driving on what are now relatively quiet residential streets?**

Staff Response

Ingress and egress to the parking garage will come from Third Avenue to the west of the site providing access to the 3-lane collector streets on Fourth and Fifth Avenue and the 2-lane collector on First Avenue. The project's use of Third Avenue will only be to serve the project site. Project trips will only use Third Avenue between Spruce Street and the project driveway for ingress and egress. Project trips are not expected to travel along Third Avenue south of the project driveway, primarily due to the lack of connectivity.

Based on the Transportation Impact Analysis (TIA) prepared for the project (Linscott, Law & Greenspan, March 13, 2023), traffic generated by the project would consist of residential trips, restaurant trips, and commercial retail trips. Project traffic generation was calculated for each trip type. The project is anticipated to generate approximately 2,121 average daily traffic (ADT), with 165 trips during the AM peak hour (45 inbound / 120 outbound) and 185 trips during the PM peak hour (125 inbound / 60 outbound). When the traffic from the project is added to Existing, Near-Term (Opening Year 2025), and Horizon Year (2050), traffic volumes at key intersections and on street segments evaluated in the TIA, all intersections would be expected to continue to operate at LOS D or better during the AM and PM peak hours and street segments would be expected to continue to operate at LOS C or better. Therefore, no significant impacts would result from the project.

Linscott Law & Greenspan Engineers prepared a Response to Appeal Comments memo, dated July 25, 2023 (Traffic Memo) to respond to comments raised in the appeal documents. A copy of the Traffic Memo, which was reviewed and approved by staff, is included as Attachment 18. As explained therein, the intersections of Spruce Street/Third Avenue and Third Avenue/project driveway are calculated to operate acceptably at LOS B or better with the addition of project trips. With the addition of project trips, (ADT) on Third Avenue will exceed the LOS C threshold for a local street. However, the local street LOS C capacity exceedance does not result in a significant impact to Third Avenue based on the City's significance criteria, as the established thresholds only apply to facilities that operate at LOS E or F with the addition of project trips, pursuant to the City's 2016 Significance Determination Thresholds. Therefore, the segment of Third Avenue between Spruce Street and the project driveway is expected to operate acceptably despite the ADT exceeding the LOS C threshold for a Local Street.

Additionally, the TIA included an assessment of driveway queuing. Vehicular access to the project site is proposed via one driveway on Third Avenue on the west side of the project site. The driveway would include controlled (gated) access, which would require an automated fob or code to enter. The entry gate would be located approximately 20 feet into the garage, with adequate storage length for the anticipated queues. The longest anticipated 95th percentile queue is 11 feet, which is less than one vehicle. Therefore, no queue issues are anticipated with the project.

f) What is the City's and developer's plan for additional necessary infrastructure for that many new residents (fire safety, schools, grocery stores)?

Staff Response:

The project site is within the service area for the San Diego Fire-Rescue Department (SDFD). The demand for fire protection may be increased; however, the project would comply with all applicable

City regulations and applicable fire codes. Additionally, no new or expanded facilities or improvements to existing facilities would be required.

The project site is within the service area for Beat 529 of the San Diego Police Department's (SDPD) Central Division. The project would introduce new residents at the project. The project could result in an increase in service calls; however, no new or expanded facilities or improvements to existing facilities would be required as a result of the project.

The project site is within the San Diego Unified School District (SDUSD). In order to estimate the number of students generated by new residential development, existing residential development of similar type and size in the same neighborhood as the project was referenced. The project would include 262 multi-family units (240 market rate and 22 affordable). The 22 affordable units would generate 19 students and the 240 market-rate units would generate 20 students for a total of 39 new students. SB 50 identifies the development fee and mitigation procedures for school facilities. SB 50 limits the mitigation that may be required to the scope of the review of any future project's impacts to schools, and the findings for school impacts. Payment of the statutory fees would constitute full and complete mitigation.

Using the San Diego Association of Governments (SANDAG) persons per household rate of 2.14 for Uptown (2020), the project would generate a population of 559 residents. The Parks Master Plan was adopted by the City in August 2021. The new City standard for the provision of parks is 100 points per 1,000 people. The additional residents from the project would require 56 points. The project would include 17,717 square feet of common outdoor open space including an entry courtyard, dog run, terraces, pool decks, and BBQ deck. These resident amenity areas would provide recreational opportunities for the project's residents and reduce demand on community recreational facilities. The project would nevertheless be required to pay the Citywide Park fee. As a result, the increase in demand for recreational facilities associated with the project is not considered substantial relative to the community as a whole, and the project alone would not require the provision of additional parkland or the construction of additional recreational facilities.

Uptown is served by the Mission Hills-Hillcrest/Harley & Bessie Knox and University Heights libraries. The project's increase in population would not impact the existing library facilities nor would additional or expanded library facilities be required. The existing branches could adequately serve the increase in residents from the project. Impacts would be less than significant.

Staff Response:

9. Uptown United (January 15, 2023 Letter)

The full letter can be found here: [Uptown United Letter of 1/15/23](#)

Issues raised in the letter include:

- a) Out of scale for the neighborhood. It's sized for downtown, not Bankers Hill.**

Staff Response:

Please see response to Bruce Dammann comment number 2, above.

b) 200 ft tall, in a neighborhood mostly 20 to 30 ft.

Staff Response:

Please see response to Bruce Dammann comment number 2, above.

c) Would make parking shortages much worse.

Staff Response:

Please see response to 7 on Third Homeowners Association (January 4, 2023 Letter) comment number 4, above.

d) Would add to traffic jams.

Staff Response:

Please see response to Danielle Myers comment number 8(e), above.

e) Would alter the canyon, which violates environmental rules.

Staff Response:

Please see response to Danielle Myers comment 8(d), above.

f) Would block sunlight and air circulation.

Staff Response:

Please see response to 7 on Third Homeowners Association (February 14, 2023 Letter) comment 5, above.

g) No transition between the project and smaller buildings.

Staff Response:

Please see response to Bruce Dammann comment number 2, above.

h) Few affordable units. This is a luxury high rise pretending to be "affordable".

Staff Response:

Please see response to 7 on Third Homeowners Association (January 4, 2023 Letter) comment number 4, above.

10. Uptown United (February 18, 2023 Letter)

The full letter can be found here: [Uptown United Letter of 2/18/23](#)

Issues brought up in the letter include:

- a) **Does not meet the Community Plan requirements:**
 - a. **That new projects are compatible with the existing neighborhood in scale and mass, and does not detract from the surrounding neighborhood.**
 - b. **Compatible with lower density development.**
 - c. **Transitions between new and existing development.**
 - d. **Respecting the unique character of the neighborhood and community.**

Staff Response:

Please see response to Bruce Dammann comment number 2, above.

- b) **Does not meet requirements for canyons and environmentally sensitive lands.**
 - a. **That new projects do not detract from canyons and open space.**
 - b. **Does not alter existing land forms.**
 - c. **Does not impact the biological setting, including trees, plant and wildlife.**
 - d. **Does not impact the drainage.**
 - e. **Is unobtrusive.**

Staff Response:

Please see response to Bruce Dammann comment number 2, and response to 7 on Third Homeowners Association (January 4, 2023 Letter) comment 4, above.

- c) **The project has not been proven to be safe to surrounding homes, especially during construction. The underground garage excavation is likely to destabilize nearby homes.**

Staff Response:

Please see response to 7 on Third Homeowners Association (January 4, 2023 Letter) comment number 4, above.

- d) **Traffic impacts.**

Staff Response:

Please see response to Danielle Myers comment number 8(e), above.

- e) **Lack of adequate parking.**

Staff Response:

Please see response to 7 on Third Homeowners Association (January 4, 2023 Letter) comment number 4, above.

f) Excessive blocking of sunlight to nearby properties.

Staff Response:

Please see response to 7 on Third Homeowners Association (February 14, 2023 Letter) comment number 5, above.

11. Deborah Quillin

The proposed building is a disaster on many counts!

a) It is too large for the property and the area.

Staff Response:

Please see response to Bruce Dammann comment number 2, above.

b) It will cause ecological and climate damage to the area. The canyon will be destroyed. Environmental impact has not been thoroughly studied and will be substantial. Environmental impact should not be dismissed lightly.

Staff Response:

Please see response to Carroll Emerick comment number 1 and response to 7 on Third Homeowners Association (January 4, 2023 Letter) comment number 4, above.

City staff determined that the project is consistent with the Uptown CPU (PEIR) and the CCHS (FEIR) under CEQA Guidelines Section 15162. (Attachment 6 [CEQA – Updated Section 15162 Evaluation].) Based upon a review of the project, none of the situations described in Section 15162 of the CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. Implementation of the project would not result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified PEIR and FEIR. As identified in the 15162 Evaluation and called out in the Mitigation Framework included in the Uptown CPU PEIR, mitigation measures would be required for potential impacts associated with noise, historic resources, and paleontological resources.

c) It is also highly likely the construction itself will cause neighboring historic homes to become damaged and unstable.

Staff Response:

Please see response to 7 on Third Homeowners Association (January 4, 2023 Letter) comment number 4, above.

d) The building itself is a monstrous ugly building, and the architectural group has made no effort to make it appropriate for its historic location. It is an aesthetic nightmare.

Staff Response:

Please see response to Don Liddell comment number 6, above. The project location is not a designated historic location or district.

- e) Waving fees that developers used to pay that went for infrastructure improvement, is going to cause nightmares in the future for our city. I understand we are more than \$5 billion behind on infrastructure improvement, and if we don't invest in water and sewer and schools and libraries and parks as we increase housing density, we will pay for it in death and destruction in our city.**

Staff Response:

The Development Impact Fees (DIFs) are not completely waived for the project. Per CCHS, DIFs are waived for units under 500 square feet and for the affordable units. All other fees are scaled per unit size. The project applicant will pay its required DIFs in accordance with CCHS.

- f) San Diego is an earthquake prone area, and we are overdue for the possibility of a very large event. As we've seen in Turkey, high-rise buildings could murder tens of thousands of people.**

Staff Response:

The Geotechnical Investigation prepared for the project (Leighton and Associates, Inc., October 5, 2022), indicated that, like other areas in San Diego County and the region, the project site could be affected by seismic activity as a result of earthquakes on major active faults located throughout the Southern California area. The project site is not located within any State mapped Earthquake Fault Zones or County of San Diego mapped fault zones. The nearest active fault is the Rose Canyon fault zone located approximately 0.8 miles west of the site. Based on this information, the risk associated with ground rupture is low. However, the project would be required to comply with seismic requirements of the California Building Code, as well as utilize proper engineering design and standard construction practices, to be verified at the building permit stage, in order to ensure that impacts to people or structures would be reduced to an acceptable level or risk.

I am all for increasing housing and recognize that need. Destruction of existing historic neighborhoods is not necessary to accomplish that. I have attended a couple of special meetings regarding this building, one with the architectural team and the developers present. By education, I am an interior designer and space planner. I have studied architecture extensively and had a career as a commercial building restoration expert. I was responsible for researching and submitting 100 homes to the Mission Hills Historic District about 10 years ago. I am Past President of Mission Hills Heritage and active in my community.

Staff Response:

Please see response to Don Liddell comment number 6, above. The project location is not a designated historic location or district.

Additional Comments in Opposition of the Project

Several other members of the public submitted comments in opposition to the project that were incorporated into the Uptown Planners Community Planning Group Appeal. Those comments either simply express opposition to the project or raise issues that staff has responded to either above or in the report.

Charles Kaminski
 Michael Meacham
 Rowan Jackman
 Konrad Herrera
 Nancy Moors
 Kit Mazis
 John Percy
 Terri Russo
 Robert Clark
 Paul Krueger

The Altieri's
 Lisa Mortensen
 Karen Ebner
 Rhea Kuhlman
 LuAnn Porter
 N.R.
 Nadine Corrigan
 Eric Jacobson
 Sheila Cushman
 Suzan Clausen

Comments in Support of the Project

The following comments incorporated into the Uptown Planners Community Planning Group Appeal were all comments in support of the project. As such, staff has not provided responses.

Matt Brand
 Shaun Rosenstein
 Michael Donovan
 Matthew Segal
 Paul Sloman
 Christopher Canlas
 Sharon Gehl
 Samuel Moore
 Ashley Roberts
 Kevin Choquette
 Kevin Heinly
 Nicholle Wright
 Jennifer Finnell
 Tyler Wilkinson
 Chris Miller
 Emily Laetz
 Derek Hobson
 Vicki Lee
 Steven Rhoads

John Holzenthaler
 Karla Mohnhaupt
 Alec Schiffer
 Nina Howard
 Taylor Marvin
 Victoria Bost
 Kevin Gentart
 Spencer Gordon
 Alan Nevin
 Jim Frager
 Matthew R
 Larry Murnane
 Kenneth Hasegawa
 Stath Karras
 Phil Miller
 Mike Gordon
 Cynthia Driver
 Drew Peterson

FORM

DS-3031

November 2022

Development Permit/ Environmental Determination Appeal Application

In order to ensure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin [\(IB\) 505, "Development Permits/Environmental](#)

[Determination Appeal Procedure."](#)

1. Type of Appeal: Appeal of the Project
 Appeal of the Environmental Determination
2. Appellant: Please check one Applicant Officially recognized Planning Committee
 "Interested Person"
[\(Per San Diego Municipal Code \(SDMC\) § 113.0103\)](#)

Name:

Kathryn Pettit, on behalf of
Citizens Committed to Preserving Maple Canyon

E-mail:

kmp@chattenbrownlawgroup.com

Address:

325 W. Washington Street, Suite 2193

City:

San Diego

State:

CA

Zip Code:

92103

Telephone:

619-393-1440

3. Project Name: 301 Spruce
4. Project Information: 301 Spruce St Quince Apartments, Neighborhood Development Permit, Process Two, Cast Development

Permit/Environmental Information Determination and Permit/Document No: PRJ-1053621

Date of Decision/Determination: July 7, 2023

City Project Manager: Robin MacCartee

Decision (Describe the permit/approval decision):

Approval of the Project and Neighborhood Development Permit

5. Ground for Appeal (Please check all that apply):

- Factual Error New Information
 Conflict with other Matters City-wide Significance (Process four decisions only)
 Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in the [SDMC § 112.0501](#). Attach additional sheets if necessary.)

Please see attached letter detailing our Grounds for Appeal.

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

6. Applicant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: *Kati Pettit* Date: July 21, 2023

Note: Faxed appeals are not accepted.

Reference Table

- [San Diego Municipal Code \(SDMC\)](#)
- [Development Permits/Environmental Determination Appeal Procedure \(IB-505\)](#)

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)



Chatten-Brown Law Group, APC

Kathryn Pettit | Associate
325 W. Washington Street, Suite 2193
San Diego, CA 92103
kmp@chattenbrownlawgroup.com
Phone: (619) 393-1440

July 21, 2023

Via email

City of San Diego
Planning Commissioners (*PlanningCommission@sandiego.gov*)
202 C Street, 12th Floor
San Diego, CA 92101

Re: Grounds for Appeal of City Staff's Approval of the 301 Spruce Street Quince Apartments Project

Dear Honorable Members of the Planning Commission:

On behalf of Citizens Committed to Preserving Maple Canyon, we provide the following comments in support of its appeal of the proposed 301 Spruce Street Quince Apartments ("the Project").

Citizens Committed to Preserving Maple Canyon supports re-development of the existing properties on-site. However, as proposed, the Project conflicts with the City of San Diego's ("the City") Steep Hillside regulations, as well as the City's long-awaited Maple Canyon Restoration Plan. Through the Maple Canyon Restoration Plan, the City obtained millions of dollars in federal funds to address the increasingly severe erosion in Maple Canyon, and this work is scheduled to begin this year. The Project's conflicts with the Steep Hillside regulations and the Restoration Plan jeopardize the integrity of Maple Canyon.

Maple Canyon provides essential open space, not only to native wildlife, but also to residents and visitors of San Diego alike. The Project proposes to form a literal wall around the canyon, inserting balconies with bird's eye views into the canyon – including two rooftop pools – piercing a unique and rare natural oasis, beloved by many.

Citizens Committed to Preserving Maple Canyon urges the Planning Commission to reverse the City's Development Services Department ("DSD") approval of the Project and related environmental determination, and give direction to DSD to work with the Applicant to:

- Comply with all Steep Hillside Guidelines and Regulations;
- Mitigate impacts to Maple Canyon, including its biological resources;
- Resolve conflicts with the Maple Canyon Restoration Plan;
- Apply the appropriate Floor Area Ratio;
- Incorporate mitigation measures to reduce impacts on neighboring communities; and

- Resolve conflicts with the Community Plan, and conduct appropriate environmental review.

We describe each ground for appeal in detail below.

I. The Project Must Be Revised to Comply with the City's Steep Hillside Regulations

The Project proposes 11 and 17-story buildings right on the edge of a steep canyon. The plans require the applicant to grade 0.7 acres – 86% of the 0.81 acre site – resulting in 45,900 cubic yards of cut with a depth of 41 feet.

The City's early comments noted that the Project fails to comply with the City's Steep Hillside Regulations. In particular, a City staff member stated:

Sheet C0.01 of the plans appears to show nonconforming slopes per the San Diego Municipal Code 142.0133(c). Cut and fill slopes greater than 8 feet in height shall not exceed a gradient of 50 percent (2 horizontal feet to 1 vertical foot). Revise the plans to meet the City's slope gradient requirements.

To this comment, the Project Applicant responded:

Civil added a note to Sheet C0.04 explaining that while the site contains slopes that are greater than 25%, those do not meet the city's definition of steep hillsides. Specifically, the slopes do not have a vertical elevation of at least 50 feet.¹

(PRJ-1053621 Quince Response to Final Comments, p. 4, Comment #216.)

The City seems to have accepted this premise. The City's Steep Hillside Guidelines provide:

Generally, the steep hillside regulations of the Environmentally Sensitive Lands Regulations are applicable when development is proposed on a site containing any portions with a natural gradient of at least 25 percent ... and a vertical elevation of at least 50 feet...The vertical elevation must occur generally in the area with the

¹ Further, the City must confirm the Applicant's Slope Analysis with its own measurements. The Site Plan (Sheet C.0.04) claims the maximum vertical distance is 37.6 feet. Yet, the Project Geotechnical Report notes, "Site topography is nearly level with surface elevations ... ranging from approximately 282 to 278 feet above mean sea level...The subterranean parking level is at approximately 236 feet above mean sea level." That is a difference of 46 feet vertical elevation.

steep hillsides and may include some pockets of area with less than 25 percent gradient.²

Section 143.0113 (B) of the Hillside Guidelines continues:

If the site contains steep hillsides but does not have 50 feet of vertical elevation, an offsite analysis of the adjacent property(s) must be made to determine whether the steep hillsides on the subject site are part of a steep hillside system that extends off-site and exceeds the 50-foot elevation If the 50-foot elevation is met when considering the extension of the steep hillsides off-site, the site will be subject to the steep hillside regulations.

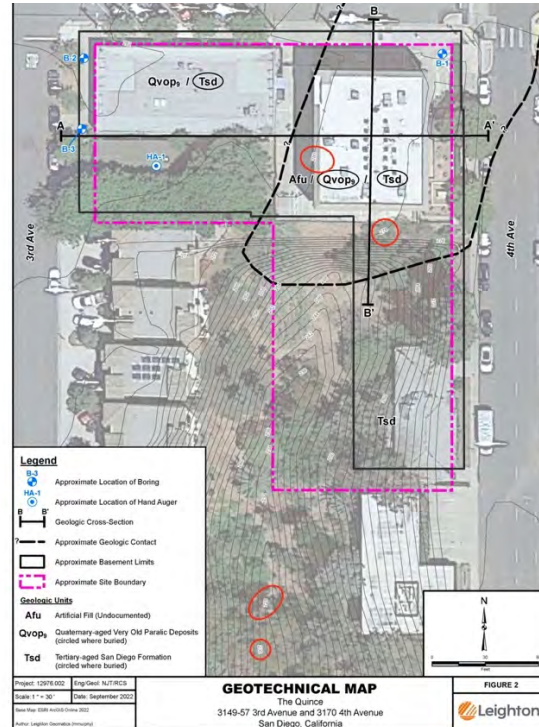
The measurement of the vertical elevation of the steep hillside shall consider the entire slope system and not only the individual portions of the slope with at least 25 percent gradient. That is, the measurement of the vertical elevation may include some areas with less than 25 percent gradient as long as the overall, predominant slope gradient is 25 percent.

(Exhibit A, Steep Hillside Guidelines, p. 4, emphasis added.)

The Steep Hillside Guidelines must be followed. (§§143.0101 [Guidelines shall be used for determining significant impacts under CEQA]; 143.0142 [“Development that proposes encroachment into steep hillsides ... is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual”].) Yet, no documents in the Project approvals or application materials demonstrate that the required off-site analysis was conducted.

Further, the Project’s Geotechnical Report’s topography maps show elevation differentials of 228-230 feet to 278-280 feet immediately adjacent to the site, as demonstrated in the below excerpt with red circular overlays. Thus, the immediately adjacent sites demonstrate that “the steep hillsides on the subject site are part of a steep hillside system that extends off-site and exceeds the 50-foot elevation,” requiring application of the steep hillside regulations.

² Steep Hillside Guidelines Section (A) 143.0110 (When Environmentally Sensitive Lands Regulations Apply), emphasis added.



(Project Geotechnical Report, Figure 2, red overlays added.)

The Project site is located on – and plans to cut vertically down into – Maple Canyon, which features a total elevation of over 111 feet.³ If only the site itself was included in the 50-foot elevation measurement, as proposed by the applicant, arbitrary legal plot lines would thwart the intent of the Guidelines, which is to preserve Steep Hillside canyon *systems*. Hence, the requirement for the inclusion of off-site slopes into the analysis.

Thus, as the City initially commented, the Project must be revised to only include cut and fill slopes with a maximum gradient of 50 percent.

The Project must also be revised to comply with all of the Steep Hillside guidelines, including regulations of retaining walls:

The maximum height for a single retaining wall, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 10 feet. A minimum horizontal distance of 3 feet shall be

³ <https://www.alltrails.com/trail/us/california/maple-canyon-trail>.

maintained between each individual wall in the stepped wall system and shall be landscaped.

(Guidelines, p. 24.)

Sheet C0.01 indicated “N/A” for “Retaining Wall Height” yet the Project’s Civil Sheets show several retaining walls planned. (*See, e.g.*, sheets A0.02, L2.11.) All walls must conform to the Steep Hillside guidelines.

The Guidelines require that “[s]tructures built at the top of a steep hillside or rim of a canyon *should be low in profile and stepped back from the steep hillside area.*” (p. 26.) Yet, the Project proposes to construct 11 to 17 stories on the rim of a steep canyon. (Civil Sheet A3.10, A3.12.) The balconies even overhang the canyon. For these reasons, the Project conflicts with the Steep Hillside guidelines and must be revised to include the appropriate canyon setbacks and sizing to preserve the integrity of the canyon.

Further, under the Steep Hillside Regulations, “the allowable development area includes all portions of the premises without steep hillsides,” and “[s]teep hillsides *shall be preserved in their natural state...*” (§143.0142 (a)(2).)

Yet, the Project plans to cut into the slopes, including four stories down for a subterranean parking garage, in violation of the Guidelines. Notably, the plans do not show a visual of the Project in relation to the canyon, including a view from the Maple Canyon trail. The following excerpt from the Civil Sheets is the closest rendition, demonstrating how the Project forms a literal wall around the canyon.



RENDERED VIEW OF BUILDING AT STREET LEVEL

DSD’s findings that “the project design conforms with the City of San Diego’s codes, policies, and regulations with the primary focus of protecting the public’s health, safety, and welfare” are incorrect. (Resolution, p. 7.)

The Project conflicts with the Steep Hillside Guidelines, and must be denied, and revised, to conform with all City municipal codes and guidelines.

II. The Project Must Be Revised to Avoid Conflicts with the Maple Canyon Restoration Plan and to Mitigate Impacts to the Canyon’s Biological Resources

Maple Canyon has been suffering from increasingly more severe erosion, native habitat destruction, illegal disposal, and litter for years. These issues affect the canyon, as well as residences along the rim.

The Maple Canyon Enhancement Planning Steering Committee reported on these issues, including severe erosion. The Maple Canyon creek suffers from up to 12 feet of erosion and an incised channel. (Maple Canyon Enhancement Planning Group, March 10, 2016 Minutes.)⁴

A community member asked the Project developer about the Maple Canyon restoration project during a Community Planning Group meeting:

Patty Ducey-Brooks asked about the Maple Canyon restoration.
Developer states the city is responsible for that.

(Community Planning Group Meeting Minutes, February 21, 2023.)

Yet, the Project is responsible for analyzing and mitigating its significant impacts, including impacts that it worsens. Our firm reviewed DSD’s “California Environmental Quality Act - Section 15162 Evaluation” and did not see any analysis or discussion of the City’s multi-million dollar Maple Canyon Restoration project, or the existing vulnerabilities and environmental challenges in the canyon.

This is surprising, given the City’s comments to the Regional Water Quality Control Board (“RWQCB”) underscoring the severity of the challenges it faces in Maple Canyon when it sought a permit for its restoration project.

⁴ Minutes available at <https://www.sdcanonlands.org/cep>, under the “MAPLE CANYON” heading.



(Excerpt from the City of San Diego’s Presentation to the RWQCB.)

The Maple Canyon Restoration Plan proposes several construction improvements, including towards the top of the canyon adjacent to the project site, as well as the generation of two acres of wetlands, and revegetation of the canyon through the planting of native plants. The restoration of vegetation will take years, according to the City.



(Excerpt from the City of San Diego’s Presentation to the RWQCB.)

At the RWQCB meeting, the City presented stated goals to “Protect/Restore Environment,” including to “Minimize removal of existing trees, Repair slope erosion, Revegetate slopes with native habitat, and Improve existing trail.”

The Quince Apartments Project conflicts with the Maple Canyon Restoration Plan, as it plans to construct a wall around the canyon, cut 48,000 cubic yards out of the canyon, remove several mature trees and replace the site’s current natural, pervious slopes with impervious surface,⁵ thwarting goals to improve slope erosion and revegetate slopes with native habitat. Further, the Project admits it will bring increased foot traffic to the canyon, which will increase strain on the trail and biological resources. (15162 Memo, p. 15.)

The applicant has not disclosed how runoff will be managed. Condition Number #23 states, “The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.”

Further, the City’s Maple Canyon Restoration Project plans to improve the ecosystem health, including through rehabilitation of existing native species and habitat. The Project would tower over the canyon below and inflict significant impacts both directly, through destruction of natural vegetation with concrete, and indirectly. Indirect impacts will result from the addition of glare, shade, and noise impacts, especially via the planned balconies with birds-eye views over and into the canyon, as a direct line-of-sight results in higher noise impacts.

Maple Canyon is home to several species, including Cooper’s Hawks, a special status species. (Maple Canyon Storm Drain Project City of San Diego 2018 Biological Technical Report, p. 59.) In fact, the Project Biology Report did not even mention Cooper’s Hawks, nor did it conduct any focused special status species surveys. (Project Biology Report, p. 2.)

The Project’s Biology Report also failed to consider or mitigate the Project’s impacts to Maple Canyon and its biological resources, including existing wetlands and jurisdictional features immediately downstream– as well as wetlands that the City plans to restore. The Project’s Biology Report even notes that the “[National Hydrographic Dataset] shows stream/river in Maple Canyon that extends onto the southern portion of the canyon area on site”. The Project’s Biology Report then claims the site visit did not identify any jurisdictional features, yet surveys were conducted during August at the end of summer.

⁵ The Project’s Infiltration Study noted, “the south and western portion of the property is located at the top of a 20-foot-high natural slope which will be adversely impacted by the infiltration of surface water over time... It is therefore our opinion that storm water infiltration at the site is not feasible.” (Report, pp. 2-3.)

The following excerpts from the City’s Maple Canyon Restoration Plan Biology Technical Report and Addendum demonstrate the extreme proximity between the Project, a massive development, and existing wetlands and jurisdictional waters.



Citizens Committed to Preserving Maple Canyon urges the Planning Commission to require an analysis of the Project in relation to the Maple Canyon Restoration plan, and ensure adequate revisions of the Project to align with the City’s stated vision for Maple Canyon and to mitigate biological impacts to resources in the canyon.

III. The Floor Area Ratio of 8.0 Does Not Apply to the Entire Project

The Project is inconsistent with the City-designated Floor Area Ratios (“FAR”) under its Complete Communities Program. The proposed Project encompasses four lots. The Complete Communities program designates some of the lots as qualifying for a FAR of 6.5, and other lots as qualifying for an 8.0 ratio.

DSD provides the following reasoning as support for the notion that an FAR of 8.0 should apply to all project sites:

The SDMC regulates the differing FAR requirements through (SDMC) Section 143.1001(b)(2) which states, FAR Tier 2 means any premises where any portion of the premises (emphasis added) is located in a regional or subregional employment

area, as identified in the General Plan Economic Prosperity Element, or within a one-mile radius of any university campus that includes a medical center and is within a Sustainable Development Area that is located in a community planning area within Mobility Zone 3 as defined in (SDMC) Section 143.1103(a)(3). Premises is defined in (SDMC) Section 113.0103 as an “area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.” Under the above, because a portion of the premises is within FAR 2, the premises, as a whole, lies within FAR Tier 2. Thus, the whole of the project site is subject to a FAR of 8.0.

(DSD Resolution, p. 5.)

This reasoning makes little sense, especially in the context of other definitions within the code. For example, the same code section provides the following definition: “*Property line* means a line that defines the boundaries of a *lot* or *premises* for purposes of applying development regulations.” (Section 113.0103.) Thus, “premises” is included as a substitute in situations when “lots” cannot be ascertained.

DSD’s own cited language undermines its position. Premises are defined as an “area of land with its structures that, because of its unity of use, is regarded as the *smallest* conveyable unit.” Obviously, the existing, legally-defined lots, each with their own different FAR ratios, are the smallest conveyable units. There are existing separate developments on these lots, which constitute the smallest conveyable unit. The code does not define premises as the “largest conveyable unit.”

Under DSD’s reasoning, different FAR ratios could be subverted simply by purchasing all neighboring lots, and then applying the highest FAR to all of the purchased lots, regardless of their differing FAR ratios.

In fact, at the February 21, 2023 Uptown Community Planning Group meeting, a community member questioned the application of 8.0 FAR to all parcels, and noted that of the four lots, two lots were added *after* the original Project application.

The Project must be denied and revised to apply the correct FAR ratios.

IV. The Project Should Be Revised to Reduce Impacts on Neighboring Homes

Citizens Committed to Preserving Maple Canyon request that the Planning Commission require revisions of the Project to mitigate its significant impacts on the surrounding neighborhood.

For instance, the parking entrance is currently proposed on Spruce Street and 3rd Avenue. Both streets are considered an “unclassified local street.” The Project’s Transportation Impact Analysis (“TIA”) admitted:

The street segment of 3rd Avenue between Spruce Street and the Project Driveway is considered a Local Street per the Uptown Community Plan. Levels of service are not typically evaluated on local streets since their primary purpose is to serve abutting lots, not carry through traffic. Therefore, Table 8-2 does not report a LOS for this segment. *With the addition of Project trips, the ADT on this segment exceeds the LOS C threshold for a Local Street.*

(TIA, p. 24, emphasis added.)

The TIA attempts to explain away this impact, stating:

However, the intersections of Spruce Street/Third Avenue and Third Avenue/project driveway are calculated to operate acceptably at LOS B or better with the addition of project trips. Therefore, the segment of Third Avenue between Spruce Street and the project driveway is expected to operate acceptably despite the ADT exceeding the LOS C threshold for a Local Street.

Yet, the TIA’s conclusions underscore that the planned entrance for the Project, a small neighborhood street with existing traffic volumes of only 350 average daily trips (TIA, Figure 5-2) is not designed to carry a high capacity of traffic volume. The Project will add 2,121 Average Daily Trips (TIA, p. 16.) Thus, the Project should re-locate the garage entrance onto Fourth avenue, which is designed for higher traffic volumes. Or, given that the TIA identified a significant impact, there must be supplemental environmental review and incorporation of mitigation measures to address this impact.

Citizens Committed to Preserving Maple Canyon advocates for the inclusion of binding, enforceable mitigation measures to mitigate construction-related impacts, including transportation, noise, and air quality.

V. The Project Conflicts with the Uptown Community Plan and Must Conduct Adequate Environmental Review

The project is inconsistent with the Uptown Community Plan, including its policies related to preservation of the community's canyon systems. These conflicts are detailed below.

Further, approval of the Project as proposed, including through DSD's proposed environmental review process, would violate the California Environmental Quality Act ("CEQA").

DSD "determined that the project is consistent with the Uptown Community Plan Update Program Environmental Impact Report (PEIR) Project No. 380611 (SCH No. 2016061023) under California Environmental Quality Act (CEQA) Guidelines Section 15162."

The Project's "California Environmental Quality Act - Section 15162 Evaluation" ("15162 Memo") incorrectly concludes "there is no evidence that the Quince Apartments Project requires a major change to the CPU PEIR. The Quince Apartments Project would not result in any new significant Land Use impact, nor would a substantial increase in the severity of impacts from that described in the CPU PEIR occur." (p. 8.)

For the reasons described in this Appeal Letter, the Project's impacts were not previously analyzed in the Community Plan, and there is a fair argument the Project will result in significant environmental impacts warranting further environmental review.

CEQA allows an agency to use a "tiered" EIR in certain instances, however, the later project must be consistent with the program, plan, policy or ordinance for which an environmental impact report has been prepared and certified, consistent with applicable local land use plans and zoning, and not subject to Section 21166. (Pub. Res. Code § 21093(a); 21094(b).)

Further, "if there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence." (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th. 1307, 1319; see also *Friends of the College of San Mateo Gardens*, 1 Cal.5th at 960.) Finally, several circumstances have changed, as noted below, since the Community Plan and EIR.

The Project conflicts with the following policies and findings from the Uptown Community Plan Update and PEIR:

The Project conflicts with the Steep Hillside regulations. Yet, the Community Plan Update ("CPU") PEIR found, "Implementation of the proposed Uptown CPU and associated

discretionary actions would result in less than significant impacts related to landform alteration based on implementation of proposed Uptown CPU polices that require building form to be sensitive to topography and slopes, and existing protections for steep slopes (Environmentally Sensitive Lands) and grading regulations within the LDC. Thus, impacts related to landform alteration would be less than significant, and no mitigation would be required.” (EIR, p. 6.2-8.)

Regarding provision of public services, the EIR found no significant impacts “as future development is proposed within the Uptown CPU area, individual projects would be subject to payment of DIF, which would provide facilities financing in accordance with Municipal Code Section 142.0640. (EIR Page 6.12-19; see also 6.12-6 [regarding police services, “the existing DIF framework in place would require future projects within the CPU area to pay fees for future facility needs”].) Yet, the City has since eliminated community-focused Development Impact Fees.⁶

The Community Plan also assumed the City would continue to apply population-based park ratios and expand park space via DIFs. (EIR, p. 6.1-11, 6.12-6, 6.12-19 [“The Uptown GPU includes an Impact Fee Study that would define applicable DIF fees for future development including fees for park Funding”], 6.12-21.) Specifically, the City stated, “Impacts related to parks and recreation facilities from implementation of the Uptown CPU would be less than significant because implementation of the proposed CPU includes policy support for increasing the acreage of population based parks in the CPU area, which is further supported by the proposed Uptown IFS.” (p. RTC-51.)

Additionally, the Community Plan was premised on the application of the CPIOZ Height Zones, which the Project is attempting to waive. Further, the project is ultimately seeking a density of 323 dwelling units per acre, far beyond the densities analyzed under the PEIR.

The Project further conflicts with the following policies:

- UD-1.1 Design buildings to limit their visual impact on views from **within** or across the canyon through landscape screening and by stepping building volumes down the slope (rather than perching over the canyon on piers).
- UD-1.6 Ensure that canyon rim and hillside development is unobtrusive and maintains the scale and character of the adjacent buildings.

⁶ The Complete Communities EIR likewise premised its analysis and findings on continued collections of DIFs. (EIR, p. 4.12-3, RTC-39.) The City faces a major funding shortfall for infrastructure projects. <https://www.sandiegouniontribune.com/news/politics/story/2023-06-02/audit-san-diego-infrastructure-vetting-costs-delaying-completion>. Additionally, a Grand Jury recently found that the City’s plan lacks sufficient details about how exactly city officials would reallocate the funds. https://www.sandiego.gov/sites/default/files/23-09_performance_audit_of_the_citys_cip_approval_process.pdf.

- UD-1.8 Design buildings along the canyon edge to conform to the hillside topography by providing a setback from top of slope where possible.
- RE-2.6 Preserve, protect and restore canyons and hillsides as important visual features of community definition.
- RE-2.8 Protect and preserve native species and the unique habitats they depend upon within the open space systems consistent with the MSCP guidelines.
- RE-4.1 Protect the natural terrain and drainage systems of Uptown's open space lands and resource-based parks to preserve the natural habitat and cultural resources.
- CE-2.2 Minimize grading of steep hillsides and other significant natural features within the community.
- CE-2.9 Preserve undeveloped canyons and hillsides as important features of visual open space, community definition and environmental quality.

Finally, Citizens Committed to Preserving Maple Canyon objects to the City's environmental review process, including the City's claim that Citizens Committed to Preserving Maple Canyon cannot appeal DSD's environmental determination. This improperly separates consideration of the Project from consideration of its environmental impacts. CEQA specifically requires: "Local agencies integrate the requirements of [CEQA] with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively." Pub. Res. Code § 21003(a).

The Project is inconsistent with the Uptown Community Plan and EIR. The Planning Commission should uphold the appeal, reverse the approval, and then require further review and mitigation before any final Project approval.

VI. The Project Does Not Qualify for a Neighborhood Development Permit

Due to the height of the Project, the Applicant is required to obtain a Neighborhood Development Permit. The Project *as proposed* should be denied under Municipal Code Section 126.0404, which requires the following findings before approval of a Neighborhood Development Permit:

- (a) Findings for all Neighborhood Development Permits (1) 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; and (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.

City of San Diego Planning Commissioners
July 21, 2023
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For the reasons described throughout this letter, there is insufficient evidence to support these required findings.

VII. Conclusion

We thank the Planning Commission and City Staff for their time and review of these comments. Citizens Committed to Preserving Maple Canyon respectfully urges the Planning Commission to deny the Project *as proposed*, and to require the Applicant to incorporate the aforementioned revisions.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn Pettit". The signature is written in a cursive, flowing style.

Kathryn Pettit

EXHIBIT A



San Diego Municipal Code

Land Development Code

Steep Hillside Guidelines



Printed on
Recycled paper

This information, or document (or portions thereof), will be made available in alternative formats upon request.

STEEP HILLSIDE GUIDELINES AMENDMENTS

The following amendments have been incorporated into this August 2004 posting of this plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Steep Hillside Guidelines adopted			November 18, 1997	R-289460
Steep Hillside Guidelines amended			June 1, 1999	R-291737

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INTRODUCTION

The Steep Hillside Guidelines are divided into four sections, each providing standards and guidelines intended to assist in the interpretation and implementation of the development regulations for steep hillsides contained in **Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands**. Every proposed development that encroaches into steep hillsides will be subject to the Environmentally Sensitive Lands Regulations and will be evaluated for conformance with the Steep Hillside Guidelines as part of the review process for the required Neighborhood Development Permit, Site Development Permit or Coastal Development Permit.

The Sections of the Steep Hillside Guidelines are as follows:

Section I: Description of Regulations

This section provides detailed explanations for specific regulations contained in the Environmentally Sensitive Lands Regulations. These regulations must be complied with and the Steep Hillside Guidelines provide details of the regulation and guidance on how compliance is achieved.

Section II: Design Standards

This section provides general standards for design of various types of developments that propose to encroach into steep hillsides. These standards are specifically referenced in the Environmentally Sensitive Lands Regulations and general conformance is required. Guidelines for conformance with each standard are provided.

Section III: Community-Specific Requirements

This section identifies hillside development standards for specific Community Plans. Development on steep hillsides within the identified Community Plans must be in conformance with the design standards in **Section II** in addition to the requirements specified in this section for the particular Community Plan.

Section IV: Findings, Deviations and Alternative Compliance

This section discusses the required findings that must be made in order to approve a Neighborhood Development Permit or Site Development Permit for a development that proposes to encroach into steep hillsides. Additionally, this section includes the criteria to be considered in evaluating a deviation from the Environmentally Sensitive Lands Regulations and alternative compliance for steep hillside development area regulations along with guidelines for making the required additional findings for both. Alternative compliance is not applicable to coastal development within the Coastal Overlay Zone.

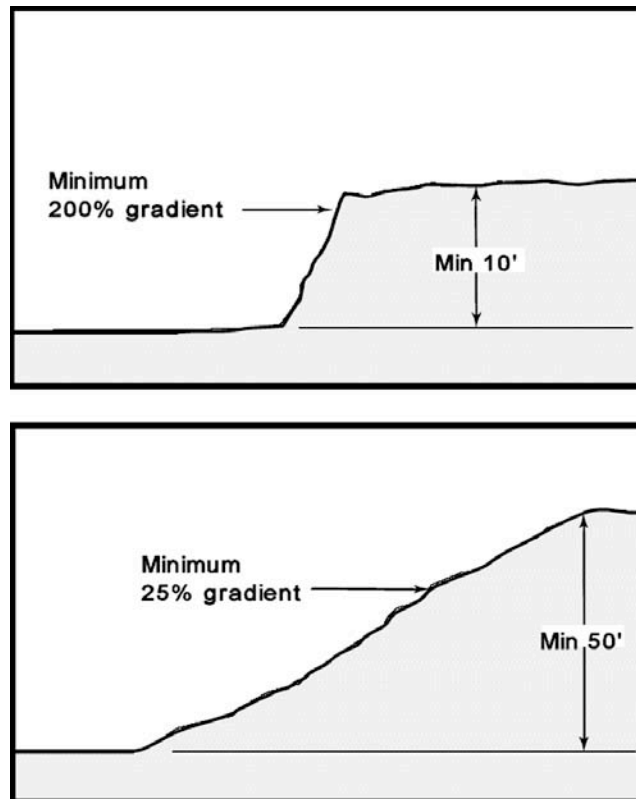
SECTION I: DESCRIPTION OF REGULATIONS

The following guidelines are intended to aid in the interpretation and implementation of some of the regulations found in **Chapter 14, Article 3, Division 1**, Environmentally Sensitive Lands Regulations. The numbers referenced for each regulation refer to the Code section numbers of the Environmentally Sensitive Lands Regulations. The text provided for each regulation does not repeat the Code language but rather restates the regulations with more details and explanations.

(A) 143.0110 When Environmentally Sensitive Lands Regulations Apply

Generally, the steep hillside regulations of the Environmentally Sensitive Lands Regulations are applicable when development is proposed on a site containing any portions with a natural gradient of at least 25 percent (25 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 50 feet. The steep hillside regulations are also applicable if a portion of the site contains a natural gradient of at least 200 percent (200 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 10 feet. See **Diagram I-1**. The vertical elevation must occur generally in the area with the steep hillsides and may include some pockets of area with less than 25 percent gradient.

**DIAGRAM I-1
STEEP HILLSIDE CRITERIA**



Outside the Coastal Overlay Zone, an exemption from the steep hillside regulations and the requirement for a Neighborhood Development Permit or Site Development Permit may be granted if the proposed development does not encroach into the steep hillside and the development maintains a setback of 40 feet from the top of the steep hillside.

(B) 143.0113 Determination of Location of Environmentally Sensitive Lands, Applicability of Division and Decision Process

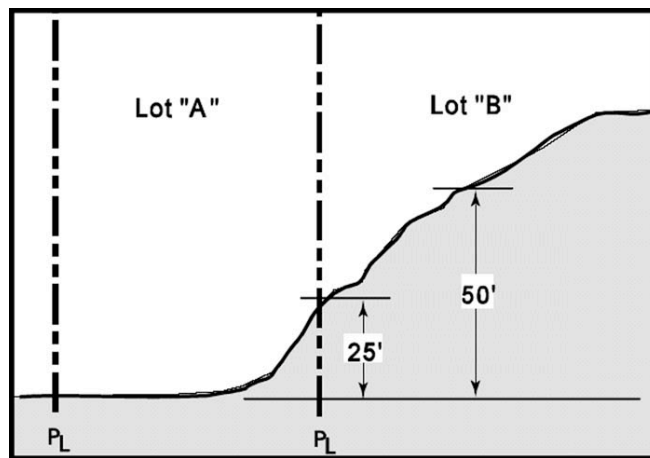
The determination of the precise location of the steep hillside on a site shall be made with the information submitted by the applicant, and any other information available, including City maps and records and site inspections. If the proposed development encroaches into the steep hillside area or does not observe the required setback from the steep hillside to obtain an exemption, a Neighborhood Development Permit or Site Development Permit will be required in accordance with **Table 143-01A**. Within the Coastal Overlay Zone, a Neighborhood Development Permit or Site Development Permit is required whenever steep hillside are located on the premises regardless of encroachment into the steep hillside, and a Coastal Development Permit is required for all coastal development, unless exempt pursuant to **Section 126.0704** of the Coastal Development Permit procedures.

The permit required is based on the type of development proposed and the type of environmentally sensitive lands present (in addition to steep hillside).

If the site contains steep hillside but does not have 50 feet of vertical elevation, an off-site analysis of the adjacent property(s) must be made to determine whether the steep hillside on the subject site are part of a steep hillside system that extends off-site and exceeds the 50-foot elevation. See **Diagram I-2**. If the 50-foot elevation is met when considering the extension of the steep hillside off-site, the site will be subject to the steep hillside regulations.

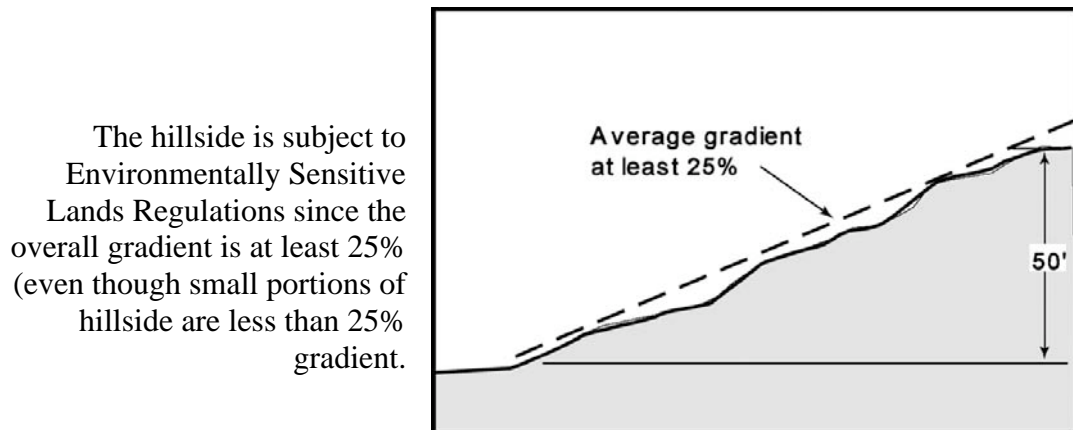
**DIAGRAM I-2
OFF-SITE STEEP HILLSIDE CRITERIA**

Lot "A" is subject to Environmentally Sensitive Lands Regulations since the 26' high on-site slope is part of a hillside that extends off site and exceeds 50' elevation.



The measurement of the vertical elevation of the steep hillside shall consider the entire slope system and not only the individual portions of the slope with at least 25 percent gradient. That is, the measurement of the vertical elevation may include some areas with less than 25 percent gradient as long as the overall, predominant slope gradient is 25 percent. See Diagram I-3.

**DIAGRAM I-3
AVERAGE GRADIENT**



(C) 143.0140(a) Requirement for Covenant of Easement

Any portions of a site containing steep hillsides (or any other Environmentally Sensitive Lands) that are not part of the allowable development area shall be left undeveloped and in their natural state. Assurance of the continued preservation of the remainder portion will be achieved with the requirement for the property owner to record a covenant of easement against the title to the property that will maintain that portion of the property in its natural state and only permit uses that are identified in the approved Neighborhood Development Permit or Site Development Permit or Coastal Development Permit. The property owner may offer to dedicate in fee the remainder portion of the site, although the City is not obligated to accept the dedication. Such decision by the City will be based on a number of factors including, but not limited to, the property's location, necessary maintenance, and permitted uses.

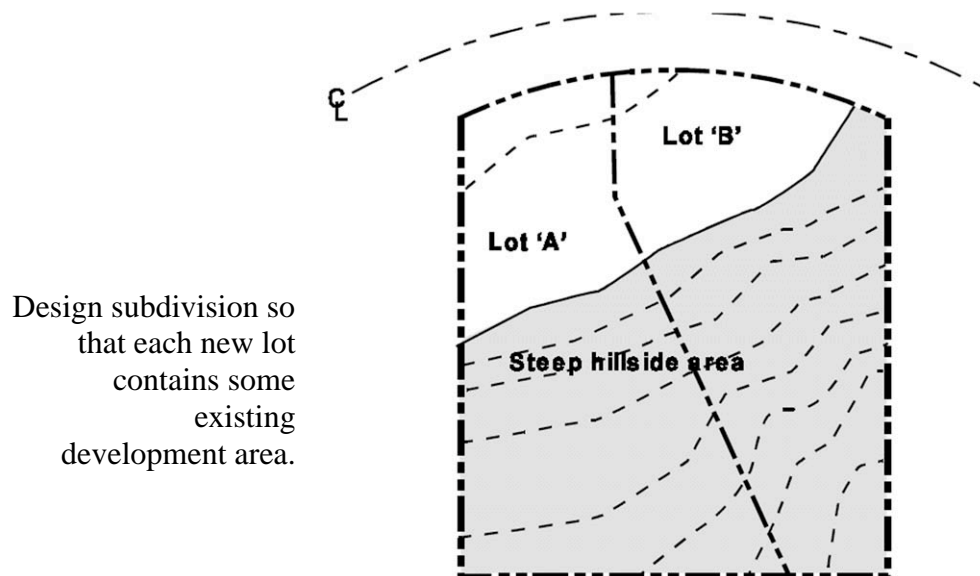
(D) 143.0140(b) and (c) General Regulations for Subdivisions

- (b) When a subdivision is proposed, the allowable development area shall be based on the area of the original unsubdivided premises. All development, including pads, graded areas, streets and driveways shall be located within the allowable development area and any encroachment into steep hillsides that is permitted will be based on the entire premises and not calculated separately for each newly created lot. For lots where development is not proposed at the time of subdivision, the grading plan must indicate the limits of future development of such lots and this future potential development area will be included in the development area calculation for the subdivision.

- (c) Each newly created lot within a subdivision shall include some portion that does not contain steep hillsides that will serve as the location (or future location) of development of the lot. See **Diagram I-4**. Since this area without steep hillsides will be considered part of the total development area of the subdivision, it should be sufficient in size to accommodate a reasonable development without requiring additional encroachment into steep hillsides. If additional encroachment is desired for development area on an individual lot, development area calculation will be based on the original subdivision and not the individual lot. That is, even if the individual lot has a development area that is less than 25 percent of the lot area, additional encroachment into steep hillsides on the lot will only be permitted if the development area of the original subdivision was less than 25 percent of the area of the original unsubdivided premises.

Within the Coastal Overlay Zone, no Coastal Development Permit shall be issued for a subdivision that results in a newly created lot that does not contain adequate development area such that no encroachment into steep hillsides is required to accommodate future development. Encroachment is defined as alteration of the natural landform by grading or where the area is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, paving, or clearance of vegetation, including Zone 1 brush management (30-foot minimum setback).

**DIAGRAM I-4
GENERAL REGULATIONS FOR SUBDIVISIONS**



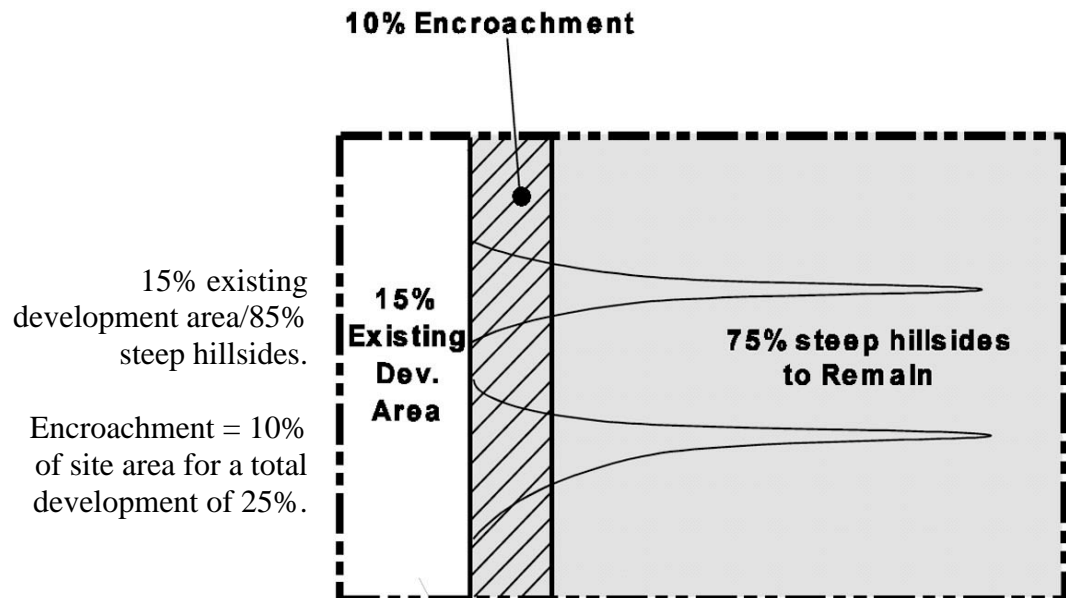
(E) 143.0142(a)(2), (3), (4)(a) and (4)(c) Development Area

- (2) The allowable development area of a site containing steep hillsides shall be calculated as follows:

The existing development area includes all developed portions of a site plus any undeveloped portions that do not contain steep hillsides. The total development area includes the existing development area plus any areas proposed for encroachment. The allowable development area includes all areas of grading, including the limits of cut and fill slopes, all structures and all other improvements, other than erosion control measures, as described in **Subsection (H)** of these guidelines. Development into steep hillsides shall only be allowed if it is consistent with the design standards in **Section II** and the community-specific requirements of **Section III**.

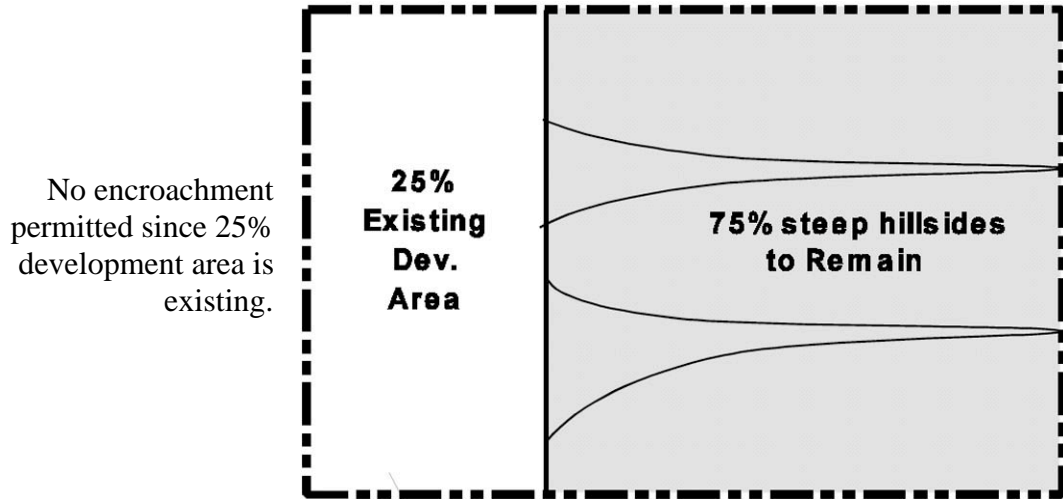
If the existing development area is less than 25 percent of the total site area, then the allowable development area will also include the amount of encroachment into steep hillsides necessary to achieve a total development area that is equal to 25 percent of the site. See **Diagram I-5**. However, within the Coastal Overlay Zone, the allowable development area on sites containing steep hillsides is discretionary and regulated by **Section 143.0142(a)(4)** of the Environmentally Sensitive Lands Regulations and **Section I.E(4)** of these guidelines.

**DIAGRAM I-5
DEVELOPMENT AREA CALCULATION
WITH 15% EXISTING DEVELOPMENT AREA**



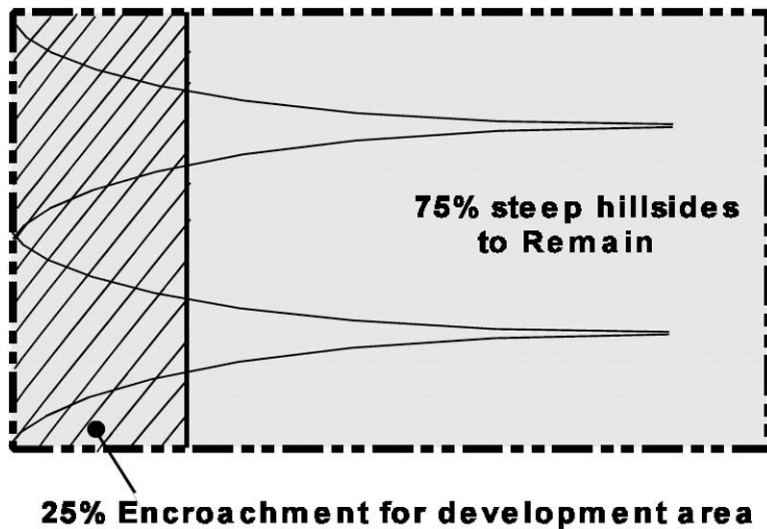
If the existing development area is more than 25 percent of the total site area (less than 75 percent of the site containing steep hillsides), then no encroachment into the steep hillsides shall be permitted except as described in **Section 143.0142(a)(3)** and **143.0142(a)(4)**. See **Diagram I-6**.

**DIAGRAM I-6
DEVELOPMENT AREA CALCULATION
WITH 25% EXISTING DEVELOPMENT AREA**



If a site has no existing development area (100% of the site containing steep hillsides), a maximum 25 percent of the site area may be encroached upon to achieve the allowable development area, except as described in **Section 143.0142(a)(3)** and **143.0142(a)(4)**. See **Diagram I-7**.

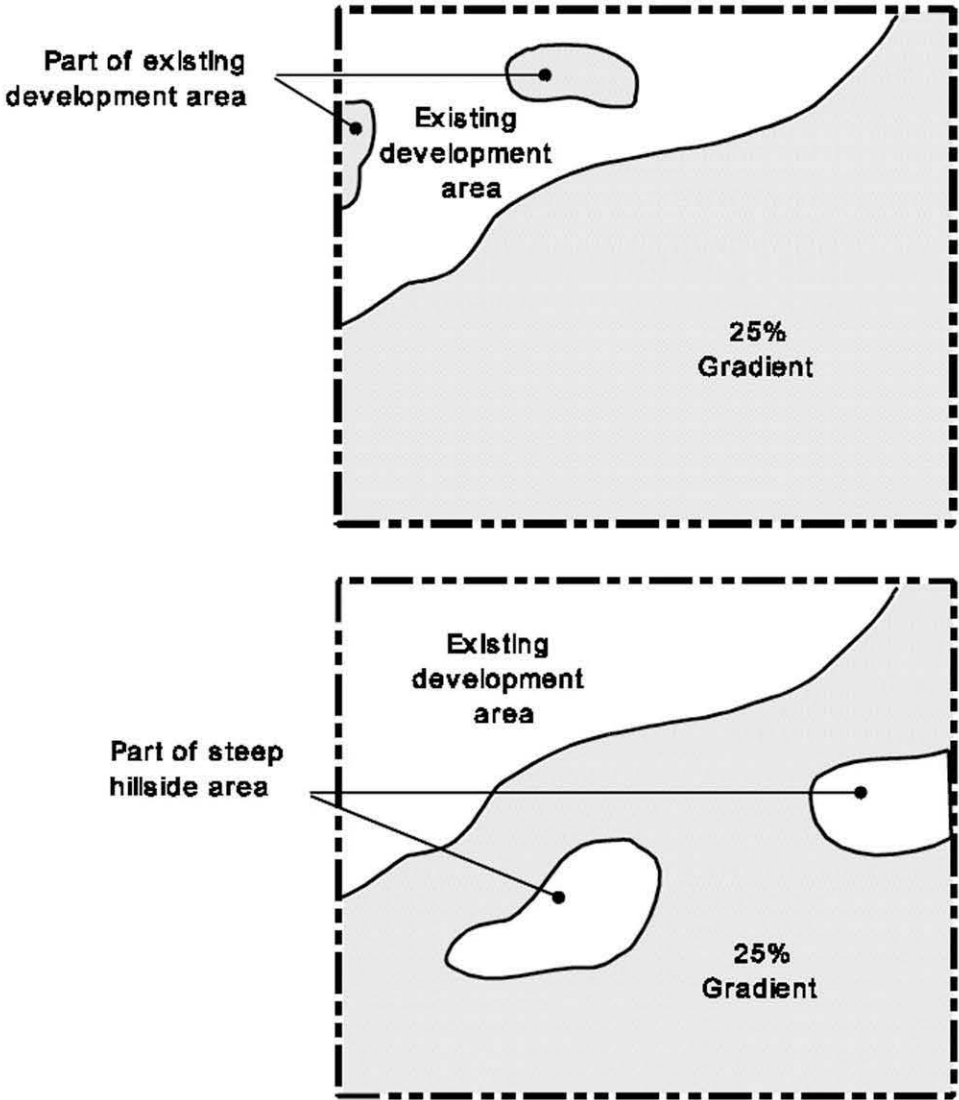
**DIAGRAM I-7
DEVELOPMENT AREA
WITH NO EXISTING DEVELOPMENT AREA**



Outside the Coastal Overlay Zone, small isolated pockets of 25 percent or greater gradient completely surrounded by existing development area shall be considered part of the existing development area provided the pockets total less than 10

percent of the existing development area. Development of such pockets will not be counted as encroachment. Likewise, small pockets of less than 25 percent gradient surrounded by steep hillsides shall be considered part of the steep hillsides and development of these pockets will only be permitted consistent with the regulations for all other steep hillsides. See **Diagram I-8**.

**DIAGRAM I-8
SMALL ISOLATED POCKETS**



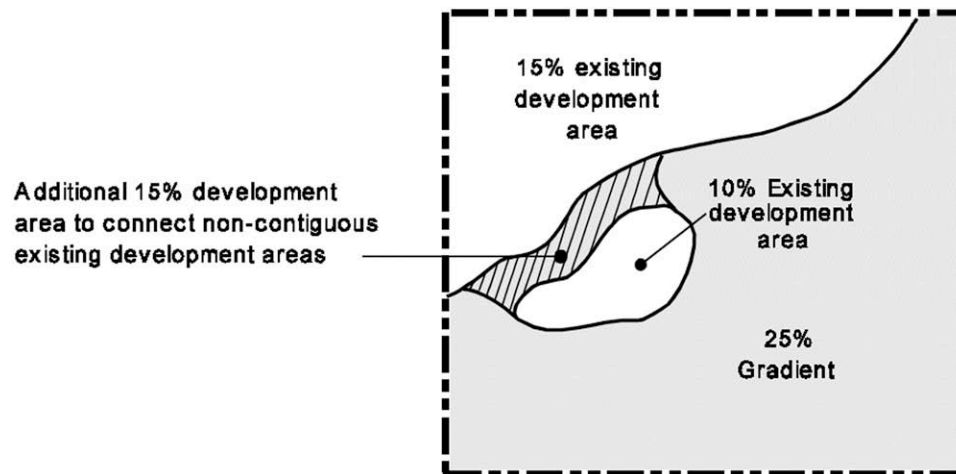
Additional development proposed within the development area of a premises with an approved Site Development Permit will be permitted only if the proposed development is in substantial conformance with the Site Development Permit. Such a development area will not be considered "disturbed" so as to qualify as an exemption from the Environmentally Sensitive Lands Regulations for any additional future development.

- (3) Outside the Coastal Overlay Zone, an additional 15 percent of site area (for a maximum of 40 percent of the site area) may be encroached upon and used as development area for the following conditions:

For projects where the following major public facilities are required, an additional 15 percent development area may be permitted when it is not feasible to locate them within the allowable 25 percent development area: publicly-owned parks and recreation facilities, fire and police stations, publicly-owned libraries, public schools, major public roads and prime arterials, and public utility systems.

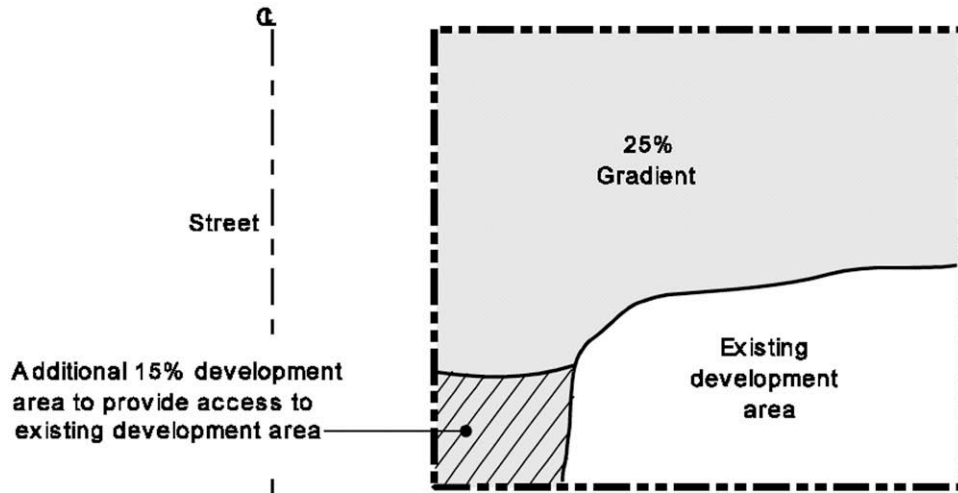
For projects where the existing development area is not contiguous, an additional 15 percent of the site may be encroached upon in order to connect the development areas. See **Diagram I-9**. This additional encroachment shall not apply if there exists a single contiguous development area with direct access that equals at least 25 percent of the site area. If an additional 15 percent development area is not sufficient to connect the development areas, a deviation may be requested in accordance with **Section 143.0150**.

**DIAGRAM I-9
ADDITIONAL ENCROACHMENT FOR
NON-CONTIGUOUS DEVELOPMENT AREAS**



For projects where the existing development area does not have direct access to a public right-of-way, an additional 15 percent of the site may be encroached upon in order to gain access to the development area. See **Diagram I-10**. If the existing development area is less than 25 percent of the site area, the encroachment for access shall be included in the allowable 25 percent development area. If additional encroachment is still needed to gain access, an additional 15 percent of the site may be encroached upon (for a maximum development area of 40 percent of the site area). If the existing development area is more than 40 percent and has no access or if the additional 15 percent development area is not sufficient to obtain access, a deviation may be requested in accordance with **Section 143.0150**.

**DIAGRAM I-10
ADDITIONAL ENCROACHMENT FOR
NON-CONTIGUOUS DEVELOPMENT AREAS**



- (4)(a) Within the Coastal Overlay Zone, projects proposing to encroach into steep hillsides shall be subject to the discretionary regulations identified in **Section 143.0142(a)(4)** of the Environmentally Sensitive Lands Regulations. Projects shall be evaluated on a case-by-case basis to determine if encroachment, as defined in **Section 143.0142(a)(4)(D)** of the Environmentally Sensitive Lands Regulations, can be permitted. It is the intent of the regulations and the Steep Hillside Guidelines that development be located on the least sensitive portions of a site and that encroachment into areas containing steep hillsides, sensitive biological resources, geologic hazards, view corridors identified in adopted land use plans or viewsheds designated on Map C-720, be avoided or minimized if unavoidable. Projects proposing to encroach into steep hillsides shall demonstrate conformance with the Environmentally Sensitive Lands Regulations and the Design Standards in **Section II** of the Steep Hillside Guidelines and result in the most sensitive design possible.

Encroachment shall not be permitted for the following:

- ∞ Projects where the encroachment is solely for purpose of achieving the maximum allowable development area;
- ∞ Accessory uses or accessory structures including, but not limited to patios, decks, swimming pools, spas, tennis courts, other recreational areas or facilities, and detached garages; and
- ∞ Primary structures when the encroachment is designed to accommodate accessory uses or structures elsewhere on the site.

Encroachment into steep hillsides is not specifically granted. Encroachment shall be subject to discretionary review and shall be consistent with **Section 143.0142(a)(4)** of the Environmentally Sensitive Lands Regulations and the Design Standards in **Section II** of the Steep Hillside Guidelines. For premises that are less than 91 percent constrained by steep hillsides, the maximum allowable development area that may be considered through discretionary review is 25 percent. For premises that are 91 percent or more constrained by steep hillsides, the maximum allowable development area that may be considered through discretionary review is 20 percent. An additional 5 percent development area for sites constrained with 91 percent or more steep hillsides may be allowed if it is found that a 20 percent development area is not sufficient to provide an economically viable use in accordance with **Section 126.0708(e)**, Supplemental Findings Environmentally Sensitive Lands Within the Coastal Overlay Zone. A development area in excess of 25 percent on any premises shall only be considered pursuant to **Section 126.0708(e)**, Supplemental Findings Environmentally Sensitive Lands Within the Coastal Overlay Zone and the **Submittal Requirements for Deviations from the Environmentally Lands Regulations Within the Coastal Overlay Zone** located in the Land Development Manual.

- (4)(c) Within the Coastal Overlay Zone, an additional 15 percent of the site area, in excess of the maximum allowable development area, as stated in **Section E(4)(a)** above, may be encroached upon and used as development area for the following conditions:

For major public roads and collector streets that are identified in the Circulation Element of an adopted community plan or land use plan and for public utility systems, an additional 15 percent development area may be permitted when it is not feasible to locate them within the allowable development area.

For projects within the North City Local Coastal Program Land Use Plan areas where the existing development areas do not have direct access to a public right-of-way, an additional 15 percent of the site may be encroached upon by local public streets or private roads and driveways which are necessary to access the developable portions of the site (areas that do not contain steep hillsides) provided that no less environmentally damaging alternative exists. See **Diagram I-10**. Determination of whether the additional 15 percent encroachment, or portion thereof, can be permitted will be made based on the constraints analysis identified in **Section II** of the Steep Hillside Guidelines (Design Standards). However, if the existing development area is less than the maximum allowable development area (as determined by the percentage of site constrained by steep hillsides), the encroachment for access shall be included in the allowable development area. If the existing development area is more than 40 percent and has no access or if the additional 15 percent development area is not sufficient to obtain access, a

deviation may be requested in accordance with **Section 126.0708(e)**, Supplemental Findings Environmentally Sensitive Lands Within the Coastal Overlay Zone.

(F) 143.0142(e) Hold Harmless and/or Indemnification Agreement

In general, a Hold Harmless Agreement will be required with the Site or Neighborhood Development Permit for all proposed developments on sites containing steep hillsides.

The requirement for an indemnification agreement will depend on how the remainder portion of the site will be maintained in its natural condition and the level of public access anticipated on the remainder portion.

- ∞ When the remainder portion of the site is dedicated in fee to the City, an indemnification agreement will not be required for that area.
- ∞ When the remainder portion of the site is dedicated as an easement, a hold harmless and/or indemnification agreement may be required if public access is anticipated on that portion.

(G) 143.0142(f) Drainage

To the extent feasible, all drainage from development of a site containing steep hillsides should be directed away from any steep hillside areas and directed towards a public storm drain system or onto a street developed with a gutter system designed to carry surface drainage runoff. This does not apply to natural drainage courses existing on the portions of the site that are not proposed to be developed. These natural drainage courses should be retained where feasible, but not be impacted by additional runoff from the developed portions of the site.

(H) 143.0142(g) Erosion Control Measures

Outside the Coastal Overlay Zone, erosion control measures include, but are not limited to, retaining walls, air placed concrete and other structures, devices, or methods appropriate for controlling or minimizing erosion. All feasible methods of erosion control shall be considered, including sandbags, revegetation, and drainage diversion and improvements. Within the Coastal Overlay Zone, erosion control measures require a Coastal Development Permit and are subject to the encroachment limitation specified in **Section 143.0142(a)(4)**.

Erosion control measures do not include those preventive measures required for soil stabilization or drainage.

Air-placed concrete, retaining walls, and buttress fills shall only be used to protect existing principal structures or public improvements and if it is determined that no other less impacting method will accomplish the erosion control.

Erosion control measures that impact steep hillsides shall require a Neighborhood

Development Permit or Site Development Permit. Erosion control measures are not subject to the 25 percent development area limit as long as they do not impact sensitive biological resources and are not located within the delineated viewshed areas of Map Drawing No. C-720.

A geotechnical report shall be required documenting the need for the erosion control measure unless it is demonstrated by the City Manager through the submittal of an appropriate investigative report, documentation or other evidence that unstable conditions on the site do not exist.

The geotechnical report shall identify the type and design of the erosion control measure necessary, based upon site-specific conditions.

The City manager shall determine if any repair or maintenance activity of an approved and permitted erosion control measure constitutes a minor modification or requires an amendment to the permit(s) or a new permit(s). The City Manager shall require submittal of necessary reports, documents or any other material necessary to make such determination. Repair or maintenance of an erosion control measure which was constructed or placed without City approvals or permits shall necessitate all required approvals and permits to be obtained.

SECTION II: DESIGN STANDARDS

In designing a development proposal for a site containing steep hillsides, the following standards must be incorporated into the project design, as described below. The design standards are grouped by project type and the guidelines, which provide specific criteria for regulating encroachment, are provided for meeting each standard. Projects proposing to encroach into steep hillsides shall demonstrate that all design standards have been incorporated and have resulted in the most sensitive design possible. Projects will be evaluated on a case-by-case basis to determine that the standards and guidelines utilized create the most sensitive development. Encroachment will be approved only when it is clearly demonstrated that the project fully conforms with the Environmentally Sensitive Lands Regulations, the standards of the Steep Hillside Guidelines and is located on the least sensitive portions of the site.

All projects shall be designed and sited to avoid potentially significant geologic hazards as identified on the City of San Diego Seismic Safety Study, Geologic Hazards and Faults Maps and/or as identified in a geologic report. Where geologic hazards are identified, the geologic report shall provide an assessment of re-siting alternatives and a variety of options to reduce the risk to the structure to a level acceptable to the Building Official and minimize the risk to public improvements to a level acceptable to the City Engineer.

Within the Coastal Overlay Zone the determination of the least sensitive portions of steep hillsides shall include a constraints analysis of view corridors identified in adopted land use plans, viewsheds as identified on Map C-720, potential geologic hazards and biological resources. The degree to which a particular constraint is more sensitive than another shall be dictated by the specific site conditions. For biological resources, the following list, in order of increasing biological sensitivity, is a guideline for determining the least biologically sensitive portions of the site (see **Table 3** of the **Biology Guidelines** for additional information).

1. Steep hillside areas devoid of vegetation, including previously graded areas and agricultural fields.
2. Steep hillside areas containing non-native vegetation, disturbed habitats and eucalyptus woodlands.
3. Steep hillside areas containing chamise or mixed chaparral, and non-native grasslands.
4. Steep hillside areas containing coastal scrub communities.
5. Steep hillside areas containing rare upland communities.
6. Steep hillside areas within wetland buffer areas.
7. Steep hillside areas occupied by habitat of listed species, narrow endemic species, *Muilla clevelandii* (San Diego goldenstar), and all wetlands.
8. Steep hillside areas necessary to maintain the viability of wildlife corridors (e.g. linear areas of the MHPA <1000' wide).

The approval of a Neighborhood Development Permit, Site Development Permit or Coastal Development Permit requires conformance with all of the applicable design standards. Each set of respective guidelines provide methods by which conformance with the applicable design standard may be achieved. Not all of the guidelines may be necessary in order to comply with a particular standard. However, the proposed development shall incorporate as many guidelines as necessary to comply with the standard and to make the required findings for permit approval.

(A) Individual Single Dwelling Unit

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved and incorporated into the development design.
- ∞ The height of manufactured slopes should be minimized so as not to become a prominent feature in the grading design.
- ∞ Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:
 - Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.
 - Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.
- ∞ When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE **DIAGRAM II-1**, page 32]

- ∞ If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE **DIAGRAM II-2**, page 32]

Standard 2: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.
- ∞ Development could be located close to the street in order to preserve as much of the natural terrain as possible.

[SEE **DIAGRAM II-3**, page 33]

- ∞ When designing a structure on a lot, the siting, orientation and steep hillside disturbance should blend with the surrounding developed properties.
- ∞ Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:
 - The maximum height for a single retaining wall, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 6 feet.
 - A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system, and shall be landscaped.

[SEE **DIAGRAM II-4**, page 33]

- Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

[SEE **DIAGRAM II-5**, page 33]

- The color of retaining walls should blend with the natural terrain and the color of the structures on the site.
- Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.
- ∞ Long driveways should follow the contours of the natural terrain.

[SEE **DIAGRAM II-6**, page 34]

- ∞ Fence locations should not enclose natural steep hillside areas that are protected by way of easements, conditions of permit, or other mechanisms intended to protect the area in a natural state.
- ∞ Pools, tennis courts and other features that require large graded areas should not be permitted in the steep hillside areas of the site.

Standard 3: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Structures should be designed to fit the natural contour of the site rather than the site being altered to fit a particular structure type. Large flat pads should be avoided in favor of stepped, or split-level structures that follow the general contours of the site.

[SEE **DIAGRAM II-7**, page 34]

- ∞ Structure designs and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading.

[SEE **DIAGRAM II-8**, page 34]

- ∞ Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE **DIAGRAM II-9**, page 35]

- ∞ Raised decks could be utilized for outdoor recreational space as an option to graded yards.
- ∞ Structures built on a rim of a canyon should be low in profile and stepped back from the steep hillside area.
- ∞ When a structure is built on a steep hillside, it should be stepped to follow the natural line of the existing topography.

[SEE **DIAGRAM II-10**, page 35]

- ∞ When located on a steep hillside, structures should be set into the steep hillside to help blend the structure into the site.

[SEE **DIAGRAM II-11**, page 35]

- ∞ The required parking could be incorporated within the structure. Where feasible, raised decks could be used for driveways.

[SEE **DIAGRAM II-12**, page 36]

Standard 4: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Structure placement and orientation could be utilized to maximize opportunities for view corridors.
- ∞ Landscaping could be utilized that will compliment and not obscure designated view corridors.

Standard 5: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ There should be no increase in the peak rate or concentration of run-off that results in increased erosion to the steep hillside areas.
- ∞ Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.
- ∞ The amount of impervious surfaces should be minimized.
- ∞ If possible, grading during the rainy season should be avoided. There should be close phasing of grading operations, slope erosion control and building construction to reduce the period when bare slopes are susceptible to erosion.

(B) Single Dwelling Unit Subdivision

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved to the greatest extent possible and incorporated into the development design.
- ∞ Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:
 - Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.
 - Development may encroach into these steep hillsides if there are no other areas

that are feasible for development or the area with these steep hillsides constitutes a minor portion (generally less than 10 percent) of the entire site.

- ∞ Steep hillsides between developed canyon bottoms and ridges could be maintained in their natural state.

[SEE **DIAGRAM II-13**, page 36]

- ∞ When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE **DIAGRAM II-1**, page 32]

- ∞ The angle of lots and graded pads should follow the contours of the slope and/or the course of the canyon rim and take advantage of views.

[SEE **DIAGRAM II-14**, page 36]

- ∞ Alteration of entire steep hillsides could be avoided by maintaining areas of existing natural topography in the design of the development.

[SEE **DIAGRAM II-15**, page 37]

- ∞ Priority should be given to the preservation of steep hillsides that are located adjacent to areas designated as open space.

Standard 2: The development shall be designed to minimize grading.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ The design of streets and long driveways could be used to minimize the amount of grading, as follows:
 - Streets and long driveways should follow the contours of the natural terrain.

[SEE **DIAGRAM II-6**, page 34]

- Streets could be located along ridges and valleys provided this location is not in conflict with other adopted regulations or policies.
- - Streets that are narrow, single loaded, and/or split level could be provided.

[SEE **DIAGRAM II-16**, page 37]

- ∞ Retaining walls could be utilized to reduce the total amount of grading provided their heights are minimized and they are only used in non-prominent locations.

[SEE **DIAGRAM II-17**, page 37]

- ∞ Alternative forms of retaining systems could be utilized to minimize grading.
- ∞ Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.
- ∞ The size and shape of lots could be varied in order to maximize the amount of steep hillsides to be preserved.

[SEE **DIAGRAM II-18**, page 38]

- ∞ The use of all areas of the site that do not contain steep hillsides should be maximized prior to encroaching into any steep hillside areas.

Standard 3 Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE **DIAGRAM II-2**, page 32]

- ∞ The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE **DIAGRAM II-19**, page 38]

- ∞ Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.
- ∞ Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE **DIAGRAM II-20**, page 38]

- ∞ Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE **DIAGRAM II-9**, page 35]

- ∞ Breaks between structures could be provided for visual access to steep hillside areas.
- ∞ Fence locations should not enclose natural steep hillside areas that are protected by way of easements, conditions of permit, etc.

Standard 5: The placement of structures within the subdivision shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Structures and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading. Split level and embedded structures should be encouraged.

[SEE **DIAGRAM II-8**, page 34]

- ∞ Structures built on a steep hillside should not project higher than the closest ridgeline above the structure.

[SEE **DIAGRAM II-21**, page 39]

- ∞ Structures built at the top of a steep hillside or on a rim of a canyon should be low in profile and stepped back from the steep hillside area.

Standard 6: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Breaks along the street could be provided where no structures will be located.
- ∞ Single-loaded streets could be provided adjacent to steep hillside areas and natural open space.

[SEE **DIAGRAM II-22**, page 39]

The separation between buildings could be designed to maximize opportunities for view corridors.

- ∞ Public view corridors down sloping streets should be maintained.
- ∞ Views of steep hillsides should be preserved from public rights-of-way and parks and visual access to open space areas from steep hillside developments should be preserved.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ There should be no increase in the peak rate or concentration of run-off which results in increased runoff to the steep hillside areas.
- ∞ Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.
- ∞ If possible, grading during the rainy season should be avoided. There should be close phasing of grading operations, slope erosion control and building construction to reduce the period when bare slopes are susceptible to erosion.
- ∞ Existing drainage swales and gullies should be retained and incorporated into the design of the development.

(C) Multiple Dwelling Unit Development

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved to the greatest extent possible and incorporated into the development design.
- ∞ Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:
 - Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.
 - Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.
- ∞ Alteration of entire steep hillsides could be avoided by maintaining areas of existing natural topography in the design of the development.

[SEE **DIAGRAM II-15**, page 37]

- ∞ Steep hillside areas should not be mass graded to create a large flat pad. Instead, smaller stepped pads could be used that follow the existing topography.

[SEE **DIAGRAM II-23**, page 39]

- ∞ When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

Standard 2: The development shall be designed to minimize impacts to steep hillsides.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ The design of streets and long driveways could be used to minimize the amount of grading, as follows:
 - Streets and long driveways should follow the contours of the natural terrain.

[SEE **DIAGRAM II-6**, page 34]

- Streets and driveways could be located along ridges and valleys provided this location is not in conflict with other adopted regulations or policies.
- Streets and driveways could be provided that are narrow, single loaded, and/or split level.

[SEE **DIAGRAM II-16**, page 37]

- ∞ Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:
 - The maximum height for a single retaining wall, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 10 feet. A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system and shall be landscaped.

[SEE **DIAGRAM II-4**, page 33]

- Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

[SEE **DIAGRAM II-5**, page 33]

- The color of retaining walls should blend with the natural terrain and the color of the structures on the site.
- Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE **DIAGRAM II-2**, page 32]

- ∞ The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE **DIAGRAM II-19**, page 38]

- ∞ Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.
- ∞ Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE **DIAGRAM II-20**, page 38]

- ∞ Development could be located close to the street in order to preserve as much of the natural terrain as possible.

[SEE **DIAGRAM II-3**, page 33]

- ∞ Multiple small parking lots at different levels could be utilized instead of one large parking lot.
- ∞ Pools, tennis courts and other features that require large graded areas should be located on the flatter portions of the site.

Standard 5: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Structures should be designed to fit the natural contour of the site rather than the site being altered to fit a particular structure type. Large flat pads should be avoided in favor of stepped, or split-level structures that follow the general contours of the site.

[SEE **DIAGRAM II-7**, page 34]

- ∞ Structure designs and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading.

[SEE **DIAGRAM II-8**, page 34]

- ∞ Structures built at the top of a steep hillside or rim of a canyon should be low in profile and stepped back from the steep hillside area.
- ∞ Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE **DIAGRAM II-9**, page 35]

- ∞ Structures built on a steep hillside should not project higher than the closest ridgeline above the structure.

[SEE **DIAGRAM II-22**, page 39]

- ∞ Raised decks and roof decks could be utilized for outdoor recreational space.
- ∞ Parking could be located under the structure on up-sloping lots and on top of structure on down-sloping lots to reduce grading needed for parking lots.

[SEE **DIAGRAM II-24**, page 40]

Standard 6: Designated public view corridors from public streets and other public property, as designated in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Pedestrian access ways could be provided adjacent to natural open space.
- ∞ The separation between buildings could be designed to maximize opportunities for view corridors.
- ∞ Structure placement should be oriented to respect designated view corridors.
- ∞ Landscaping could be utilized that will enhance and not obscure designated view corridors.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.
- ∞ Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.
- ∞ The amount of impervious surfaces should be minimized.

(D) Commercial, Industrial, and Other Non-Residential Development

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved to the greatest extent possible and incorporated into the development design.
- ∞ Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:
 - Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.
 - Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.

- ∞ Areas of existing natural topography should be integrated into the design of the development.
- ∞ Priority should be given to the preservation of steep hillsides that are located adjacent to areas designated as open space.
- ∞ When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE **DIAGRAM II-1**, page 32]

Standard 2: The development shall be designed to minimize grading.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Streets and driveways should follow the contours of the natural terrain.

[SEE **DIAGRAM II-6**, page 34]

- ∞ The use of all areas of the site that do not contain steep hillsides should be maximized prior to encroaching into any steep hillside areas.
- ∞ Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:
 - The maximum height of a single retaining wall located adjacent to natural steep hillsides designated as open space or adjacent to major and secondary streets and highways or sidewalks, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 10 feet. A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system and shall be landscaped.

[SEE **DIAGRAM II-4**, page 33]

- Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

[SEE **DIAGRAM II-5**, page 33]

- Gravity retaining walls could be used, regardless of height, provided that landscaping and irrigation is installed in the face of the wall.
- ∞ Narrow, single loaded, and/or split level streets and driveways could be utilized where possible.
- ∞ Shared access to adjacent lots could be used to reduce the amount of grading required for driveways.

- ∞ Development areas should be located at varying elevations to respect the existing contours of the site.
- ∞ The size and shape of lots could be utilized to maximize the amount of steep hillsides to be preserved.

[SEE **DIAGRAM II-18**, page 38]

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE **DIAGRAM II-2**, page 32]

- ∞ The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE **DIAGRAM II-19**, page 38]

- ∞ Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.
- ∞ Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE **DIAGRAM II-20**, page 38]

- ∞ The design and placement of site improvements should take into consideration the location surrounding developments.

- ∞ Parking located near the top of steep hillside areas should be set back from the edge of steep hillsides or buffered with a combination of berms and landscaping.

[SEE **DIAGRAM II-25**, page 40]

- ∞ Parking areas should be terraced to reflect existing topography.
- ∞ Parking structures could be used to reduce the amount of graded, surface parking needed.
- ∞ Multiple small parking lots at different levels could be utilized instead of one large parking lot.

Standard 5: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Structures built at the top of a steep hillside or rim of a canyon should be low in profile and stepped back from the steep hillside area.
- ∞ The use of reflective building materials should be minimized.
- ∞ Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE **DIAGRAM II-9**, page 35]

- ∞ When located near the top of steep hillside areas, buildings should be situated so that landscaped parking areas may serve as a buffer between the steep hillside area and the building.
- ∞ When a structure is built on a steep hillside, it should be stepped to follow the natural line of the existing topography.

[SEE **DIAGRAM II-10**, page 35]

- ∞ When located on a steep hillside, structures should be set into the steep hillside to help blend the structure into the site.

[SEE **DIAGRAM II-11**, page 35]

- ∞ Underground, tuck-under, rooftop, and/or integrated structured parking could be used in the design of the structures.

[SEE **DIAGRAM II-24**, page 40]

- ∞ Multiple smaller buildings at different elevations could be used as an option to a single large building.
- ∞ Decks and other spaces integrated into the building could be used for public space.

Standard 6: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ Pedestrian access ways could be provided adjacent to natural open space areas.
- ∞ Structure placement and orientation could be utilized to maximize opportunities for view corridors.
- ∞ Landscaping could be utilized that will complement and not obscure designated view corridors.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- ∞ There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.
- ∞ Existing drainage swales and gullies should be retained and incorporated into the design of the development.
- ∞ The amount of impervious surfaces should be minimized.

DIAGRAMS FOR DESIGN STANDARDS

**DIAGRAM II-1
FILL SLOPES BLENDED WITH NATURAL STEEP HILLSIDE**

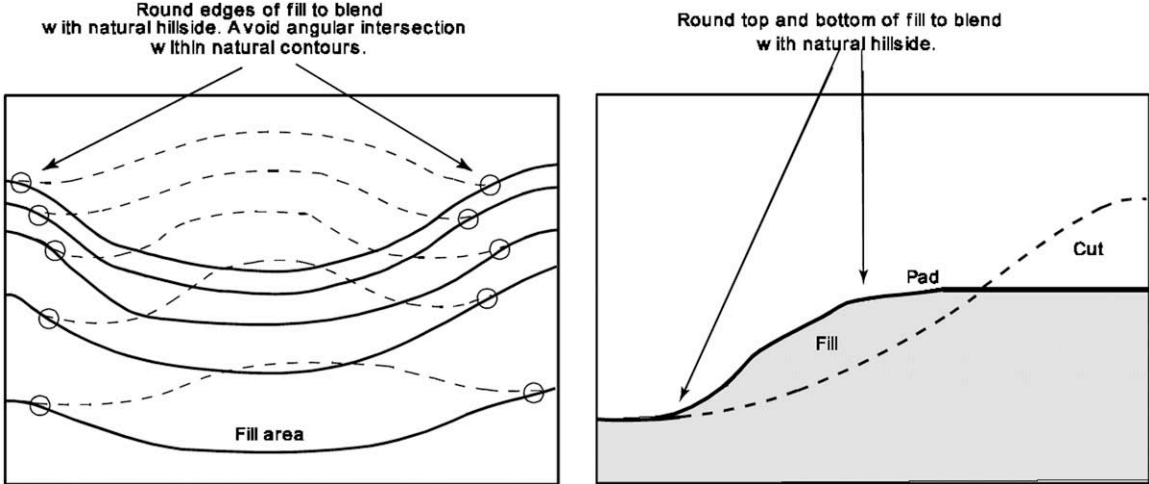
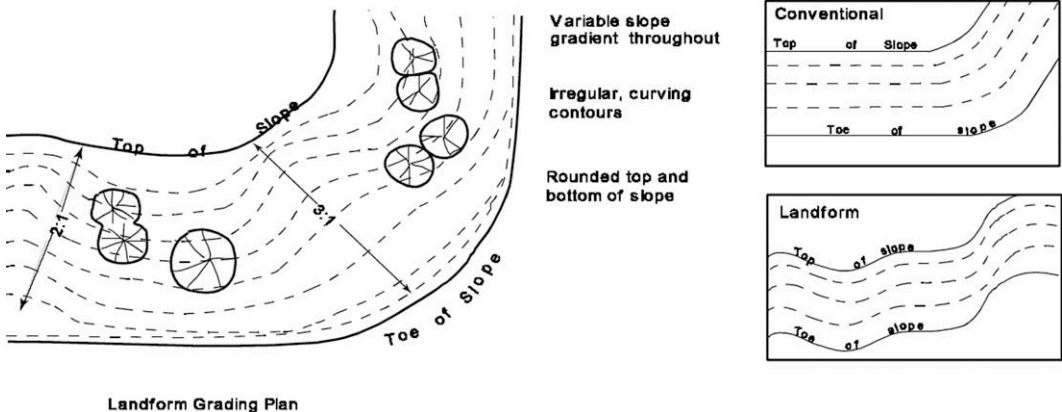
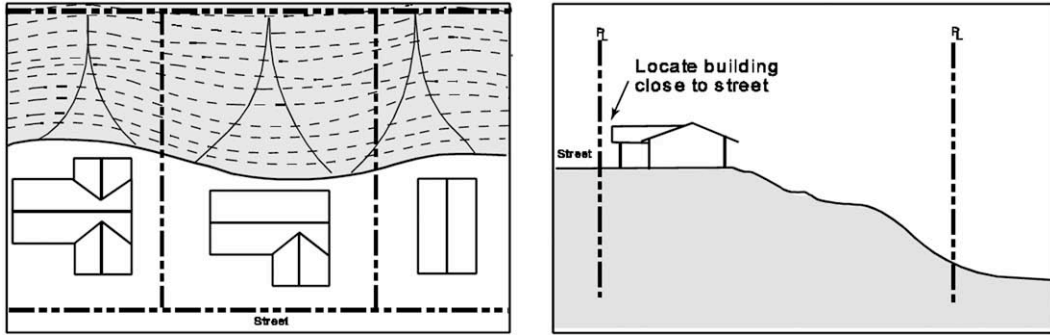


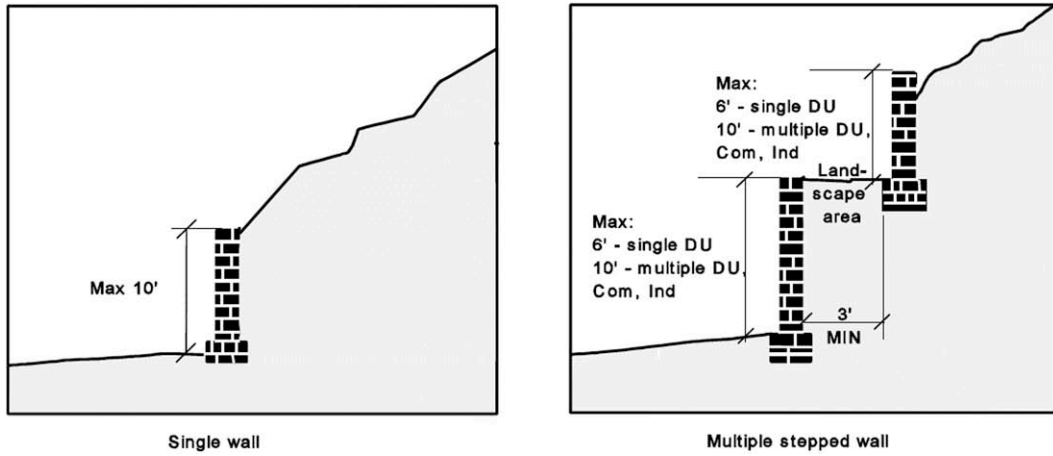
DIAGRAM II-2: LANDFORM GRADED SLOPES



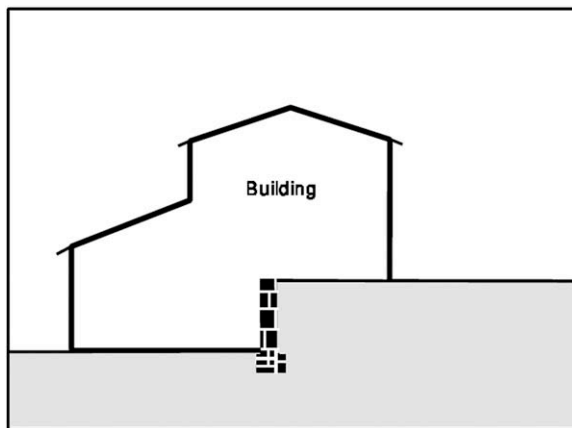
**DIAGRAM II-3
BUILDING LOCATIONS**



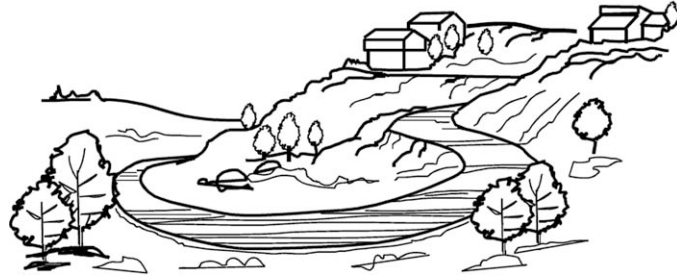
**DIAGRAM II-4
RETAINING WALL HEIGHT**



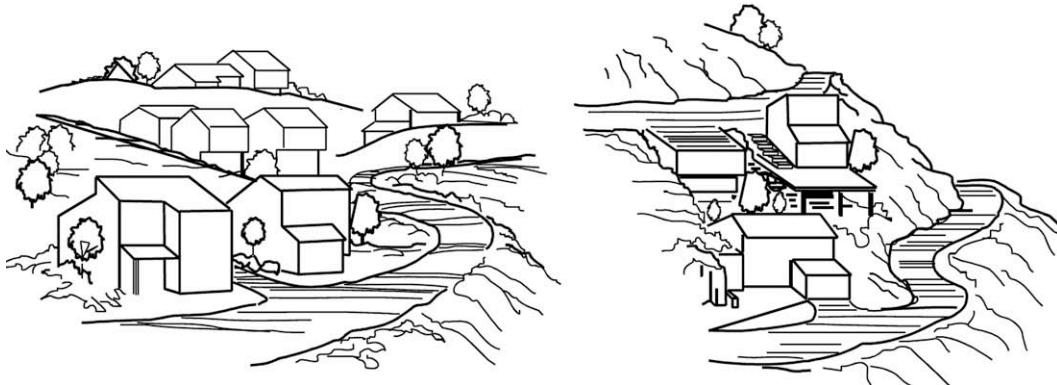
**DIAGRAM II-5
RETAINING WALL WITHIN STRUCTURE**



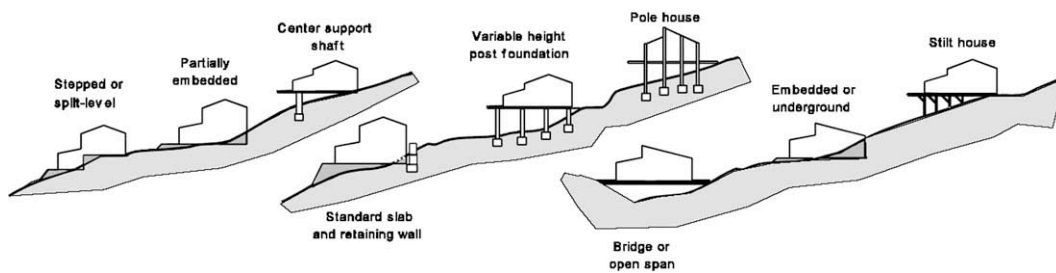
**DIAGRAM II-6
LONG DRIVEWAYS**



**DIAGRAM II-7
STRUCTURES THAT FIT NATURAL CONTOURS**



**DIAGRAM II-8
STEEP HILLSIDE STRUCTURE/FOUNDATION TYPES**



**DIAGRAM II-9
STRUCTURE LOCATED IN FRONT OF MANUFACTURED SLOPE**

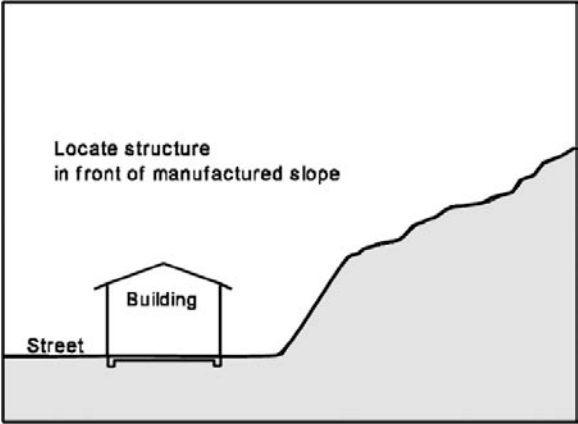


DIAGRAM II-10: STEPPED BUILDING

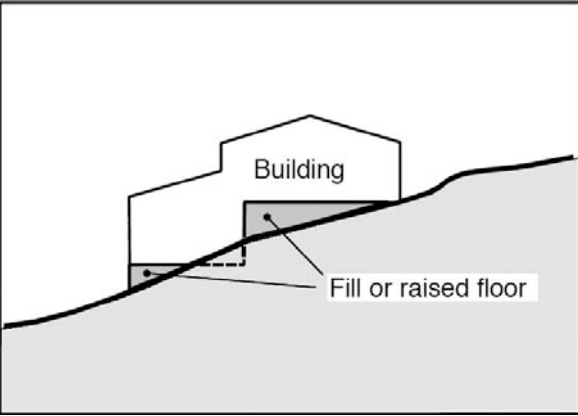
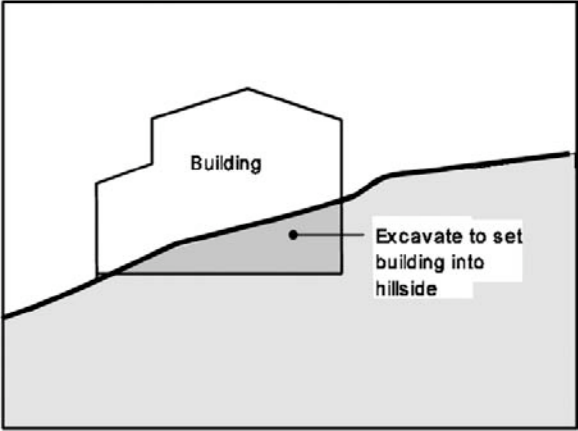
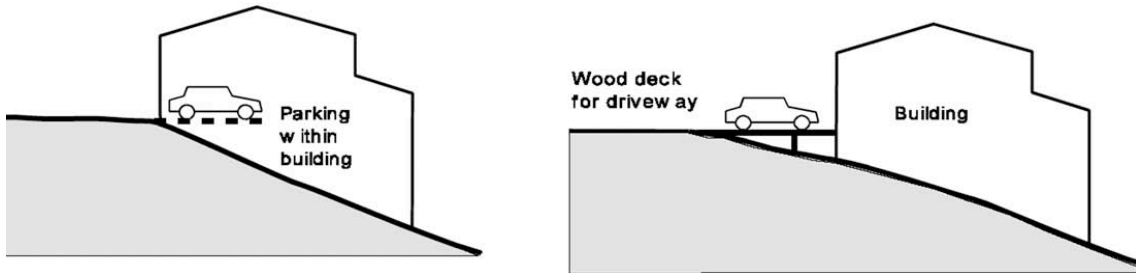


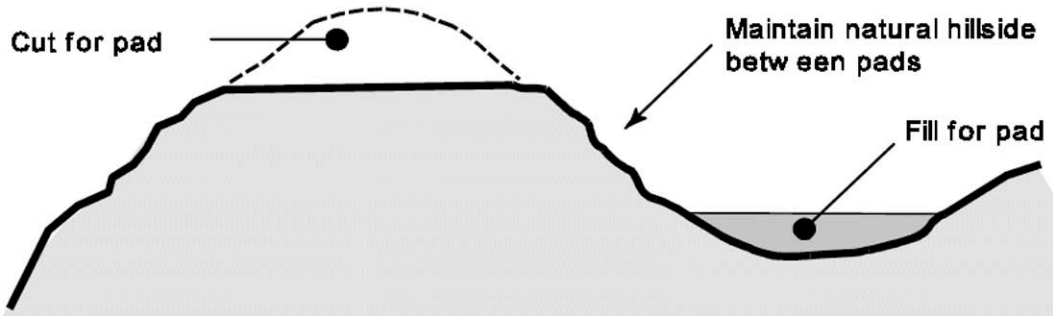
DIAGRAM II-11: BUILDING SET INTO STEEP HILLSIDE



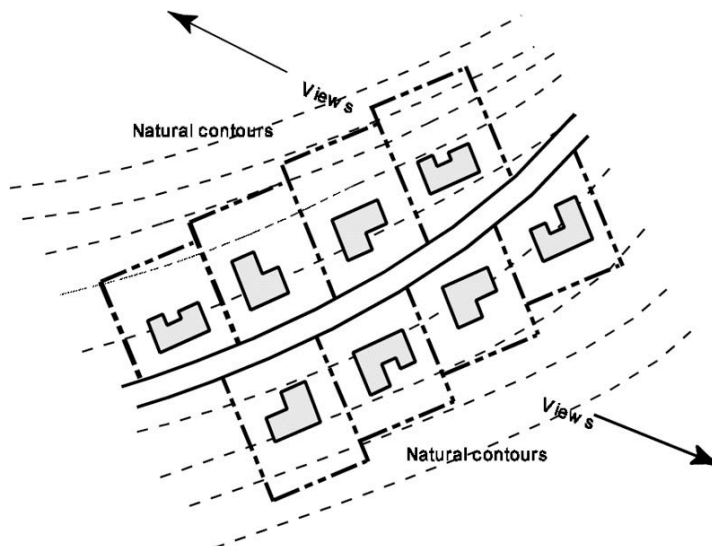
**DIAGRAM II-12
PARKING ON STEEP HILLSIDE SITES**



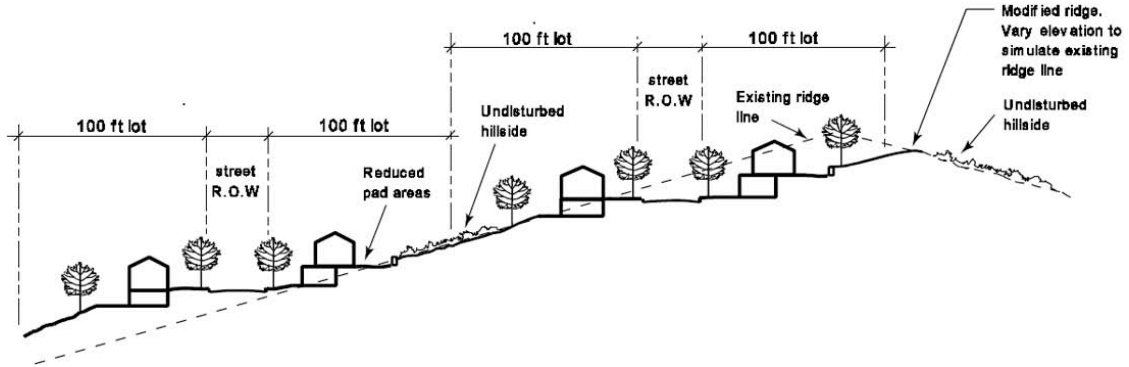
**DIAGRAM II-13
NATURAL HILLSIDES RETAINED
BETWEEN DEVELOPMENT AREAS**



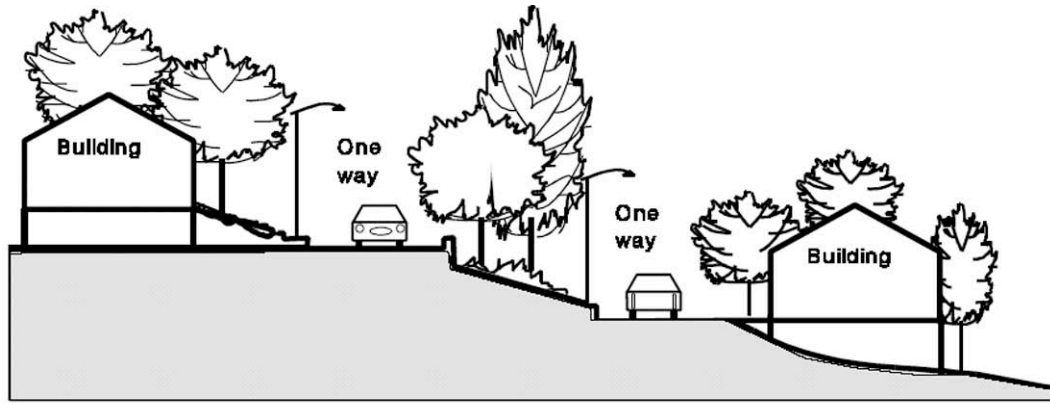
**DIAGRAM II-14
LOTS THAT FOLLOW HILLSIDE CONTOURS**



**DIAGRAM II-15
RETAINED AREAS OF UNDISTURBED
HILLSIDES WITHIN DEVELOPMENT**

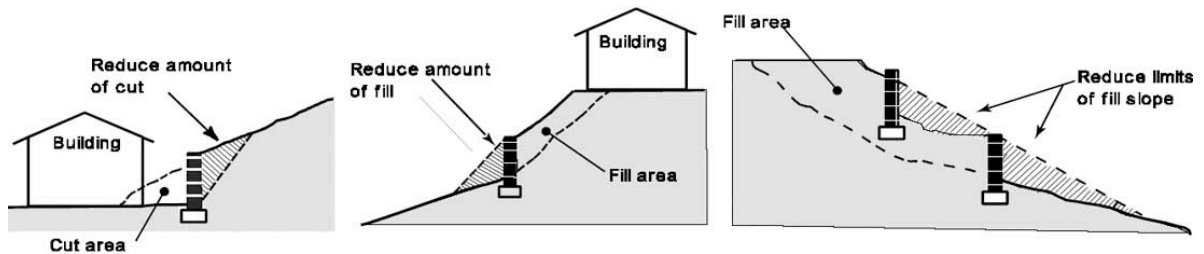


**DIAGRAM II-16
SPLIT-LEVEL STREET**

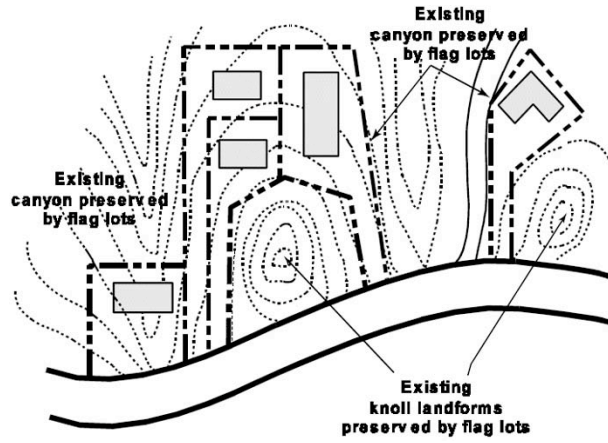


Split level roads can reduce site disturbance

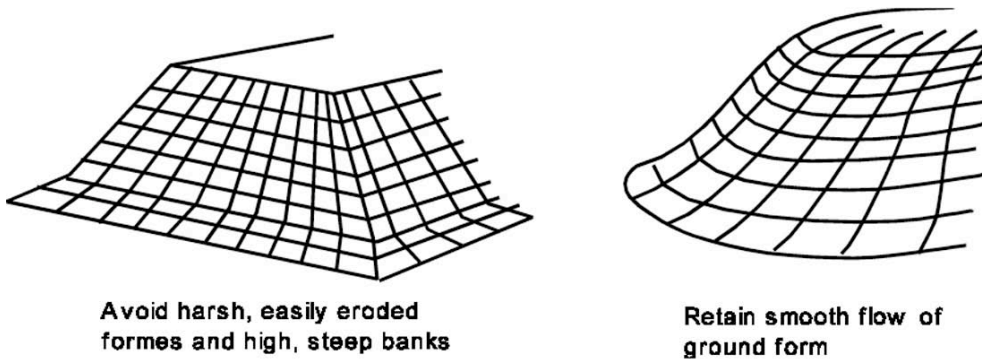
**DIAGRAM II-17
USE OF RETAINING WALLS IN HILLSIDE DEVELOPMENTS**



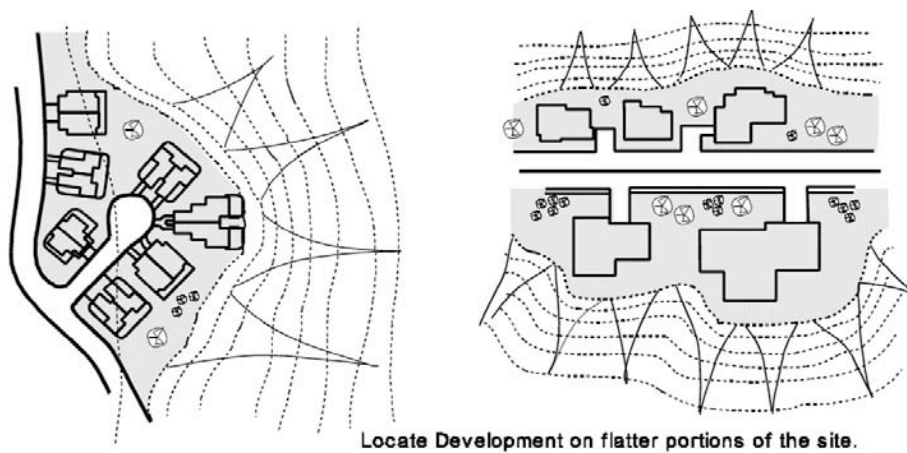
**DIAGRAM II-18
VARIED LOT SIZE AND SHAPE**



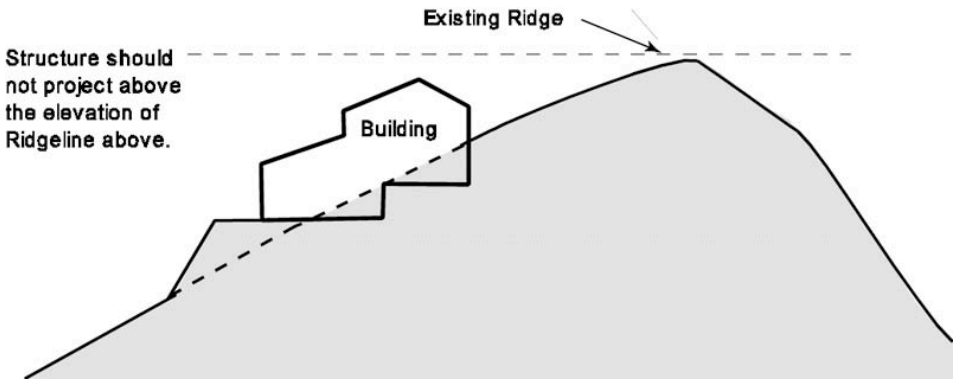
**DIAGRAM II-19
BLENDED MANUFACTURED SLOPES**



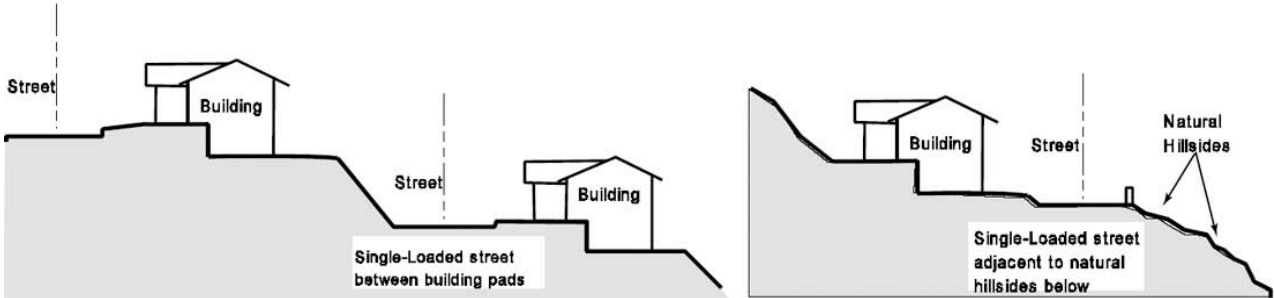
**DIAGRAM II-20
DEVELOPMENT LOCATED ON LEAST STEEP AREAS**



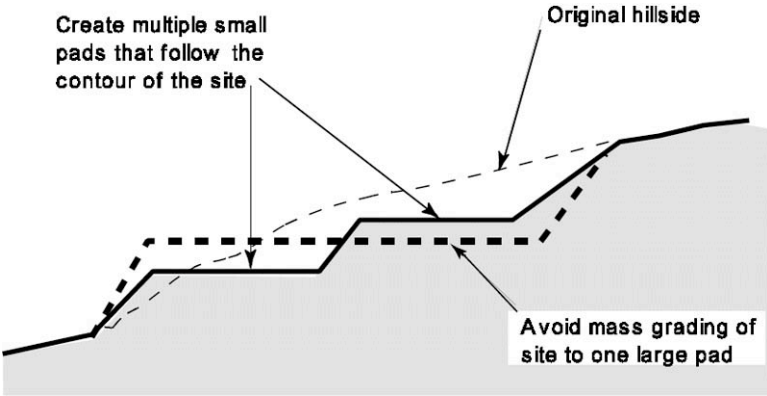
**DIAGRAM II-21
BUILDING LOCATED NEAR RIDGELINE**



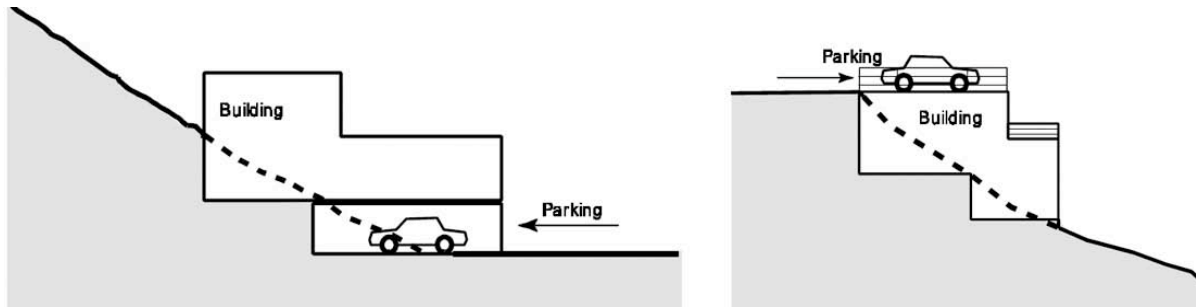
**DIAGRAM II-22
SINGLE LOADED STREETS**



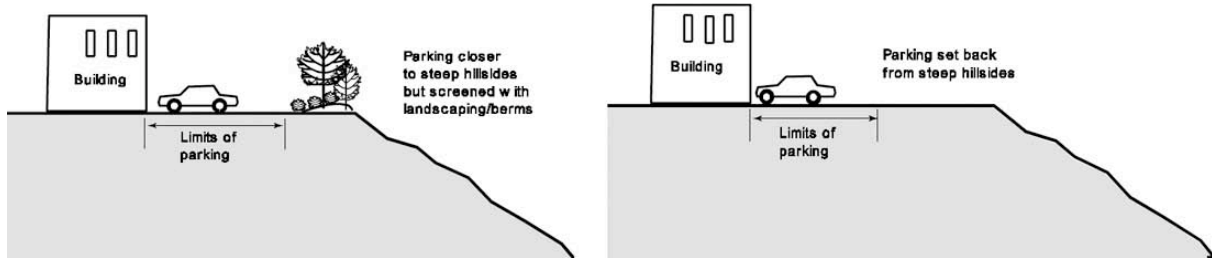
**DIAGRAM II-23
STEPPED PADS**



**DIAGRAM II-24
PARKING FOR HILLSIDE STRUCTURES**



**DIAGRAM II-25
PARKING LOTS NEAR STEEP HILLSIDES**



SECTION III: COMMUNITY-SPECIFIC REQUIREMENTS

The following guidelines are recommendations for development on steep hillsides within specific Community Plans that are not addressed elsewhere in the Steep Hillside Guidelines. The recommendations came directly from the indicated Community Plan and conformance is required in order to make the findings for development approval. [Additional recommendations from various Community Plans are not listed in this Section because they are incorporated elsewhere in the Steep Hillside Guidelines and are applicable citywide.]

(A) Mira Mesa

- ∞ Grading over the rim of Los Penasquitos Canyon shall not be permitted.
- ∞ Clustered units, single-story structures or single-story elements, roofs sloped toward the canyon, or increased setbacks from the canyon rim shall be used to ensure that visibility of new development from Los Penasquitos Canyon Preserve is minimized. Development shall not be visible from the northern trail in Los Penasquitos Canyon or the location of the planned trail in Lopez Canyon at the point that is located nearest to the proposed development. Lines-of-sight from the trails to the proposed development shall be submitted by the applicant.
- ∞ Fences adjacent to Los Penasquitos Canyon Preserve shall be constructed of wrought or cast iron, or vinyl-coated chain link with a wooden frame.
- ∞ Landscaping adjacent to Los Penasquitos, Lopez, Carroll or Rattlesnake canyons shall be predominantly native species.
- ∞ Wherever possible, public access to the rim and view of Los Penasquitos Canyon Preserve should be provided in the form of paths, scenic overlooks, and streets.

(B) Rancho Penasquitos

- ∞ In the Black Mountain transition zone, as shown in the Community Plan, a gradual transition using landscaping and moderate (50 feet) horizontal and vertical separations should be used.
- ∞ For the Penasquitos Canyon transition zone, as shown in the Community Plan, in those areas where residential development backs onto proposed open space, a buffer at least 50 feet wide should be created. Layers of the buffer should include the rear yard areas; a consistent fence style along the length of the development; clusters of shrubs and trees offsetting the fence line; and a rounded slope with the landscaping gradually blended into the natural vegetation where manufactured slopes are necessary. The natural vegetation should be replaced whenever possible, except within the Fire Management Zone.
- ∞ The ridge-canyon relationship should be maintained and not obliterated. While hilltops and valleys may be graded to permit development, the sense of distinctive landform should remain. Special care should be taken to preserve the landform of the ridgetop in the Black Mountain area and the Camino Ruiz open space corridor in Penasquitos Canyon.

- ∞ For artificial slopes over 15 feet in height, slopes should be blended, tops of slope banks should be rounded, and contoured or sculptured, grading should be both horizontally and vertically, all artificial slopes should be blended to meet native terrain. The overall effect desired is a natural undulating terrain rather than a manufactured appearance.
- ∞ Siting of buildings along canyon rims should consider city-wide brush management requirements. Minimum setbacks from top of slope ranging from 20 to 50 feet (depending on fire severity rating) should be required in order to reduce the potentially significant environmental impacts associated with the brush management.
- ∞ The treatment of rooftops should be varied on sloping sites, rather than consisting of extended horizontal lines. Rooflines should be used to emphasize the variety in shape and flowing character of the hillside instead of masking it.

(C) Miramar Ranch North

- ∞ Site planning should maintain the topographic relief of the existing terrain and preserve significant views from and of development areas as shown on the 1"-400' scale concept grading plan which may be found in the map pocket of the Community Plan.
- ∞ It is recognized that in some portions of the Community Plan, substantial cuts and fills are required. These cut and fill areas arise where important streets must meet City engineering standards, such as for grades and curve radii. Three cases in point are Scripps Ranch Boulevard at the western entrance to the community; Spring Canyon road along the ridge between Scripps Ranch and Miramar Ranch North; and the north-south road passing by the eastern elementary school site, through Cypress Canyon, and northward across the power easement. In the detailed engineering of important roads in the Community Plan area, care should be taken to minimize the cuts and fills to the extent feasible while meeting City road standards.
- ∞ The height difference between ridges and canyons should be retained to the greatest extent possible.

(D) Carmel Mountain Ranch

- ∞ In general, manufactured slopes should be a maximum grade of 2:1, and no more than 50 feet in height. Exceptions to this standard include the manufactured slopes along North City Parkway and within Units 41, 22, 23, 20, 5, 5A, 6, 6A, 9, 15, and 15A. Special design guidelines for some of these slopes are provided below.
- ∞ Some of the manufactured slopes in or adjacent to Units 41, 22, 23, 5, 5A, 15 and 15A may be equal to or greater than 50 feet in height.
 - Unit 41: A 50-foot vertical separation is likely at the western perimeter of this parcel along Carmel Mountain Road.
 - Unit 22: Two cut slopes ranging from 50 feet to 60 feet may be necessary at selected locations along the western perimeter of the parcel.

- Unit 23: The variable topography in this area may require two interior slopes of 50 feet and two fill slopes ranging from 70 feet to 100 feet.
- Unit 5 and 5A: A vertical separation ranging from 50 feet to 60 feet is anticipated between Units 5 and 6.
- Units 15 & 15A: A vertical separation of 50 feet is anticipated between Units 15, 15A and 16. In addition to the general design standards, the following measures are recommended to reduce the scale of tall manufactured slopes:
 - ∞ Slopes should be heavily planted and utilize a variety of plants species and plant heights to modulate the appearance of the slope.
 - ∞ Trees should be planted near the base of slopes to de-emphasize the scale of slopes.
 - ∞ If stable rock is uncovered during grading, slopes may be steepened to 1.5:1 and 1:1 to reduce the height of cut as well as provide an interesting visual feature.
 - ∞ Boulders should be incorporated into the landscaping of slopes to retain the natural character of the site.

(E) Mission Valley

- ∞ Design roads serving hillside and canyon developments carefully and sensitively.
 - Roads serving residential development near the upper ridge of the south rim of the Valley should be cul-de-sacs or loops extending from existing upland streets. These extensions should be "single loaded" (with structures on one side only and of minimum width).
 - Roads serving Valley development (office, educational, commercial-recreation, commercial-retail) at the base of the steep hillsides should consist of short side streets branching off Camino Del Rio South or Hotel Circle South. These side streets should provide primary access to projects in preference to collector streets.
- ∞ Large scale development (commercial, office, or commercial-recreation) at the base of the steep hillsides should not cut or grade, nor extend above the 150-foot elevation contour on the southern slopes.
- ∞ All that portion of the Mission Valley Community Plan area located south of Interstate 8 should be incorporated into a South Mission Valley Height Limitation Zone, which established a height limitation of a new or altered buildings of 40 to 65 feet.
- ∞ The steep hillsides should provide a clear area of demarcation between the Mission Valley Community Plan area and the communities on the mesas above Mission Valley.
- ∞ Development at the base of slopes should utilize the following design principles:
 - Emphasize a horizontal rather than a vertical orientation for building shape.
 - Step back each successive floor of the structure to follow the natural line of the slope.

- Utilize building materials and colors which are of earth tones, particularly dark hues.
- Design roof areas to minimize disruption of views from the crest of the hillsides. Sloped or landscaped roofs and enclosed mechanical equipment can help to achieve this effect.

(Municipal Code/PDO)

- ∞ Orient development towards the valley and take access to Mission Valley projects from roads that do not extend above the 150-foot elevation contour.
- ∞ Preserve the natural landform and greenbelt of the southern hillsides and rehabilitate the northern hillsides.

Southern Slopes:

- Preserve existing steep hillsides and use the steep hillsides as a backdrop and guide to building form.
- Cluster, contour and terrace structures into sites to preserve the form of the steep hillsides.
- Cluster development in disturbed or sparsely vegetated portions of the slope.
- Design automobile access to minimize hillside disruption. To avoid excessive grading, locate automobile access adjacent to street access and separated from habitable building sections. Linkages from the street to the building should be made through pedestrian ways or bikeways.

Northern Slopes:

- Develop near the base of the slope. Building height and setbacks should be designed to create a band of visible open slope areas landscaped according to City-wide standards between the ridge line and building roofs that mirror the greenbelt effect of the southern hillsides.
- Development beyond the base of the steep hillsides should be low in profile.
- Adapt building and parking areas to the terrain. Minimize the visual impact of buildings by terracing them up or down a slope, providing view corridors through them and terracing outdoor deck areas.

(F) Sabre Springs

- ∞ Fill slopes should be minimized along the creek environments in order to maximize view potentials and minimize erosion from such slopes. This is particularly important along Penasquitos Creek.
- ∞ Daylight cut and fill methods should be used to the extent feasible in grading of development areas on prominent ridges near Poway Road and Interstate 15, and in

the southeast portion of the planning area. Grading in these areas should result in minimal fill slopes, and in retention of steep ridge slopes between ridge top and canyon housing sites in a natural state to the greatest extent feasible.

- ∞ All manufactured slopes, both temporary and permanent, should be a maximum grade of 2 to 1, and no more than 30 to 50 feet in height. Slopes exceeding the height limit at the freeway interchange, along the southeast boundary, and along the southwest boundary should be specially treated as described in the Community Plan.
- ∞ Grading should be limited to what is necessary such that spillovers into natural areas such as the creeks are avoided and native vegetation to be preserved is not trampled. The final earth surface of development sites should be watered and rolled to form a hardened, compacted cap of soil which will minimize dust and erosion.

(G) La Jolla

- ∞ Where the linkage between two areas of designated open space is provided by steep hillsides, such as the steep hillsides that lie between Soledad Open Space Park and La Jolla Heights Park, development will be sited in a manner that preserves that linkage.
- ∞ Set back large residential structures from the brow of the hillside. This is especially important for those locations that are visible from natural open space systems, park lands and the seashore. The preservation of the natural character of these areas depends upon minimizing visual intrusions.
- ∞ Provide visual access to open space areas in all large developments that are proposed on steep hillsides. Public views of open space areas can be enhanced by providing roadway turnouts at scenic locations. Design walls and fences to accommodate existing public vistas, respecting the legitimate needs of privacy and public safety.
- ∞ Limit public access in hillside areas that contain sensitive resources to scientific or educational use. Confine access to designated trails or paths and no access shall be approved which would result in the disruption of habitat areas.
- ∞ Lot divisions shall be required to have a portion of each created lot in areas of less than 25 percent gradient. The portion of the lot to be in slopes of less than 25 percent gradient shall be equal to or exceeding the area represented by the Building Size Ratio (floor area ratio) for the zone in which the property is located. This requirement would not apply to parcels restricted to open space uses, either by dedication or transfer of title to The City of San Diego or another responsible public agency.

(H) San Pasqual Valley

- ∞ Building pads should not be created on the most visible portions of both the ridgelines and the valley floor.
- ∞ Although the use of retaining walls within view of the valley is highly discouraged, there may be instances in which no alternative is available. In this case, the retaining wall should not exceed six feet in height and should conform to the natural contour

of the topography and be screened with indigenous landscaping. Earthtone colors and decorative natural materials such as stone construction should be used to blend with the natural landscape.

- ∞ Any parcels that have been disturbed by illegal grading should be restored through corrective grading techniques and/or revegetation of the native habitat.
- ∞ The use of stem walls should be avoided.
- ∞ The facades of structures should be angled at varying degrees to follow the natural topography of the site.
- ∞ Rooflines of structures should vary in angle and height to provide a changing profile. Rooflines shall emphasize the natural landforms and help blend the structures into the natural open space environment.
- ∞ Accessory uses such as tennis courts, gazeboes, and swimming pools that would require retaining walls and/or extensive structural supports visible from the valley should be avoided. Accessory uses should be set back from the ridgeline and properly screened with landscaping to be unobtrusive. In deck construction, large distances between structures and grade shall be avoided.
- ∞ In subdivisions, open space linkages should be required for pedestrian/bike traffic and equestrian trails linking the project with the valley's proposed trail system.
- ∞ In subdivisions, projects should be designed to provide appropriately sized open space linkages where deemed necessary to allow for wildlife movement and trail linkages.
- ∞ To reduce the need for property line fencing on major steep hillsides, subdivisions should be designed to place steep hillsides adjacent to proposed building pads in separate open space lots. Where property lines do transverse steep hillsides, fencing on the steep hillside area should be discouraged; however, where such fencing is required the fencing should be visually unobtrusive in color and material.
- ∞ Fencing should be unobtrusive, typically open and non-opaque when viewed from public areas of the valley, with natural colors to blend with landscape.

(I) Sorrento Hills

- ∞ There shall be no grading or development on the bluffs.
- ∞ In areas adjacent to Los Penasquitos Canyon Preserve, building roof lines should slope in a manner which complements the contours of the natural mesa edge landform. Individual building stories may be staggered contiguous to the mesa edge so as to minimize views of structures from the canyon bottom.
- ∞ When buildings and landscaping are introduced that can be viewed in the context of the bluffs, form, color and texture should be controlled so that development blends into the foreground and does not visually detract from the bluffs.

(J) Navajo, Tierrasanta, East Elliott (within sub-area 2 of the Mission Trails Design District, in accordance with Chapter 13, Article 2, Division 7)

- ∞ New developments shall maintain contiguous public access immediately adjacent to Mission Trails Park edge or boundaries.
- ∞ In a conventional subdivision rear property lines shall not be permitted contiguous to Mission Trails Park boundary. Access roads or bike paths could be used to buffer park from private yards.
- ∞ Common recreational/open space areas shall abut Mission Trails Park boundary. Private property lines shall not be permitted within 20 feet of the park's edge or boundary.
- ∞ New developments immediately abutting Mission Trails Park should provide open space linkages, bike/pedestrian (and equestrian if in East Elliott) access to the park.
- ∞ Only clustered development and structures that conform to steep terrain shall be permitted.
- ∞ Hillside development shall not be permitted on steep hillsides fifty percent or greater. The clustering concept should be applied to avoid those steep hillsides.
- ∞ Lots and structures should be oriented towards views and vistas of Mission Trails Park. For example, lots should be oriented at right angles to the contour lines in a staggered fashion instead of at right angles to the streets.
- ∞ Utilize for community or public land use those portions of the steep hillsides most exposed to public view, or from which the widest views are possible.
- ∞ Site major structures to show only a portion of themselves beyond the hill's brow or profile when viewed from important roads.
- ∞ Do not obscure the hillside foot at the end of streets perpendicular to Mission Trails Park, except as follows:
 - Only buildings of significance to the entire community should be allowed at the ends of streets perpendicular to Mission Trails Park.
- ∞ The paved surface ground in a given development shall not exceed forty-five percent of the total development areas, in order to support the natural system of drainage. Paved surface ground includes structure foundations, driveways, patios, sidewalks, parking areas, and streets.
- ∞ At least three of the following techniques shall be employed to limit the amount of paved surface and further reduce interference with the natural drainage system:
 - Clustered design as previously described.
 - Grading of foundation area only, open type foundations as previously described.
 - Raised wood decks instead of concrete slabs for patios, driveways and parking.
 - Common driveways or cul-de-sacs, and narrow streets for access.

- Elimination of paved sidewalks. Provision of street sidewalks should be a response to need rather than to arbitrary policy.
- Design of garage/parking space either under or over the structure depending on whether the lot is uphill or downhill from the street.
- ∞ Streets should follow and/or end in views from the crest of steep hillsides. Wherever possible development facing the park should be set below road grade to preserve public views of the park from the roadway.
- ∞ Aim streets directly at Mission Trails Park to create sightlines for maximum visual impact.

(K) Clairemont Mesa and Linda Vista (areas adjacent to Tecolote Canyon)

- ∞ Structures should be set back or placed at staggered distances from the canyon rim to avoid a "wall effect" along the rim. In cases where the Tecolote Canyon Natural Park boundary is at a lower elevation than the canyon rim, structures should still maintain setbacks from the rim and utilize the area between the rim and park property lines as a landscaped buffer.
- ∞ The facades of structures should be angled at varying degrees to follow the course of the canyon rim.
- ∞ When viewed from the opposite rim of Tecolote Canyon, the structures should emphasize the line of the canyon rim.
- ∞ Rooflines of structures should vary in angle and height to provide a changing profile along the Tecolote Canyon rim when viewed from the opposite rim. A changing roofline will emphasize the verticality of the canyon walls and help blend the structures into the natural hillside environment.
- ∞ In larger scale development projects, pedestrian facilities rather than auto facilities should be located adjacent to Tecolote Canyon rim as the scale of pedestrian facilities is more adaptable to the varying land forms of the canyon rim.
- ∞ Larger scale developments should provide appropriate pedestrian access to Tecolote Canyon rim. Pedestrian facilities, such as lookout points and pathways, should be located in areas adjacent to the canyon rim, but should not provide access into Tecolote Canyon Natural Park.
- ∞ Where it is appropriate to locate roadways and driveways along Tecolote Canyon rim, they should follow the natural course and contours of the rim. Landscaping should be provided to buffer roadways and driveways from the canyon. These buffered roadways and driveways would then provide open edges between the canyon and development.
- ∞ Where it is appropriate to locate parking facilities adjacent to the rim, they should be minimal in size and buffered from the canyon by landscaping.
- ∞ Traffic flow should be parallel to or directed away from the canyon rim. Adequate access for service and emergency vehicles into Tecolote Canyon Natural Park must

be considered, but illegal off-road vehicles shall be excluded. Street layout and design should not create any pressure to construct new public roads through any part of Tecolote Canyon Natural Park.

- ∞ Grading should not occur within Tecolote Canyon. If any areas within the canyon are disturbed by grading occurring adjacent to the canyon, or by minor grading necessary for the provision of services such as sewers or runoff control facilities, the disturbed areas should be repaired to blend in with natural slopes and contours and should be revegetated with native plants. Additionally, grading operations should not occur during the rainy season between October 1 and April 1 of any year.

(L) Uptown

- ∞ The permitted floor area for lots partially within open space areas should be based only upon that portion of the lot outside of the open space designation. As a minimum for lots predominantly or entirely within open space, the permitted floor area should assume a lot depth of 100 feet rather than the true lot depth in computing the lot area. In designing the project, the garage should not be eliminated in an effort to reduce the floor area.
- ∞ Developments which are on any portion of a property within designated open space should maintain existing views and public access to canyon areas, and adapt to the natural terrain.
- ∞ Developments on corner lots of existing streets which serve as public view corridors for vistas and open space need special design considerations such as being required to setback from the corner or terrace away from the street.
- ∞ Limit the development intensity in hillside locations where emergency access may be hampered by narrow, curving streets.
- ∞ Only very low residential development density (1-2 D.U./Acre) should be allowed on a site in the biological/geological zone, as shown in the Uptown Community Plan Hillside Evaluation Model, which includes any slope of 25 percent gradient or greater, and the canyon bottoms. No grading or vegetation removal should be permitted within the undeveloped portion of this zone, unless required due to the necessity to stabilize other areas of the site.
- ∞ The Urban Design Zone, as shown in the Uptown Community Plan Hillside Evaluation Model, is a transition zone designed to preserve the open space character of the neighborhood and afford public views to the open space system. This zone includes steep hillsides at the canyon rim plus other slopes that are not as highly sensitive geologically or biologically as the Biological/ Geological Zone. Development density allowable on-site in this zone should be very low density (3-5 D.U./Acre). Development encroachment into this zone should be moderate, with minimal grading. Location of development should be such that public views from public streets into the open space, or surrounding panorama, are not impeded, but rather are enhanced.

- ∞ The hillside development criteria in Table 6 of the Uptown Community Plan should be utilized to determine the appropriate residential dwelling unit densities for any given hillside site.
- ∞ Whenever encroachment into open space areas occurs, the density of the project site should be limited to between 1 and 4 D.U./Acre. The appropriate density within the 1-4 D.U./Acre range would be determined based upon the hillside/canyon evaluation criteria in Figure 15, and the Open Space Priority Matrix in Appendix D, as shown in the Community Plan.

SECTION IV: FINDINGS, DEVIATIONS AND ALTERNATIVE COMPLIANCE

Development on a site containing steep hillsides requires the approval of a Neighborhood Development Permit or Site Development Permit, unless exempted from the requirement to obtain the permit pursuant to the Environmentally Sensitive Lands Regulations. The required findings for a Neighborhood Development Permit and Site Development Permit are listed in **Sections 126.0404(a)** and **126.0504(a)**, respectively. In addition to the general findings for a Neighborhood Development Permit or Site Development Permit, approval of a development on a site containing steep hillsides requires that six additional findings be made that are specific to the environmentally sensitive lands present. **Section (A)**, below, identifies the additional six required findings [found in **Sections 126.0404(b)** and **126.0504(b)**] and what will be considered in making the findings.

A Coastal Development Permit will be required in addition to a Site Development Permit or Neighborhood Development Permit for all coastal development which does not qualify for an exemption pursuant to **Section 126.0407**. The findings required in **Section 126.0708** must be made to assure conformance with the land use plans and implementation program of the certified Local Coastal Program.

Outside of the Coastal Overlay Zone, if a deviation from any of the Environmentally Sensitive Lands Regulations is requested pursuant to **Section 143.0150**, two additional findings (found in **Sections 126.0404(c)** and **126.0504(c)**) must be made in addition to the general Neighborhood Development Permit or Site Development Permit findings and the additional six findings for Environmentally Sensitive Lands. **Section (B)**, below, outlines some of the situations in which a deviation could be considered and identifies the two additional deviation findings and what will be considered in making the findings.

Within the Coastal Overlay Zone, if a deviation from any of the Environmentally Sensitive Lands Regulations is requested pursuant to **Section 143.0150**, additional findings [located in **Section 126.0708(e)**] must be made in addition to the findings for a Coastal Development Permit, the findings for a general Neighborhood Development Permit or Site Development Permit and the additional six findings for Environmentally Sensitive Lands.

If alternative compliance is requested for the steep hillside development area regulations pursuant to **Section 143.0151**, three additional findings [located in **Section 126.0504(e)**] must be made in addition to the general Site Development Permit findings and the additional six findings for Environmentally Sensitive Lands. **Section (C)**, below, outlines some of the situations in which alternative compliance could be considered and identifies the three additional alternative compliance findings and what will be considered in making the findings. Alternative compliance from the Environmentally Sensitive Lands Regulations is not applicable within the Coastal Overlay Zone.

(A) Additional Development Permit Findings for Environmentally Sensitive Lands:

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

 - The proposed development complies with the development area regulations, where applicable pursuant to the Environmentally Sensitive Lands Regulations.
 - The proposed development conforms with the design standards for structure design and site improvement. Design concepts are incorporated into the development where feasible.

- (2) The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces and/or flood and fire hazards.*

 - The proposed development conforms with the design standards for grading, landform alteration, and site improvement. Design standards are met and design concepts are incorporated into the development where feasible.
 - The proposed development complies with the regulations for drainage and erosion control measures and incorporates drainage guidelines.
 - The use of retaining walls in the proposed development is minimized and conforms with the design guidelines for retaining walls.

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

 - The proposed development conforms with the design standards for the type of development proposed.
 - The proposed development conforms with the specific requirements for steep hillside developments for the Community in which the development is located.

- (4) The proposed development will be consistent with the City of San Diego MSCP Subarea Plan.*

 - If within or adjacent to the MHPA, the proposed development will be in conformance with any recommendations regarding development location and siting.
 - Steep hillsides which contain sensitive biological resources will be regulated through the sensitive biological resource and the **Biology Guidelines** and conformance with other goals of the Subarea Plan will be required.

- (5) The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*

[This finding is only applicable if the site contains sensitive coastal bluffs or coastal

beaches unless drainage from the site will significantly impact such environmentally sensitive lands.]

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

[This finding is primarily applicable to sites that contain sensitive biological resources; however, compliance with the steep hillside regulations and Steep Hillside Guidelines may involve impacts to sensitive biological resources.]

(B) Criteria and Findings for Deviation from Environmentally Sensitive Lands Regulations:

Outside the Coastal Overlay Zone, deviations from the steep hillside regulations may be considered for, but are not limited to, the following:

- Development that proposes to exceed the maximum allowable development area. Exceeding the allowable development area must be tied to existing site conditions or a unique development design that necessitates additional encroachment into steep hillsides.
- An alternative drainage design that may not comply with every aspect of the regulations but is consistent with the intent.
- An alternative revegetation plan that meets the intent of landscape regulations.

Deviations should not be used solely to accommodate a development that clearly does not conform to the regulations when it appears feasible that measures could be incorporated to achieve compliance.

Deviations should not be considered for economic hardship in complying with the regulations.

Additional Development Permit Findings for Deviations from Environmentally Sensitive Lands Regulations:

- (1) *There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.*

- Potential alternative development design options have been considered.
- Other regulations and guidelines for steep hillsides will be complied with so that the overall development design will conform to the intent of the steep hillside regulations and Steep Hillside Guidelines.

- (2) *The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions applicable to the land, not of the applicant's making.*

- Natural topographical features or conditions exist that make the regulations infeasible for a particular site. These do not include past grading or development activities that present constraints to desired ultimate site development.
- The deviation is only from those regulations necessary to make the project feasible in light of the special circumstances that exist on the site. Alternative methods for achieving the goals of those regulations are presented in the development design.

Within the Coastal Overlay Zone, deviations from the steep hillside regulations may be considered when application of the regulations would result in denial of all economically viable use of the premises. A deviation application shall be accompanied by all of the information required in the **Submittal Requirements for Deviations from the Environmentally Sensitive Lands Regulations Within the Coastal Overlay Zone** located in the Land Development Manual. The decision maker shall utilize the information to determine if a deviation from the provisions of **Section 143.0142(a)(4)** is required to allow an economically viable use of the premises.

The deviation process within the Coastal Overlay Zone is not intended to be utilized to achieve the maximum allowable development area as permitted by the Environmentally Sensitive Lands Regulations. Rather it is intended to provide relief when development in accordance with the Environmentally Sensitive Lands Regulations would result in no economically viable use of the premises.

Additional Development Permit findings for Deviations from Environmentally Sensitive Lands Regulations Within the Coastal Overlay Zone:

- (1) Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and*
- (2) Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations; and*
- (3) The use proposed by the applicant is consistent with the applicable zoning; and*
- (4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and*
- (5) The project is the least environmentally damaging alternative and is consistent with all provisions of the Local Coastal Program with the exception of the provision for which the deviation is requested.*

(C) Criteria and Findings for Alternative Compliance for Steep Hillside Development Area Regulations:

Alternative compliance from the steep hillside development area regulations may be considered only for the following:

- Development, other than a single dwelling unit on an individual lot, that proposes to exceed the maximum allowable steep hillside development area. Such developments are proposing to encroach into the steep hillside area more than the amount permitted by the steep hillside development area regulations.

Alternative compliance is not available for a single dwelling unit on an individual lot.

Alternative compliance is not available for a premises that is designated as open space in the applicable Land Use Plan or that is zoned OR-1-1 or OR-1-2.

Alternative compliance shall not be used for consideration of deviations from any other environmentally sensitive lands regulations (other than steep hillside development area found in **Section 143.0142(a)**).

Additional Site Development Permit Findings for Alternative Compliance for Steep Hillside Development Area Regulations:

(1) The proposed development is in conformance with the Steep Hillside Guidelines.

- The development complies with all aspects of the Steep Hillside Guidelines

(2) The proposed development conforms to the applicable Land Use Plan.

- The development complies with the type of development recommended by the Land Use Plan for this location.
- The Land Use Plan recommends development of the subject premises at the intensity levels proposed.

(3) Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.

- Limiting the amount of development area would be inconsistent with recommendations in the applicable Land Use Plan.
- Other City policies or programs will be jeopardized by limiting the development area on the subject premises.

QUINCE APARTMENTS
Process II Application
May 1, 2023



PROJECT INFORMATION

Address: 301 Spruce Street, San Diego, CA 92103

Project Description:

- The proposed project will remove 5 existing commercial-use structures and zero existing dwelling units on a four-lot parcel. These structures will be replaced with a residential-use structure comprised of approximately 262 dwelling units, 266 parking stalls, and approximately 5,631 sf of commercial space at grade. The building is proposed to be 17 stories over four levels of below grade parking. The total building gross area is approximately 277,646 sf above grade (276,182 sf for FAR purposes) and approximately 122,496 sf below grade for a total of 400,152 sf. Amenity spaces will be provided at grade, Level 2 (Spa, Co-Working, and Gym), Level 10 (Community Kitchen and Dining Area), and Level 11 (Pool Deck and Reception).
- The project will use FAR, height, and other waivers under the Complete Communities code and provide 22 income restricted units. No existing affordable units will be demolished.
- The project will be of Type IA Construction and will contain Residential Occupancies with Accessory Assembly and Other Occupancies, A Commercial Occupancy is proposed at grade.

Property Legal Descripton and Year Existing Building Constructed:

- Western Parcel - Parcel 1 of Parcel Map 3231, In The City of San Diego, As Filed and Recorded November 20, 1974
- Assessor's Number: 452-621-21-00
- Eastern Parcel - All Lots of K and L of Block Three Hundred Fifty Eight (358) of Horton's Additions, San Diego, As Recorded in Deed Bok No. 13, Page 522, In County Recorder's Office, San Diego County, California.
- Assessor's Number: 452-621-09-00
- Southern Parcels - Lots "H", "I" and "J" in Block 358 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling on file in the Office of the County Recorder of San Diego County.
- Assessor's Number: 452-621-08 (Lot "J"), 452-621-07 (Lots "I" and "H")

Year Existing Buildings Constructed

- West Lot: Buildings constructed in 1913 and 1923, Cleared to be demolished via historic review.
- East Lot: Building constructed in 1985, Cleared to be demolished via historic review.
- South Lot: Building constructed in 1951, Cleared to be demolished via historic review

FLOOR AREA

	Gross Area	Area Counted in FAR, See Building Area Summary
- Proposed Floor Area:	277,646.00 sf	276,182.00 sf
- Proposed Garage Area:	122,496.00 sf	(not counted in FAR)
- Total Proposed Gross Area:	400,152.00 sf	398,678.00 sf

FLOOR AREA RATIO (FAR)

West Lot Base Zone Gross Area	East Lot Base Zone Gross Area
- Gross Area: 10,065 sf	- Gross Area: 10,061 sf
- Zoning: RM-3-7	- Zoning: CC-3-8

South Lots Base Zone Gross Area

- Gross Area: 15,062 sf
- Zoning: CC-3-8

FAR Zone 2 Per Complete Communities

- Allowed: 8:1
- Proposed: 7.75:1

SITE DENSITY

Base Zone Density Calculation:

East Lot Area:	10,061 SF	West Lot Area:	10,065 SF	South Lots Area:	15,062 SF
Density:	1 Unit / 600 SF		1 Unit / 1,000 SF		1 Unit/ 600SF
Number of Units:	16.77 or 17 Units		10.00 or 10 Units		25.10 or 25 units

Total Base Zone Density: 52 Units
Proposed Density: 262 Units or 1 Unit / 134.3 sf

BUILDING AREA SUMMARY

B4	31,001 sf	not included in FAR
B3	31,001 sf	not included in FAR
B2	31,001 sf	not included in FAR
B1	29,493 sf	not included in FAR
L1	18,255 sf	incl. 5,631 sf Commercial, 1,692 sf Residential Amenity, and 1,474 sf Garage Entry (Garage not included in FAR)
L2	19,209 sf	incl. 1,117 sf Co Working, 2,236 sf Residential Amenity
L3	21,969 sf	
L4	21,831 sf	
L5	23,343 sf	
L6	23,223 sf	
L7	23,108 sf	
L8	22,904 sf	
L9	21,203 sf	
L10	19,537 sf	incl. 3,205 sf Residential Amenity
L11	10,165 sf	incl. 808 sf Residential Amenity
L12	9,844 sf	
L13	9,237 sf	
L14	9,237 sf	
L15	8,393 sf	
L16	8,392 sf	
L17	7,806 sf	
Total:	400,152 sf	

See Sheet A1.10 for additional detail

TRANSPORTATION AMENITY AND VMT REDUCTION MEASURES

Transportation Amenity Requirements

Note that the total Commercial Project is > 5,000 sf
Bedroom Ratio Score: 340 Bedrooms / 262 Units = 1.3.
Transit Commute Score: Major Transit Stop within a half-mile, that serves > 25,000 jobs.
Total
Transportation Amenity Points Required:

Proposed Amenities:	Coworking Space =	2 Points
	Bike Repair Station =	2 Points
		4 Points Proposed

Mobility Choices/VMT Reduction Measures

Development is in Mobility Zone 2, therefore VMT Reduction Measures Totaling at least 5 Points are required.

Proposed VMT Reduction Measures:	Bicycle Repair Station:	1.5 Points
	Short Term Bike Parking 2 Req/4 Provided = > 100%	4.0 Points
	Total:	5.5 Points Proposed

ZONING DATA

Zoning

- Existing Zoning: RM-3-7 (West Lot); CC-3-8 (East Lot); CC-3-8 (South Lots)
- Proposed Uses: Residential, Commercial

Zoning Overlays

- The site is within the Community Plan Implementation Overlay Zone (CPIOZ), the Complete Communities Housing Solutions Overlay Tier 2 FAR 8:1 and Tier 3 FAR 6.5, the Complete Communities Mobility Choices Mobility Zone 2 Overlay, Transit Area Overlay Zone (TAOZ), the Parking Standards Transit Priority Area (PSTPA), the Transit Priority Area (TPA), the Affordable Housing Parking Demand Medium Category, the SD International Airport Influence Area Review Area 2, Federal Aviation Administration (FAA) Part 77 Noticing Area.

Jurisdiction/District

- City of San Diego
- City Council District 3

Community Plan District

Existing Use

- West Lot: Commercial Office
- East Lot: Commercial Office
- South Lots 1 & 2: Commercial Office

Adjacent Uses: Residential (West) and Office (East) to the south of the site.

Proposed Uses: Commercial, Residential

Building Height (Height Limits Waived via Complete Communities)

- Allowed Height: RM-3-7 40'-0"
- CC-3-8 100'-0"
- Proposed Height: 194'-0" not including elevator/mechanical penthouse

Building Setbacks (Setbacks Waived via Complete Communities)

- | | Front | Side | Side(Street) | Rear |
|-------------|------------------|-------------|--------------|-------------|
| - RM-3-7 | 10'-0" min. | 5'-0" min. | 10'-0" min. | 5'-0" min. |
| - CC-3-8 | 10'-0" min. | 10'-0" min. | 10'-0" min. | 10'-0" min. |
| - Provided: | 0'-0" and 5'-10" | n/a | 0'-0" | 5'-0" |

Transparency: RM-3-7 Not Required
CC-3-8 Required, See Sheet A5.00

Geologic Hazard Category

Yes, 52

Proximity to Transit: See Sheet A0.03 for proximity to transit diagram.

Landscape Area

- Required Landscape Area: Street Yard: 693.25 sf Common Open Space Planted Areas: 3,549 sf
- Proposed Landscape Area: Street Yard: 698.62 sf Common Open Space Planted Areas: 3,584 sf
- Area in Excess of Required: 5.37 sf
- See Drawing L0.01 for additional calculation information.

Approvals

- Pursuant to 143.1025(c)(1) proposals including structures over 95 feet in height require Neighborhood Development Permit

RESIDENTIAL UNIT SUMMARY

Floor	Studio	1 Bedroom	1 Bedroom +	2 Bedroom	3 Bedroom	Total
L1		5		2		7
L2	3	9		3		15
L3	8	15		3		26
L4	8	15		3		26
L5	9	14	2	3		28
L6	8	14	2	3		27
L7	6	13	2	4		25
L8	6	13	2	4		25
L9	3	14	1	4		22
L10	3	9		3		15
L11	2	4		3		9
L12	1	4		4		9
L13	1	3		4		8
L14	1	3		4		8
L15				2	2	4
L16				2	2	4
L17				2	2	4
Totals:	59	135	9	53	6	262 Total

PARKING SUMMARY

The project site is in the Parking Standards Transit Priority Area and, pursuant to Table 142-05C, 142.0525 and 142.0530, required parking is calculated as follows:

Parking	Required	Provided
Automobile:	0	246 Standard Stalls 6 Accessible Stalls 1 Van Accessible Stall 13 Tandem Stalls 266 Stalls
Total:		
Notes:		
1. There are no minimum Commercial Automobile Parking requirements per the Transit Priority Area statutes.		
2. All automobile stalls are for the use of residents only. Commercial auto parking is not provided.		
3. # EV Stall: The project proposes that 27, or approximately 10% of the total provided parking stalls, will have ready to use EV charging capability. Infrastructure for an additional 173 will be installed for future installation of ready to use EV charging capability.		
4. Each tandem parking stall shall be assigned only to the same unit as the Standard parking stall associated with it.		

Motorcycle Parking:		
Studio/1 Bed 194@.1/Unit	= 19.4	
2 Bedroom 62 @.1/Unit	= 6.2 (including 1 Bed + in 2 Bed Category)	
3 Bedroom 6 @.1/Unit	= 0.6	
Total Required:	= 26.2 or 27 Stalls	27 Stalls Provided

Bicycle Parking:		
Studio/1 Bed 194 @.4/Unit	= 77.6	
2 Bedroom 62 @.5/Unit	= 31.0 (including 1 Bed + in 2 Bed Category)	
3 Bedroom 6 @.6/Unit	= 3.6	
Total Required:	=112.2 or 113 Stalls	128 Stalls Provided

Commercial Motorcycle Parking: = 2 minimum required 2 Provided

Commercial Bike Parking =,1/1,000 sf at 5,631 sf = .5 or 2 Min. Required Short Term Stalls 4 Provided
=5% Provided Parking x 0 = 0 + 1 Min Required Long Term Stall. 2 Provided

INCENTIVE AND WAIVER SUMMARY

Pursuant to the requirements of Complete Communities under 143.1015 the proposed project will be providing:

15% of Pre-Density units at 50% AMI; 10% of Pre-Density units at 60% AMI; 15% of Pre-Density units at 120% AMI

The number of incentives are available in accordance with 143.1010.4, subsection B stating "Three incentives for a development that includes at least 30 percent of the pre-density dwelling units for lower income households, with at least 20 percent reserved for very low income households."

The proposed project is therefore entitled to 3 incentives. However, at this time the project is requesting only 2 waivers as follows:

Waiver	Applicable SDMC Section	Requirement	Proposal
1	SDMC Table 142-10B	2 off-street loading spaces	2 on-street loading spaces
2	SDMC §Table 142-1010(c)	Each required off-street loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet including entrances and exits.	Loading space dimensions shall be provided as follows: - On-site loading spaces (2 total): 18'-0" long by 9'-0" wide by 8' 2" high. - On-street loading spaces (2 total) to match existing: 18'-0" long x 9'-0" wide (open to sky).

WASTE MANAGEMENT SUMMARY

Per SDMC Table 142.08A "Refuse, Organic Waste, and Recyclable Material Storage Regulations the following Waste Management areas are required to be provided:

Per Table 142-08B: 262 Dwelling Units	Min. Refuse 528 sf	Min Organic Waste 528 sf	Min Recyclables 528 sf	Total 1,584 sf
--	-----------------------	-----------------------------	---------------------------	-------------------

Per Table 142-08C, GSF Non-Residential Use:	24 sf	24 sf	72 sf	
Totals:	552 sf	552 sf	552 sf	1,656 sf

The project proposes the following waste management/storage plan:

- Above Level 2, every other floor will include a 52-65 sf recyclable and organic waste transit area. Total Area 420 sf (210 sf recyclable/210 sf organic waste)
- Each floor will include a trash chute accessible to each tenant that drops refuse to a compactor in a 593 sf room on Level P2
- On a regular basis the waste transit areas are cleared.
- Organic waste will be brought to a 229 sf room.
- Recyclables will be brought to a 210 sf area in the waste room on Level P2.

Waste Management Areas Provided:

	Refuse	Organic Waste	Recyclables	
Level P2	593 sf		369 sf	
Level P1		371 sf		
Levels L3-L17		210 sf	210 sf	
Totals	593 sf	581 sf	579 sf	1,758 sf

Waste will be removed from the garage level storage areas to the curb via pallet jack or other, similar, means where it will be removed by the municipal waste hauler.

REQUIRED EXTERIOR OPEN SPACE SUMMARY

Required Open Space Per SDMC 131.0455:

Private: 75% of 262 Units at 60 SF / Unit = 11,790 SF
Common: 262 Units at 25 SF/ Unit = 6,550 SF
Total Required: 18,340 SF

Provided:	Common:	17,717 SF
	Private:	3,720 SF
	Total:	21,437 SF

Per SDMC 131.0455(e) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, where private exterior open space is not provided at the quantity required in a development pursuant to Section 131.0455(c)-(d), an equal amount of common exterior open space in addition to the requirements of Section 131.0456, which applies to premises with more than four dwelling units, shall be provided as alternative compliance to Section 131.0455(c)-(d).PRO

PROPOSED OPEN SPACE AREA SCHEDULE

Floor	Open Space Type	Area (SF)
L1	Entry Courtyard	7,186 SF
	Dog Run	795 SF
	Bridge	891 SF
L2	Bridge/Terrace	1,625 SF
L9	Terrace	1,280 SF
L10	Pool Deck	1,330 SF
	BBQ Deck	1,240 SF
L11	Terrace	517 SF
	Pool Deck	4,650 SF
L13	Terrace	622 SF
L15	Terrace	858 SF
L17	Terrace	443 SF
	Total:	21,437 SF

Note: Open spaces less than 400 sf or otherwise not meeting minimum requirements not included in calculation.

CONSTRUCTION OCCUPANCY

Construction Type:	Type IA, Non-Combustible, Fully Sprinklered
Occupancies:	
P3-P1:	S-2
L1:	A, R-2, M
L2:	A, R-2, B
L3-L9:	R-2
L10-L11:	A, R-2
L12-L17:	R-2
Roof:	U

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Property Info:

Project Address: 301 Spruce Street
3104-3130 4th Avenue

Legal Description: Parcel 1, PM 3231, reference APN 452-621-21
Lots 'L' and 'K' of Horton's Addition reference APN 452-621-09
Lot 'J' reference APN 452-621-08
Lot 'T' and 'H' reference APN 452-621-07

Property/ Lot Area: 10,066 (Western Parcel)
10,061 (Eastern Parcel)
15,063 (Southern Parcel)

Proposed Building Footprint: 17,492 sf
Proposed Building Coverage: 49.7 %

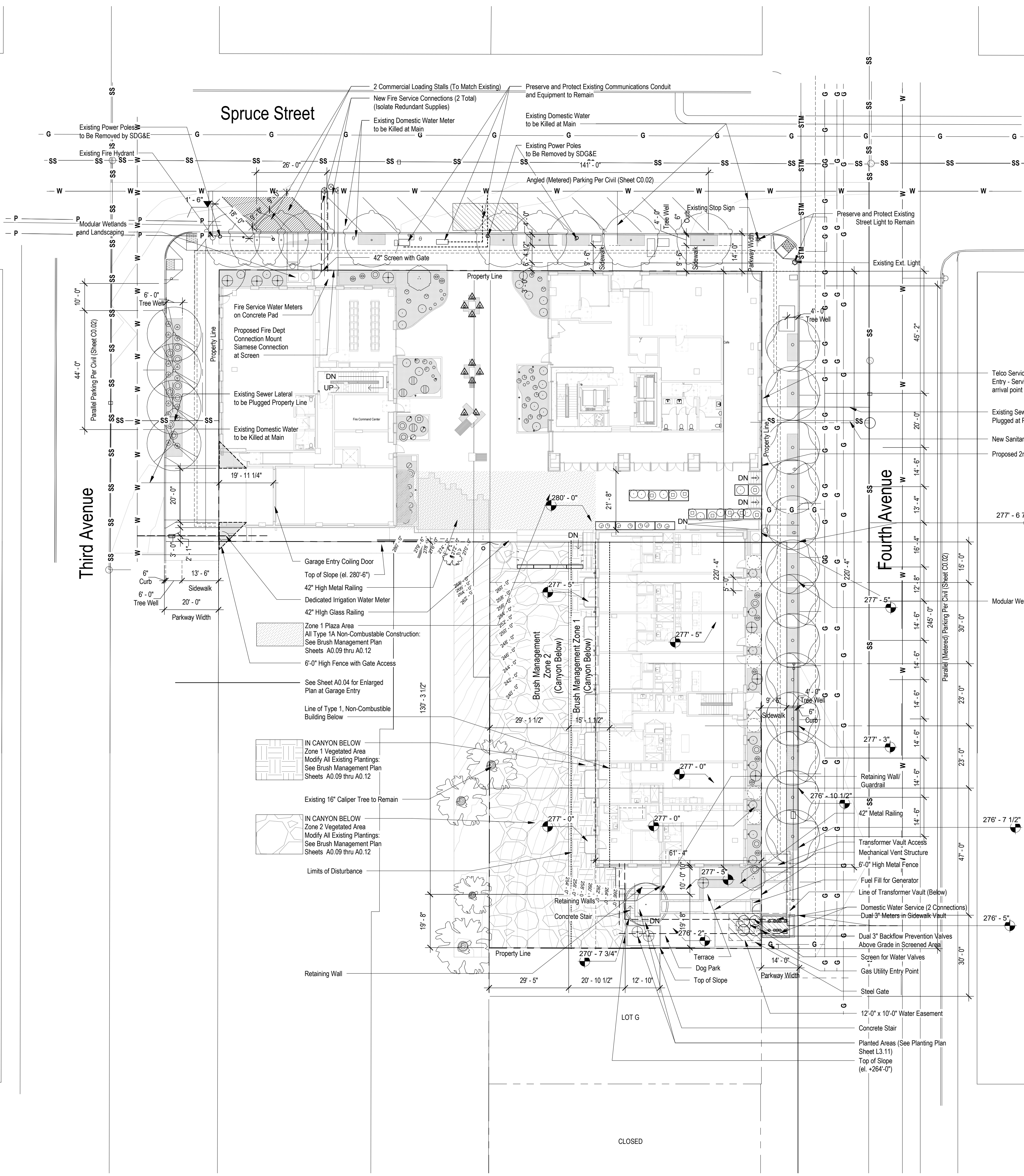
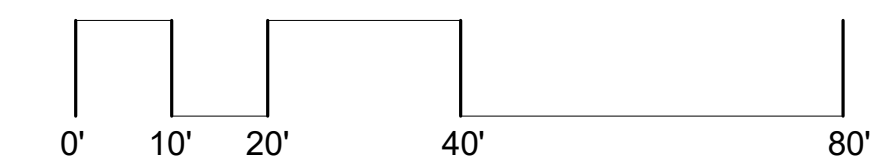
Impervious Area:
Proposed Hardscape: 8,878 sf
Proposed total Impervious Area: 19,485 sf
Proposed Total Pervious Area: 642 sf

Site Plan General Notes:

1. Contractor To Verify Existing Utility Locations Prior To Construction. Typ.
2. Provide erosion control per civil.
3. Reference Roof Plan For Storm Drain Locations
4. Reference Foundation Plan For Under Slab Utility Locations
5. Water Meter and Connections to Main By _____
6. Gas Meter Placement by _____
7. Re: Civil for Stormwater Management Systems

Legend: Site Plan Symbols

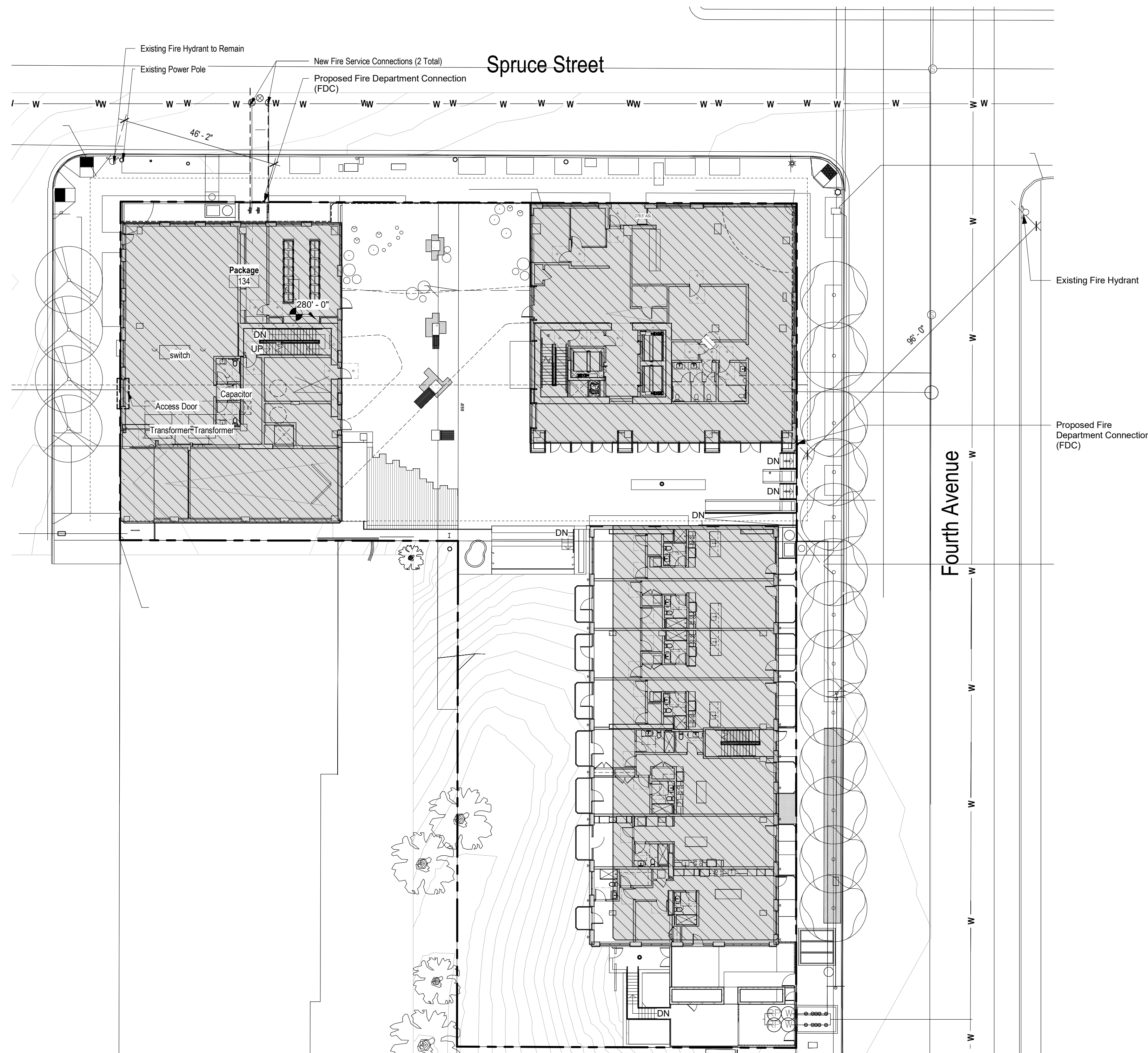
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	Building / Wall to Be Demolished
	Curb Line
	Water Line
	Combined Storm/Sewer
	Storm Line
	Sanitary Sewer Line
	Underground Gas Line
	Overhead Power Line
	Underground Power Line
	Storm Catch Basin
	Manhole
	Power Pole / Light Pole
	Light Pole
	Sign
	Fire Hydrant
	Water Meter
	Electric Meter
	Gas Meter
	Property Corner



CC-3-8
PROPOSED SITE PLAN
1" = 20' - 0"



**SITE PLANS:
FIRE DEPARTMENT CONNECTION
ACCESSIBILITY PLAN**

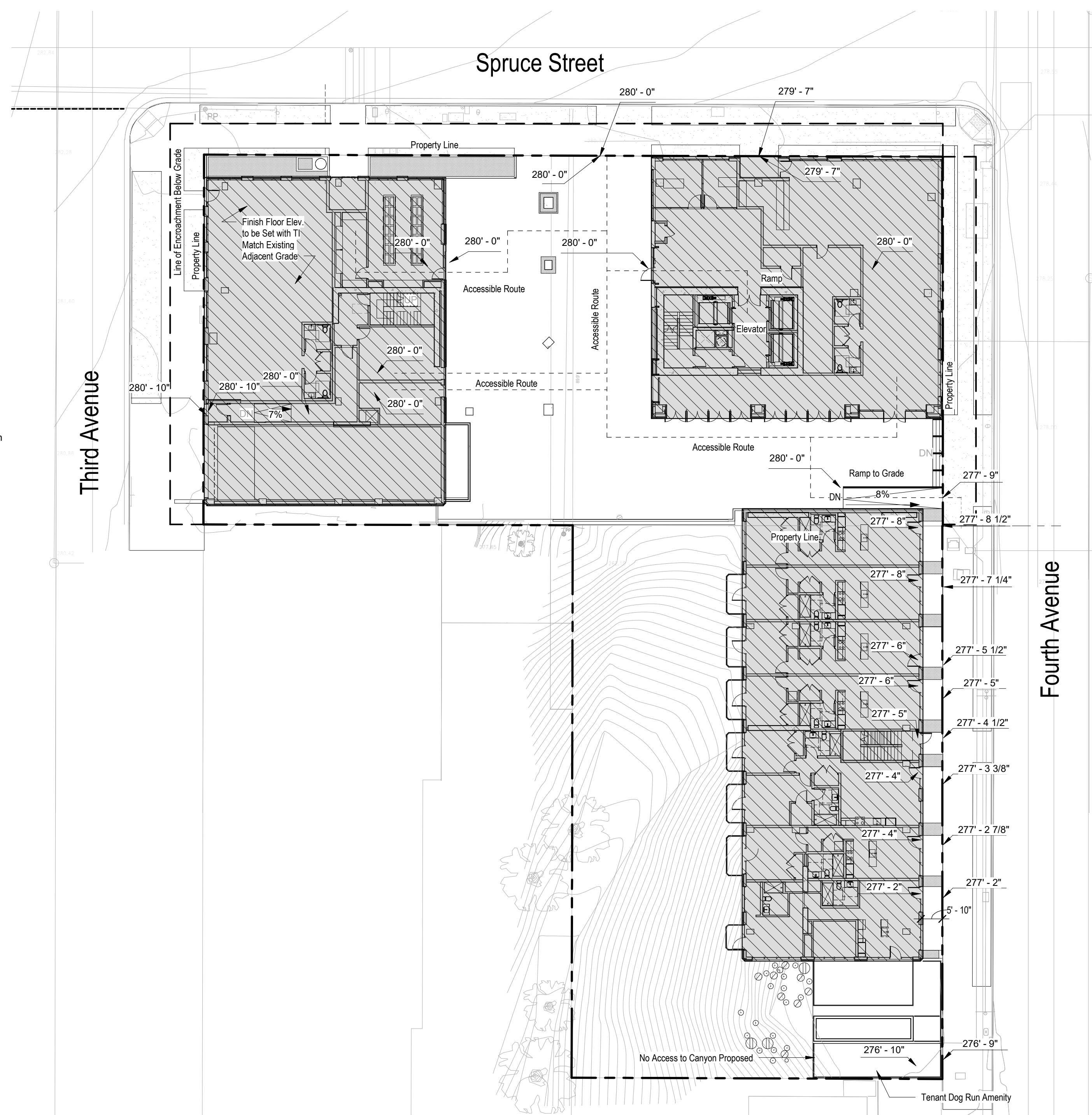


**PROPOSED
FIRE DEPARTMENT CONNECTION**

1" = 20' - 0"



North



ACCESSIBILITY PLAN

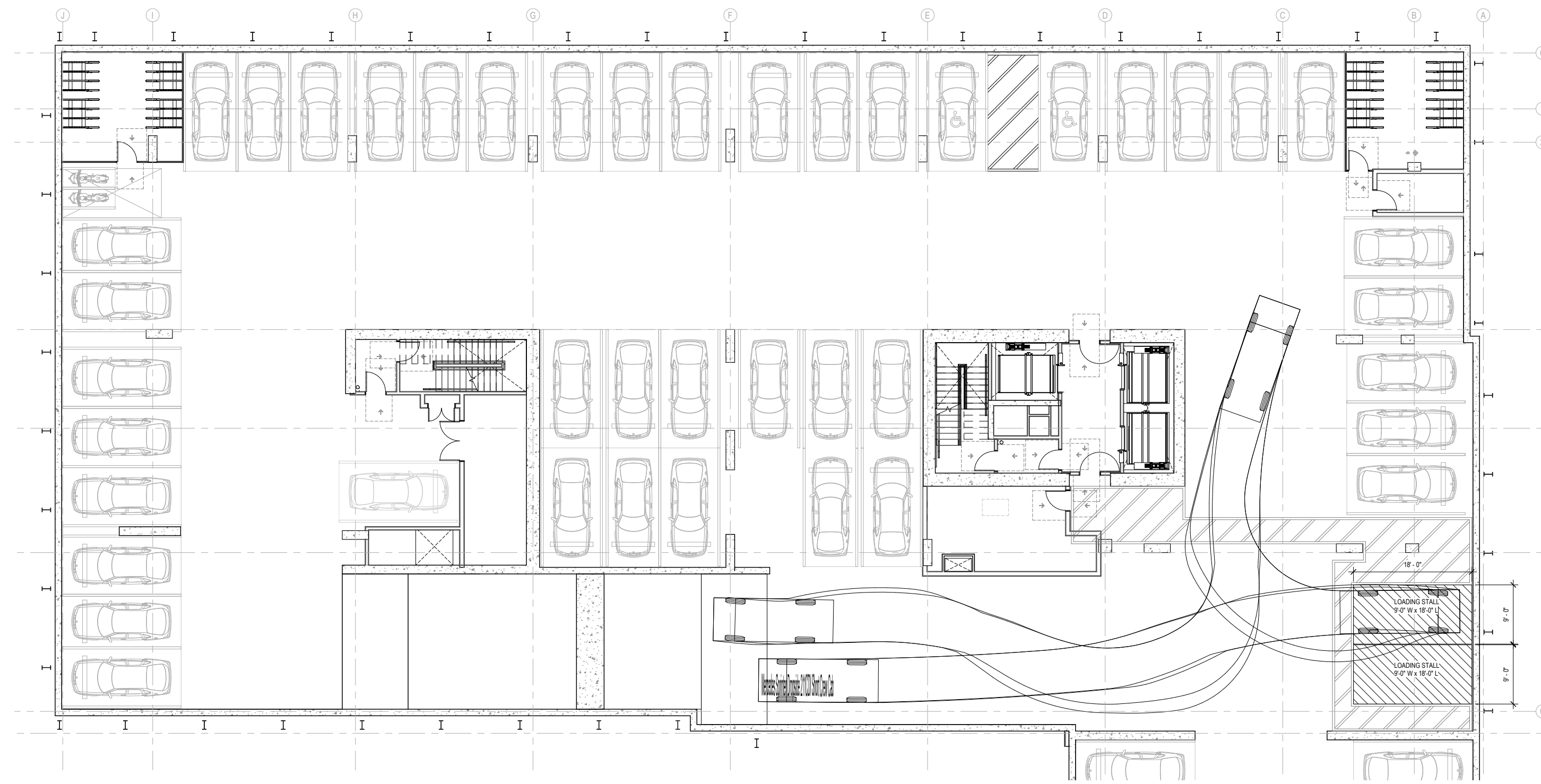
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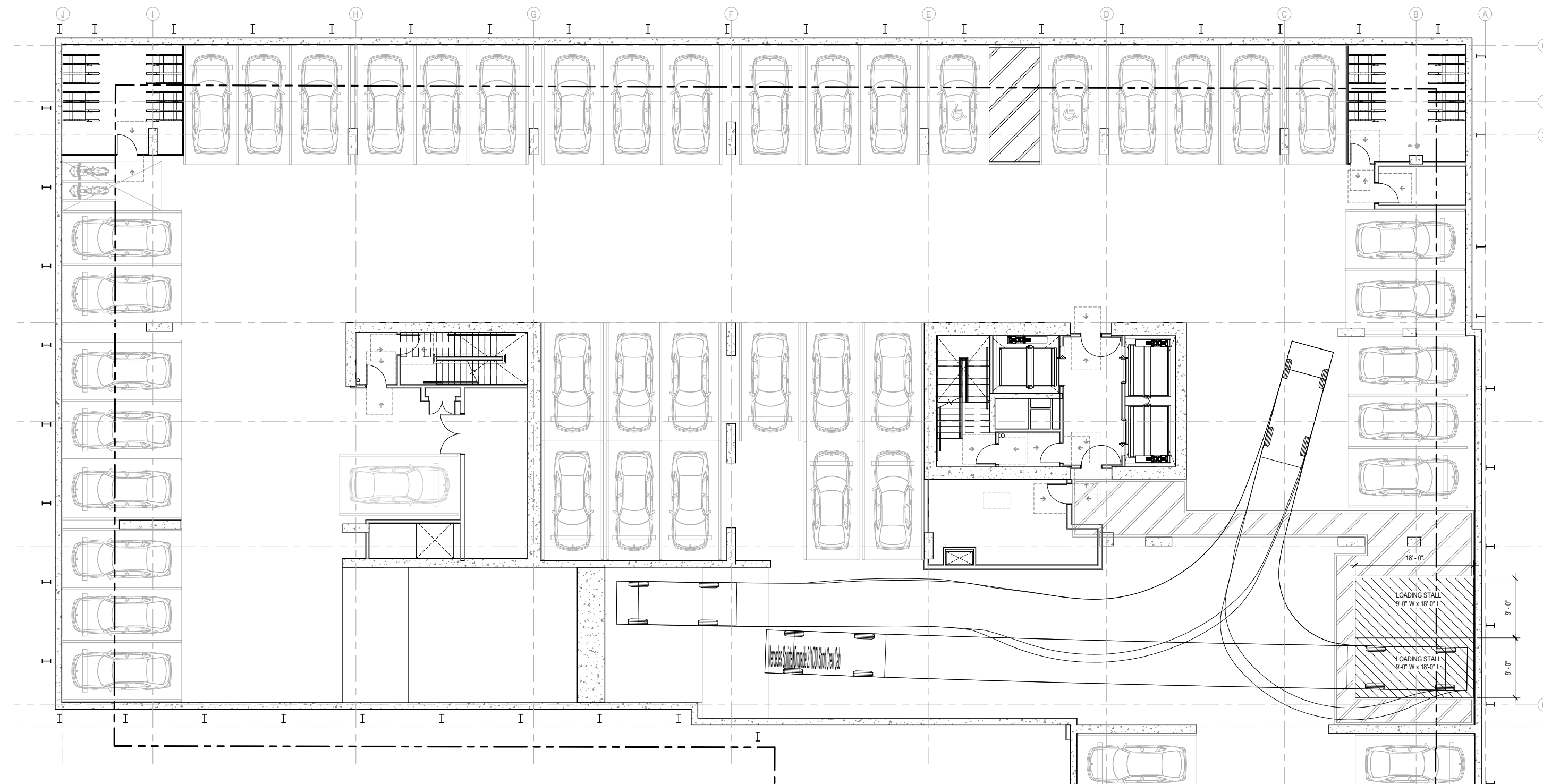
North



GARAGE LOADING STALL MANEUVERING DIAGRAMS AND GARAGE ENTRY



NORTH LOADING STALL MANEUVERING DIAGRAM



SOUTH LOADING STALL MANEUVERING DIAGRAM

Loading Notes

1. VEHICLE BASIS FOR LOADING DIAGRAM:
2. SIZE:

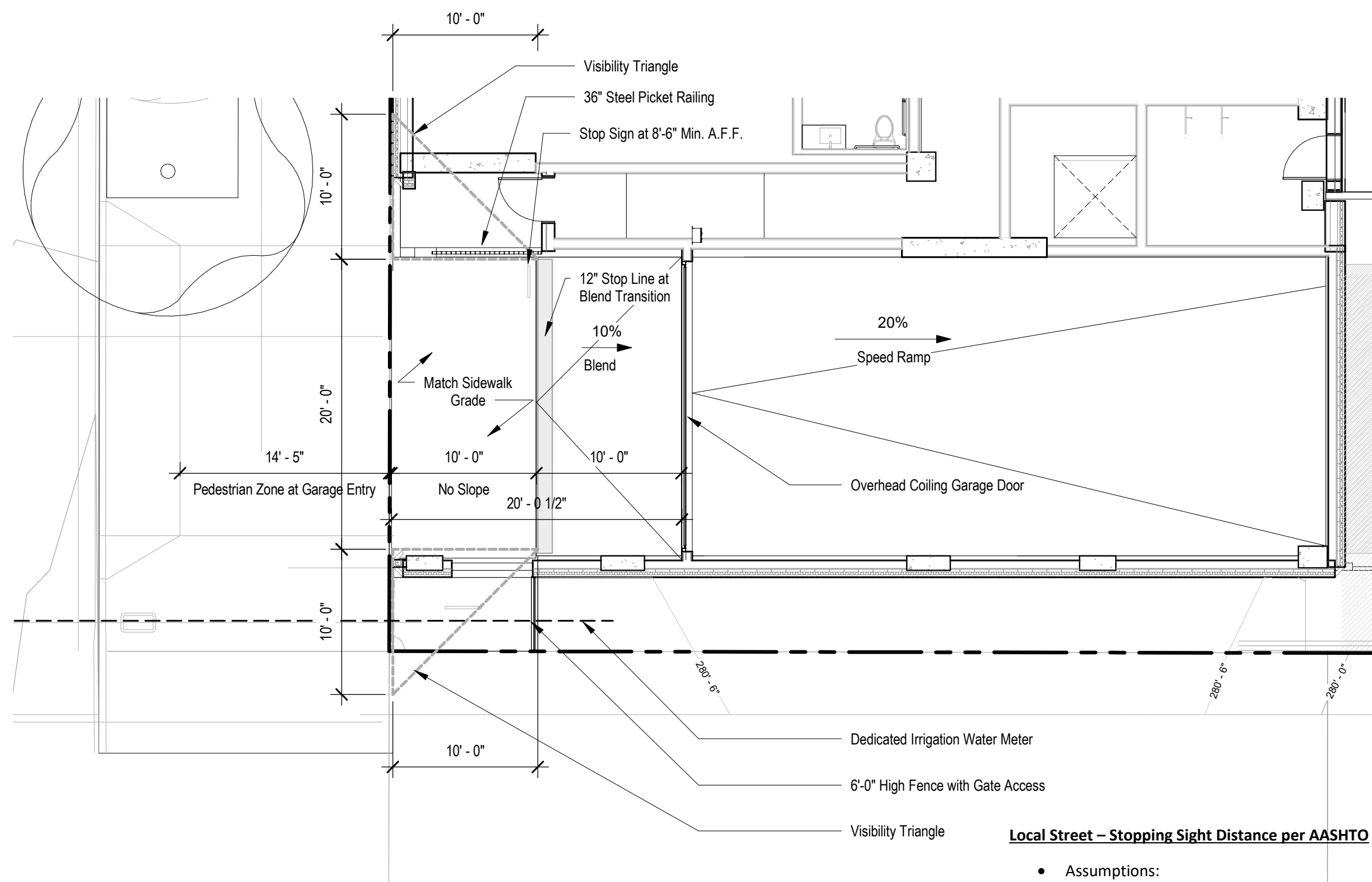
Mercedes Sprinter Panel Van
6.5 Feet Wide, 17.2 Feet Long, 8 Feet Tall

Relative to Waiver #1, SDMC Section 142.1010, Table 142-10B requires two off-street loading spaces for the project. The project proposes that the required off-street loading spaces be provided on-street within the public right-of-way on Spruce Street, due to the physical constraints of the site. Loading in the garage at the dimensions required by SDMC Section 142.1010(c) (minimum length: 35 feet; minimum width: 12 feet; minimum vertical clearance: 14 feet) cannot occur given the lot size, the building core size, and the space required for seismic considerations. The amount of area required for truck turning would mandate that columns and parking be eliminated on the loading level of the garage. Also, the height required to accommodate the trucks would require a significant increase (roughly eight to 10 feet) in the depth of excavation to avoid impacting the building entry plaza and views to Maple Canyon from Spruce Street. Moreover, the project includes two modified off-street loading spaces in the parking garage (see Waiver Request #2, below, for more details), for a site-wide total of four loading spaces. As such, the project would provide adequate and varied loading spaces and meet the intent of the regulation. This waiver results in a superior project design than what may be accomplished with strict compliance with the loading space location requirements.

Relative to Waiver #2, SDMC Section 142.1010(c) prescribes that each required off-street loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet including entrances and exits. The project includes two off-street loading spaces in the parking garage with the following dimensions: 18 feet long by 9 feet wide by 8 feet, 2 inches clear. The project site represents an in-fill development constrained by existing site parameters, surrounding development, and adjacent open spaces. In the place of two large off-street loading spaces, which are infeasible for the reasons presented above in Waiver Request #1, the project proposes two smaller off-street loading spaces (18'-0" long by 9'-0" wide by 8'-2" clear) within the parking garage and two on-street loading spaces (18'-0" long by 9'-0" wide by open to sky).

Off Street Loading Residential Only: The proposed off-street loading spaces will accommodate vehicles approximately up to the size of a Mercedes Sprinter Panel Van (approximate capacity: two-bedroom apartment), which allows for smaller- to medium-scale moves that are reasonably expected to occur with occupancy of the studio through two-bedroom units, a roommate situation within the larger units provided in the project, and local moves. Move-in and delivery times will be scheduled with management to occur during individually-scheduled times throughout the day. Management will coordinate/schedule residential move-ins into three- to four-hour periods depending on the unit size. Building management will also source a preferred list of vendors that provide services at a discount should the move-in require to be done expeditiously in consideration of the other scheduled moves for that day. Management will plan for commercial delivery during early morning times only. This waiver results in a superior project design than what may be accomplished with strict compliance with the loading space location dimension requirements.

On-Street Loading Commercial and Residential: For the proposed off-site (on-street) loading spaces, delivery vehicle sizing will be limited to no greater than 18 feet in length. This is both for move-in and commercial delivery. Vehicle widths will also be required to fit within the 9-foot width provided. These dimensions easily accommodate small and mid-range box trucks used in urban delivery conditions. Both loading scenarios will be workable with this size restriction. Management will plan for commercial delivery during early morning times only to minimize overlap with residential move-ins. Since two on-street stalls are proposed, more flexibility on scheduling will be provided as two different vendors or tenants, using the on-street loading area, may load at the same time.



ENLARGED PLAN AT GARAGE ENTRY

1/8" = 1' - 0"

Local Street – Stopping Sight Distance per AASHTO

• Assumptions:

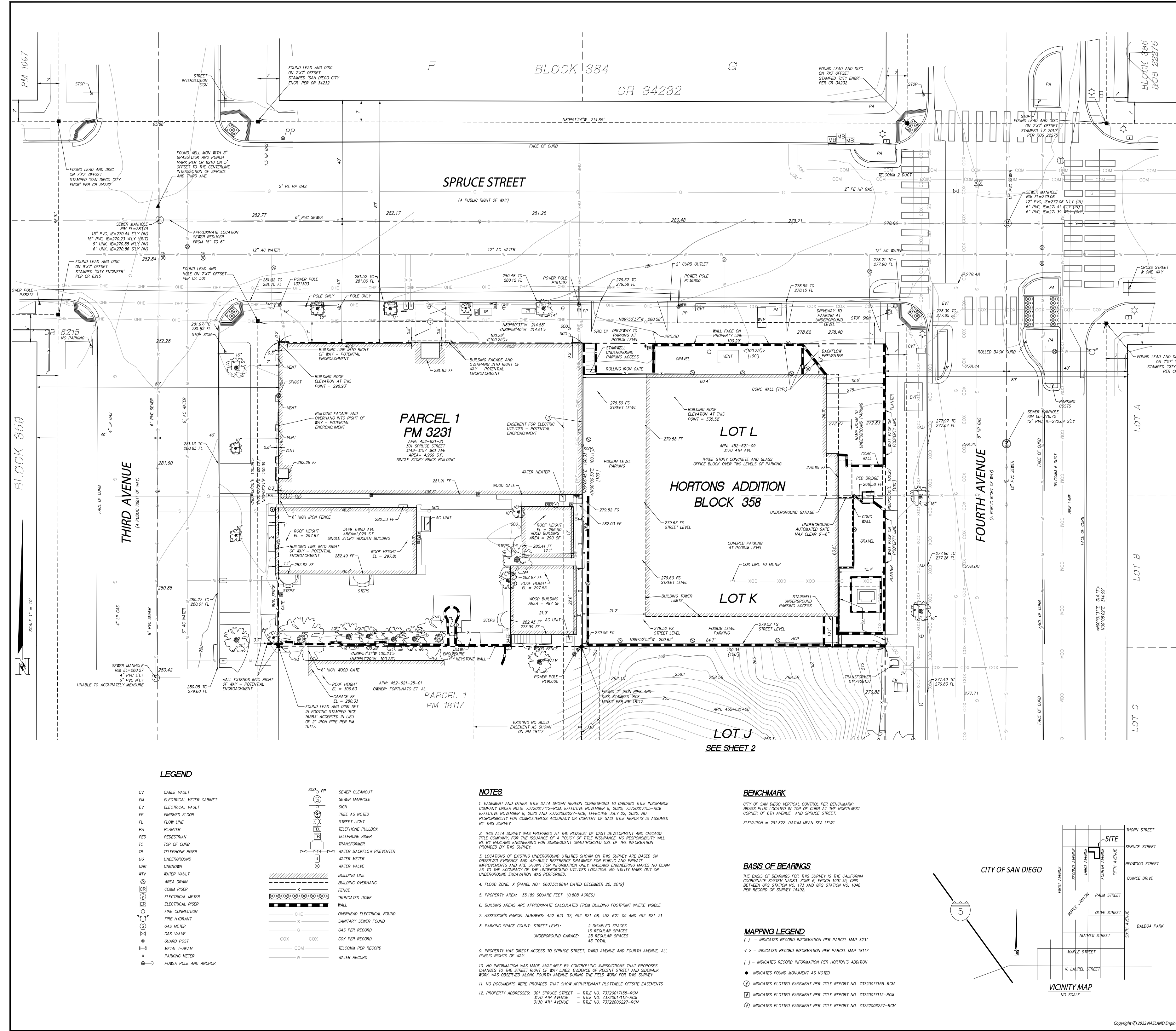
- o V(Prima Facia) = 25 MPH
- o t (Brake Reaction Time) = 2.5s (per standard)
- o a (Deceleration) = 11.2 ft/s² (per standard)
- o G (Northbound / Southbound Grade) = 0%

$$d = 1.47Vt + \frac{V^2}{30 \left(\frac{a}{32.2} \pm G \right)}$$

- d = 151.7708
- Use **155 feet**

GARAGE LOADING MANEUVERING DIAGRAMS





LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP 3231, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, CALIFORNIA, ACCORDING TO MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXCEPTIONS

- 1. EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THEREOF, AS GRANTED TO SAN DIEGO GAS & ELECTRIC COMPANY...
2. AGREEMENT RELATING TO THE INSTALLATION, MAINTENANCE AND POSSIBLE REMOVAL OF A FOURTH AVENUE...
3. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED 'AGREEMENT REGARDING FINANCIAL AND REPLACEMENT OF CURBING...
4. AGREEMENT RELATING TO THE INSTALLATION, MAINTENANCE AND POSSIBLE REMOVAL OF A FOURTH AVENUE...
5. AGREEMENT RELATING TO THE INSTALLATION, MAINTENANCE AND POSSIBLE REMOVAL OF A FOURTH AVENUE...
6. AGREEMENT RELATING TO THE INSTALLATION, MAINTENANCE AND POSSIBLE REMOVAL OF A FOURTH AVENUE...
7. AGREEMENT RELATING TO THE INSTALLATION, MAINTENANCE AND POSSIBLE REMOVAL OF A FOURTH AVENUE...
8. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED 'AGREEMENT BETWEEN THE CITY AND THE PRIVATE PROPERTY OWNER TO PROVIDE CONSTRUCTION OF A PRIVATE BACKFLOW PREVENTER...
9. AN UNRECORDED LEASE WITH CERTAIN TERMS, CONDITIONS AND PROVISIONS SET FORTH HEREIN AS SET FORTH BELOW.

LEGEND

- CV CABLE WALK
EM ELECTRICAL METER CABINET
EV ELECTRICAL VALVE
FF FINISHED FLOOR
FL FLOW LINE
PA PLASTER
PZ PEDESTAL
RZ REZERVATION
TC TOP OF CURB
TR TELEPHONE RISER
UG UNDERGROUND
UW UNKNOWN
WV WATER VAULT
WS WATER MAIN
DR DOWN RISER
ER ELECTRICAL RISER
FC FINE CONNECTION
FR FIRE RISER
GR GAS RISER
SR SANITARY RISER FOUND
GR GAS RISER
SR SANITARY RISER FOUND
GR GAS RISER
SR SANITARY RISER FOUND

NOTES

- 1. EASEMENT AND OTHER TITLE DATA SHOWN HEREON CORRESPOND TO CHICAGO TITLE INSURANCE COMPANY (CHICAGO) RECORD NO. 733007710-RHW, EFFECTIVE NOVEMBER 8, 2003, 733007715-RHW, EFFECTIVE NOVEMBER 8, 2003 AND 733002210-RHW, EFFECTIVE JULY 23, 2002. NO RESPONSIBILITY FOR COMPLETENESS ACCURACY OR CONTENT OF SAID TITLE REPORTS IS ASSUMED BY THE SURVEYOR.
2. THIS ALTA SURVEY WAS PREPARED AT THE REQUEST OF CAST DEVELOPMENT AND CHICAGO TITLE COMPANY FOR THE PURPOSE OF A PORTION OF THE TITLE REVISION. NO RESPONSIBILITY WILL BE ASSUMED FOR SUBSEQUENT UNAUTHORIZED USE OF THE INFORMATION PROVIDED BY THIS SURVEY.
3. LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS SURVEY ARE BASED ON UNDERGROUND UTILITY AND AS-BUILT REFERENCE DRAWINGS FOR PUBLIC AND PRIVATE UNDERGROUND UTILITIES AND ARE SHOWN FOR INFORMATION ONLY. LANDSCAPE ENGINEERS MAY NOT CLAIM AS TO THE ACCURACY OF THE UNDERGROUND UTILITIES LOCATION AND DEPTH MARKED OUT ON UNDERGROUND EXPLORATION WAS PERFORMED.
4. PROPERTY AREA: 35,845 SQUARE FEET (8189 SQ FEET)
5. BUILDING AREAS ARE APPROXIMATE CALCULATED FROM BUILDING FOOTPRINT WHEN AVAILABLE.
6. ASSESSOR'S PARCEL NUMBER: 452-421-02, 452-421-08, 452-421-09 AND 452-421-21
7. PARKING SPACE COUNT: STREET LEVEL: 2 DISABLED SPACES, 15 REGULAR SPACES, 25 TOTAL. UNDERGROUND GARAGE: 25 TOTAL.
8. PROPERTY HAS DIRECT ACCESS TO SPRUCE STREET, THIRD AVENUE AND FOURTH AVENUE. ALL PUBLIC RIGHTS OF WAY.
9. NO INFORMATION WAS MADE AVAILABLE BY CONTROLLING JURISDICTIONS THAT PROPOSED CHANGES TO THE STREET RIGHT-OF-WAY LINES, EXCEPT FOR REVISIONS TO STREET AND SIDEWALK MARKING SHOWN OVERLAPPING WITH THIS SURVEY. THE FIELD BOOK FOR THIS SURVEY IS FILED IN THE OFFICE OF THE SURVEYOR.
10. DOCUMENTS WERE PROVIDED THAT SHOW APPOINTMENT PLOTTABLE OFFSITE EASEMENTS.
11. PROPERTY ADDRESSES: 301 SPRUCE STREET - TITLE NO. 733007715-RHW, 301B 4TH AVENUE - TITLE NO. 733007715-RHW, 301A 4TH AVENUE - TITLE NO. 733002217-RHW.

BENCHMARK

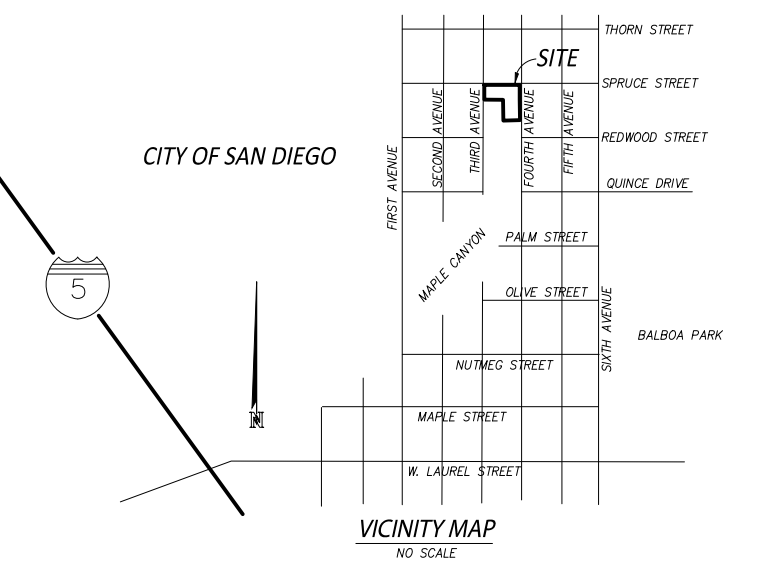
CITY OF SAN DIEGO OFFICIAL CONTROL PER BENCHMARK BRASS PILE LOCATED IN TOP OF CURB AT THE NORTHWEST CORNER OF 4TH AVENUE AND SPRUCE STREET. ELEVATION = 299.82' DATUM MEAN SEA LEVEL.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM ZONE 10N, EPOCH 1983.0, UTM. BEARING GPS STATION NO. 1049 PER RECORD OF SURVEY #1480.

MAPPING LEGEND

- (-)- INDICATES RECORD INFORMATION PER PARCEL MAP 3231
(-)- INDICATES RECORD INFORMATION PER HORTON'S ADDITION
(-)- INDICATES FOUND MONUMENT AS NOTED
(-)- INDICATES PLOTTED EASEMENT PER TITLE REPORT NO. 733007715-RHW
(-)- INDICATES PLOTTED EASEMENT PER TITLE REPORT NO. 733007717-RHW
(-)- INDICATES PLOTTED EASEMENT PER TITLE REPORT NO. 733002217-RHW

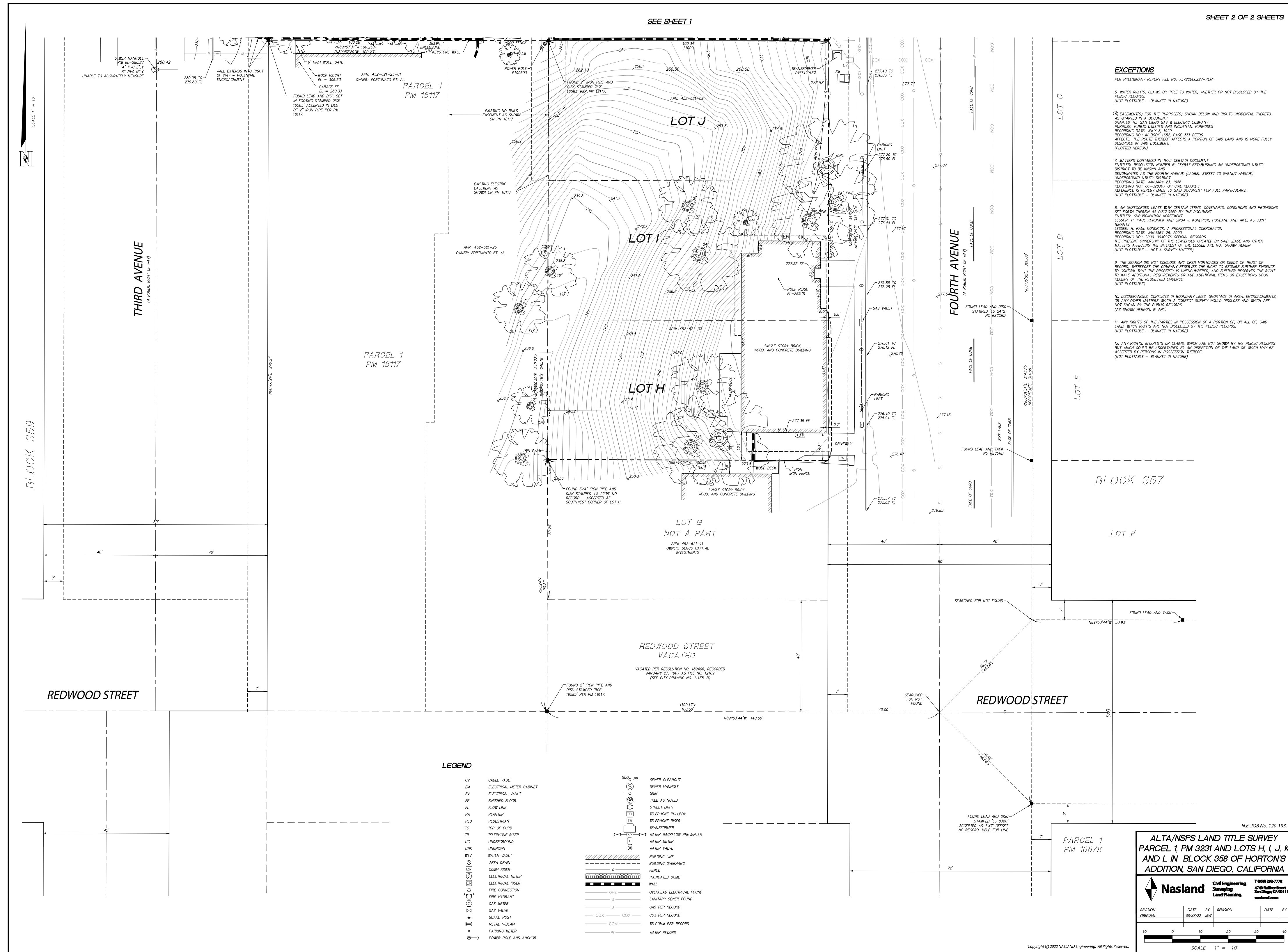


SURVEYOR'S STATEMENT

TO: CAST DEVELOPMENT AND CHICAGO TITLE INSURANCE COMPANY
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2001 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDE THEREIN 2, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15 AND 16, AND THAT THE FIELD WORK WAS COMPLETED ON AUGUST 12, 2022.

NE, JOB NO. 120-192.1
ALTA/NSPS LAND TITLE SURVEY
PARCEL 1, PM 3231 AND LOTS H, J, K AND L IN BLOCK 358 OF HORTON'S ADDITION, SAN DIEGO, CALIFORNIA

Table with columns: REVISION, DATE BY, REVISION, DATE BY. Includes a scale bar and the text 'SCALE: 1" = 10''.



EXCEPTIONS
 SEE PRELIMINARY REPORT FILE NO. 7122006227-BDM.

1. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS.
 (NOT PLOTTABLE - BLANKET IN NATURE)

2. EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THEREOF, AS GRANTED BY A DOCUMENT:
 GRANTED TO SAN DIEGO GAS & ELECTRIC COMPANY:
 PURPOSE: PUBLIC UTILITIES AND RESIDENTIAL PURPOSES.
 RECORDING DATE: JULY 3, 1929.
 ATTENTION: IN ORDER TO BE MADE BY DEEDS.
 TITLE: THE ABOVE MENTIONED EASEMENTS A PORTION OF SAID LAND AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.
 (PLOTTED HEREIN)

3. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NUMBER #24847 ESTABLISHING AN UNDERGROUND UTILITY STREET TO BE KNOWN AND DENOMINATED AS THE FOURTH AVENUE (LAUREL STREET TO WALNUT AVENUE) UNDERGROUND SOUTH DISTRICT.
 RECORDING DATE: JANUARY 21, 1988.
 RECORDING NO.: AN-SURVEY OFFICIAL RECORDS.
 REFERENCE TO EASEMENTS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.
 (NOT PLOTTABLE - BLANKET IN NATURE)

4. AN UNRECORDED LEASE WITH CERTAIN TERMS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT ENTITLED: SUBROGATION AGREEMENT.
 LESSOR: H. PAUL KONROCK AND LUCIA J. KONROCK, HUSBAND AND WIFE, AS JOINT TENANTS.
 LESSEE: H. PAUL KONROCK, A PROFESSIONAL CORPORATION.
 RECORDING DATE: JANUARY 26, 2000.
 RECORDING NO.: 2000-004939 OFFICIAL RECORDS.
 THE PRESENT EASEMENT OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.
 (NOT PLOTTABLE - NOT A SURVEY MATTER)

5. THE SEARCH DID NOT DISCLOSE ANY OPEN MORTGAGES OR DEEDS OF TRUST OF RECORD, HERETOFORE THE COMPANY RECEIVES THE RIGHT TO REQUIRE FURTHER EVIDENCE TO CORROBORATE THE PROPERTY IS UNENCUMBERED, AND FURTHER RECEIVES THE RIGHT TO REQUIRE FURTHER EVIDENCE TO ADD ADDITIONAL TERMS OR EXCEPTIONS UPON RECEIPT OF THE REQUESTED EVIDENCE.
 (NOT PLOTTABLE)

6. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SURFACE, IN AREA, ENCUMBRANCES, OR OF ANY OTHER MATTERS WHICH A CORRECT SURVEY WOULD DISCLOSE AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
 (AS SHOWN HEREIN, IF ANY)

7. ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS.
 (NOT PLOTTABLE - BLANKET IN NATURE)

8. ANY RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR WHICH MAY BE ASSERTED BY PERSONS IN POSSESSION THEREOF.
 (NOT PLOTTABLE - BLANKET IN NATURE)

LEGEND

CV	CABLE VAULT	SW	SEWER CLEANOUT
EM	ELECTRICAL METER CABINET	SM	SEWER MANHOLE
EV	ELECTRICAL VAULT	SN	SNOW
FF	FINISHED FLOOR	SMI	SMELT AS NOTED
FL	FLUO LINE	SC	STREET LIGHT
PA	PLANTER	TP	TELEPHONE PULLBOX
FD	FENCE/DRIVE	TR	TELEPHONE RISER
TC	TOP OF CURB	TRN	TRANSFORMER
TR	TELEPHONE RISER	W	WATER BACULUM PRESENTER
UC	UNDERGROUND CONDUIT	W	WATER METER
WV	WATER VAULT	WV	WATER VALVE
AD	AREA DRAIN	BL	BUILDING LINE
OR	ORANGE RISER	BO	BUILDING OVERHANG
EM	ELECTRICAL METER	FC	FENCE
ER	ELECTRICAL RISER	TRD	TRUNCATED DOME
FC	FIRE CONNECTION	OE	OVERHEAD ELECTRICAL FOUND
FM	FIRE METER	SS	SANITARY SEWER FOUND
GM	GAS METER	SR	SEWER RECORD
GV	GAS VALVE	GR	GAS PER RECORD
GP	GUARD POST	TR	TELECOM PER RECORD
MB	METAL M-BEAM	WR	WATER RECORD
PM	PARKING METER		
PP	POWER POLE AND ARCH/DR		

ALTA/NSPS LAND TITLE SURVEY
 PARCEL 1, PM 18117 AND LOTS H, I, J, K
 AND L IN BLOCK 358 OF HORTONS
 ADDITION, SAN DIEGO, CALIFORNIA

Nasland Civil Engineering
 Surveying
 Land Planning

1000-7770
 3800 La Jolla Village Drive
 San Diego, CA 92161
 nasland.com

REVISION	DATE	BY	REVISION	DATE	BY
GENERAL	08/22/22	AW			

SCALE 1" = 10'

PHOTOGRAPHIC SURVEY

Views Toward Site

- 1. Looking northwest
- 2. Looking southwest
- 3. Looking southeast
- 4. Looking northeast
- 5. Looking north
- 6. Looking northwest
- 7. Looking southwest

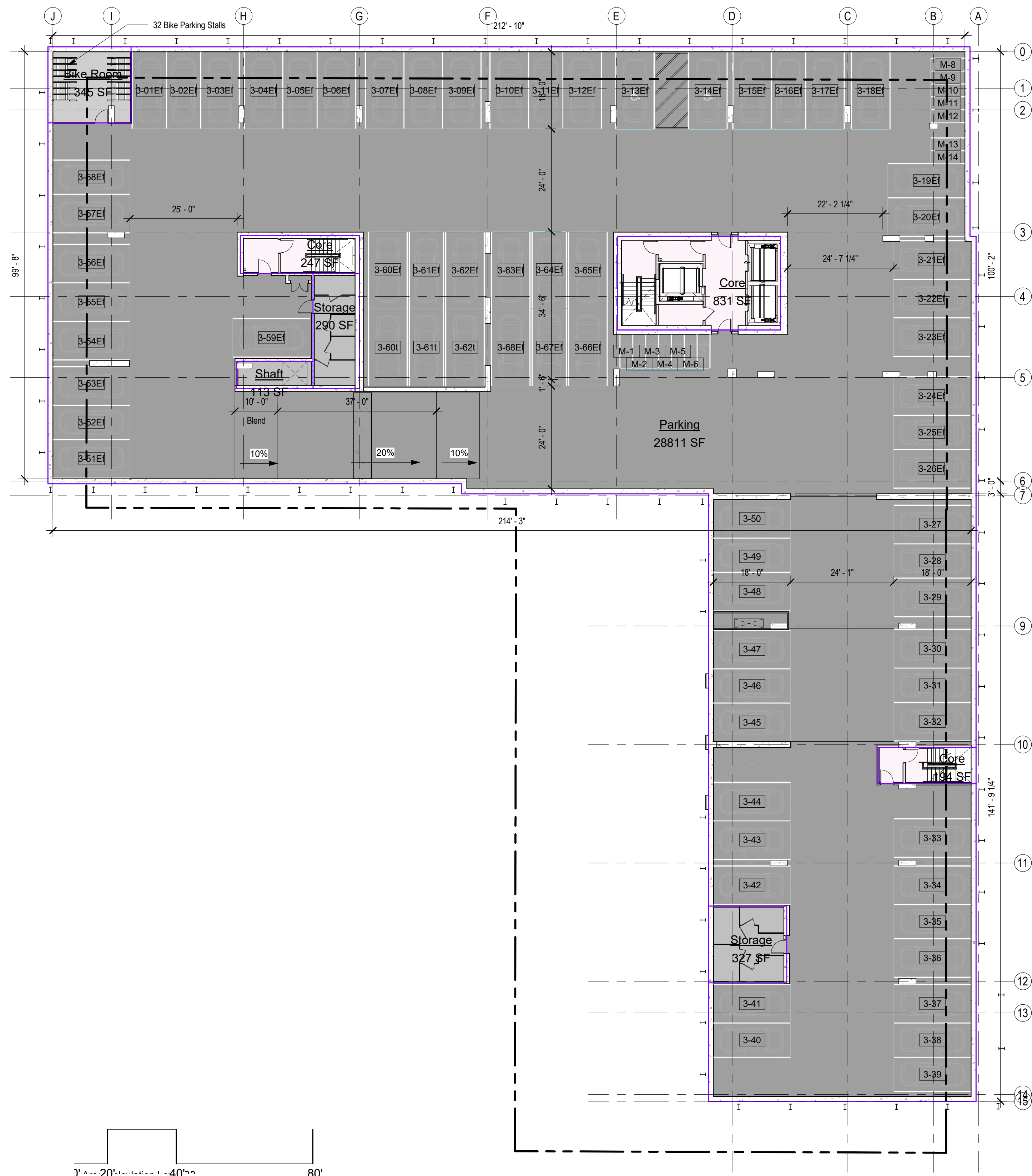
Canyon Views

- 8. Looking north
- 9. Looking west from the site
- 10. Looking southeast from the site
- 11. Looking northeast
- 12. Looking southwest from the site

Context Views

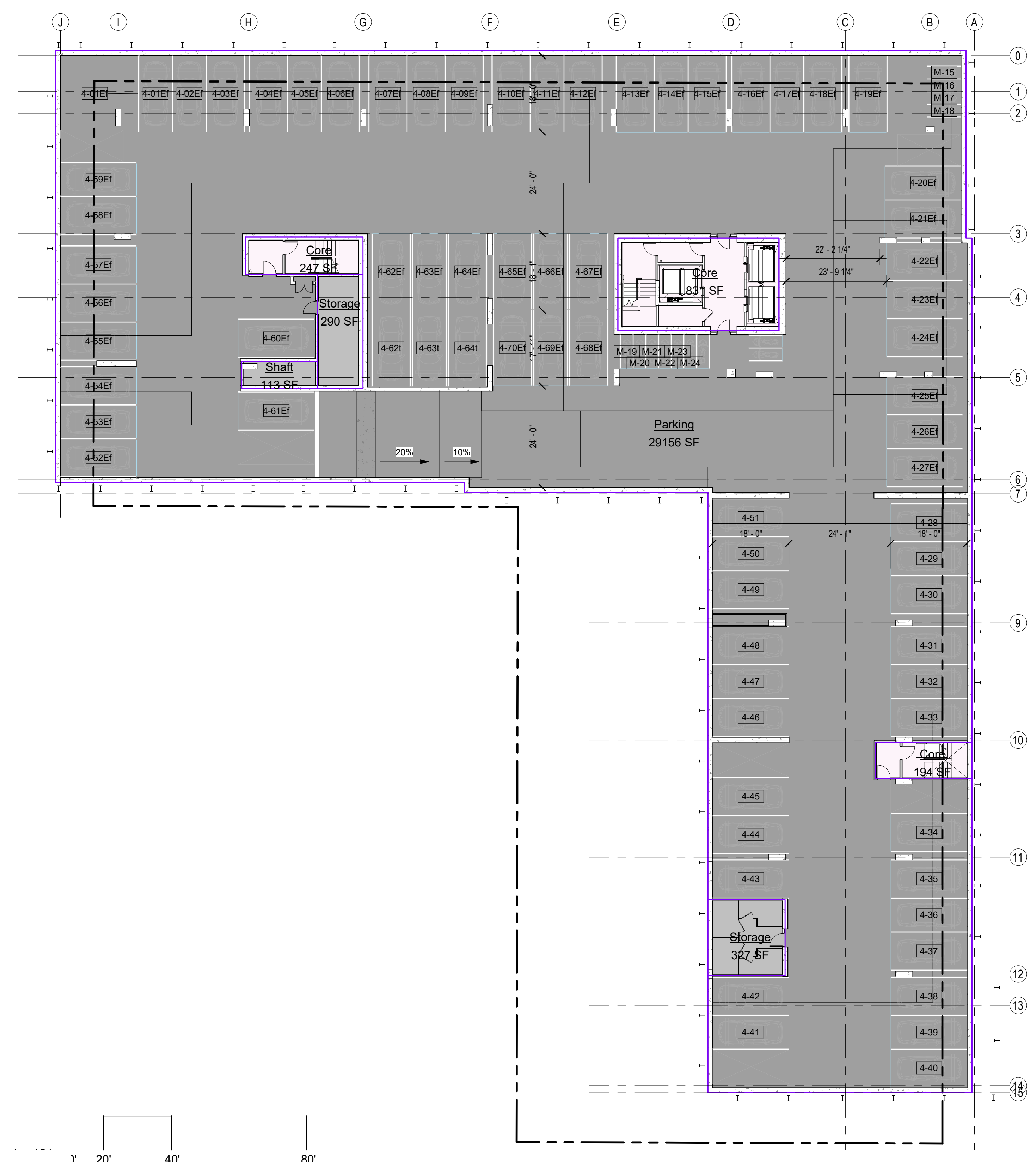
- 13. Looking west from the site
- 14. Looking north from the site
- 15. Looking northeast from the site
- 16. Looking southeast from the site
- 17. Looking northwest
- 18. Looking east from the site
- 19. Looking west from the site
- 20. Looking northeast
- 21. Looking south
- 22. Looking east





PARKING PLAN - LEVEL B3

1/16" = 1' - 0"



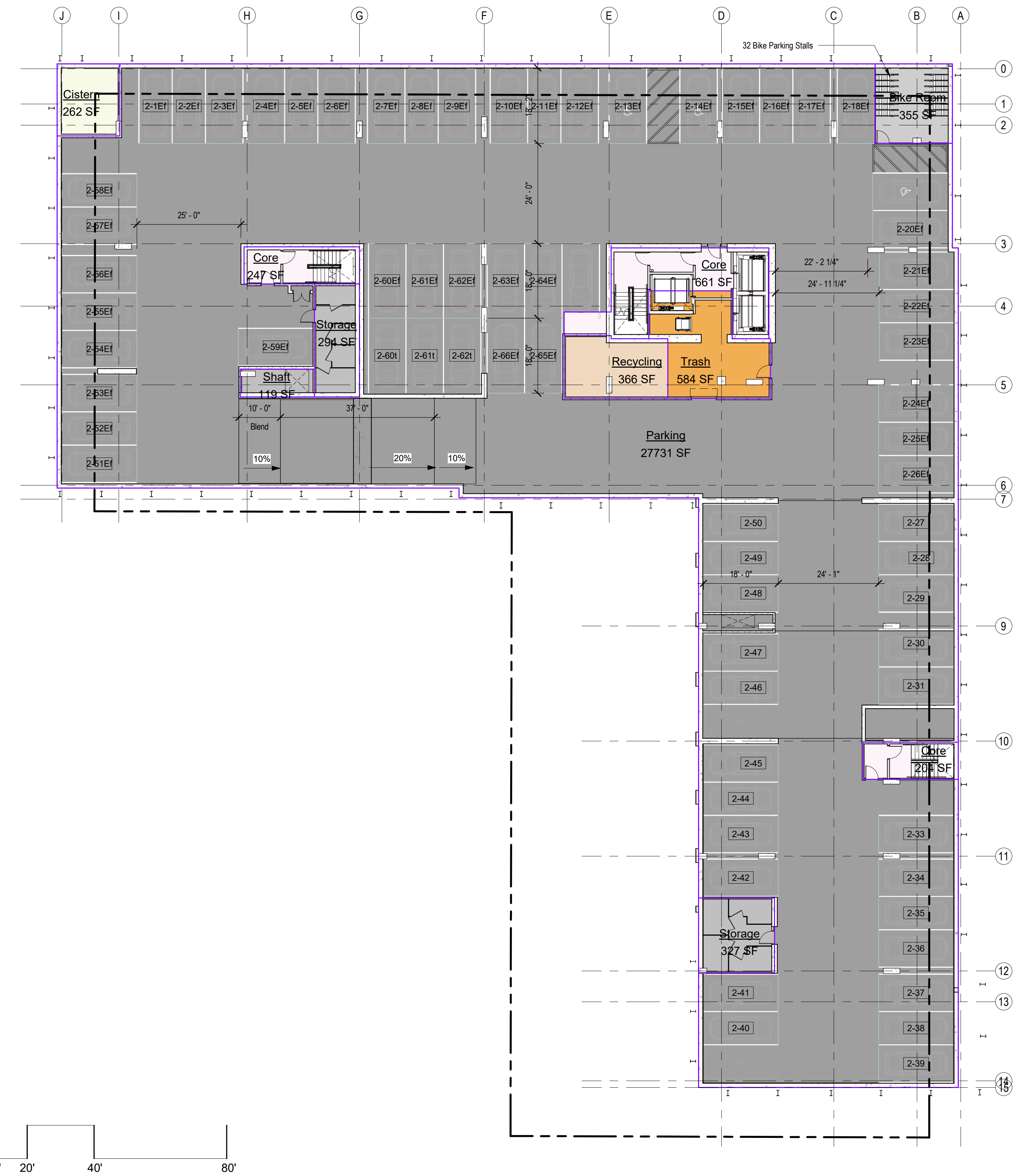
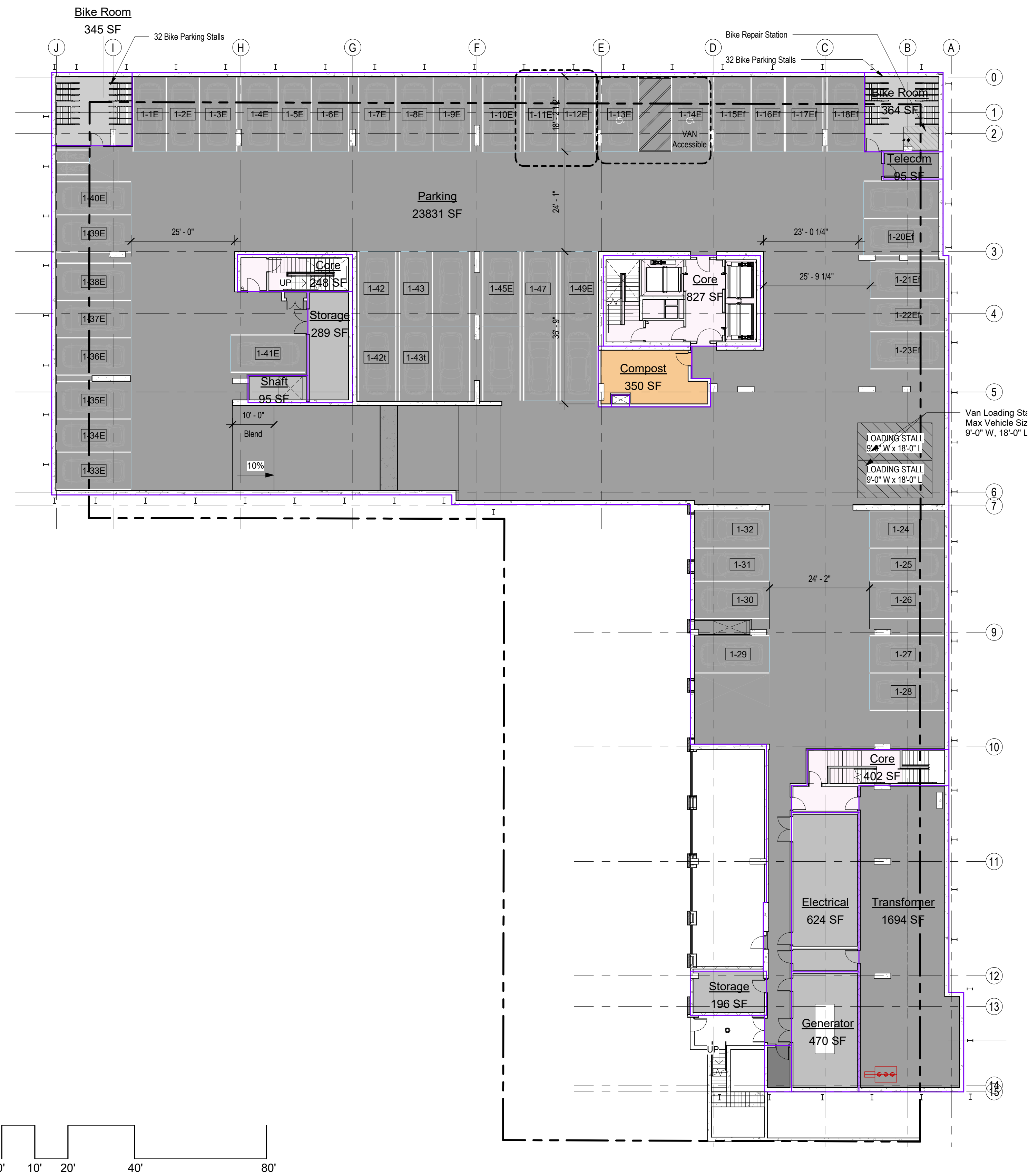
PARKING PLAN - LEVEL B4

1/16" = 1' - 0"

Area Plan Legend

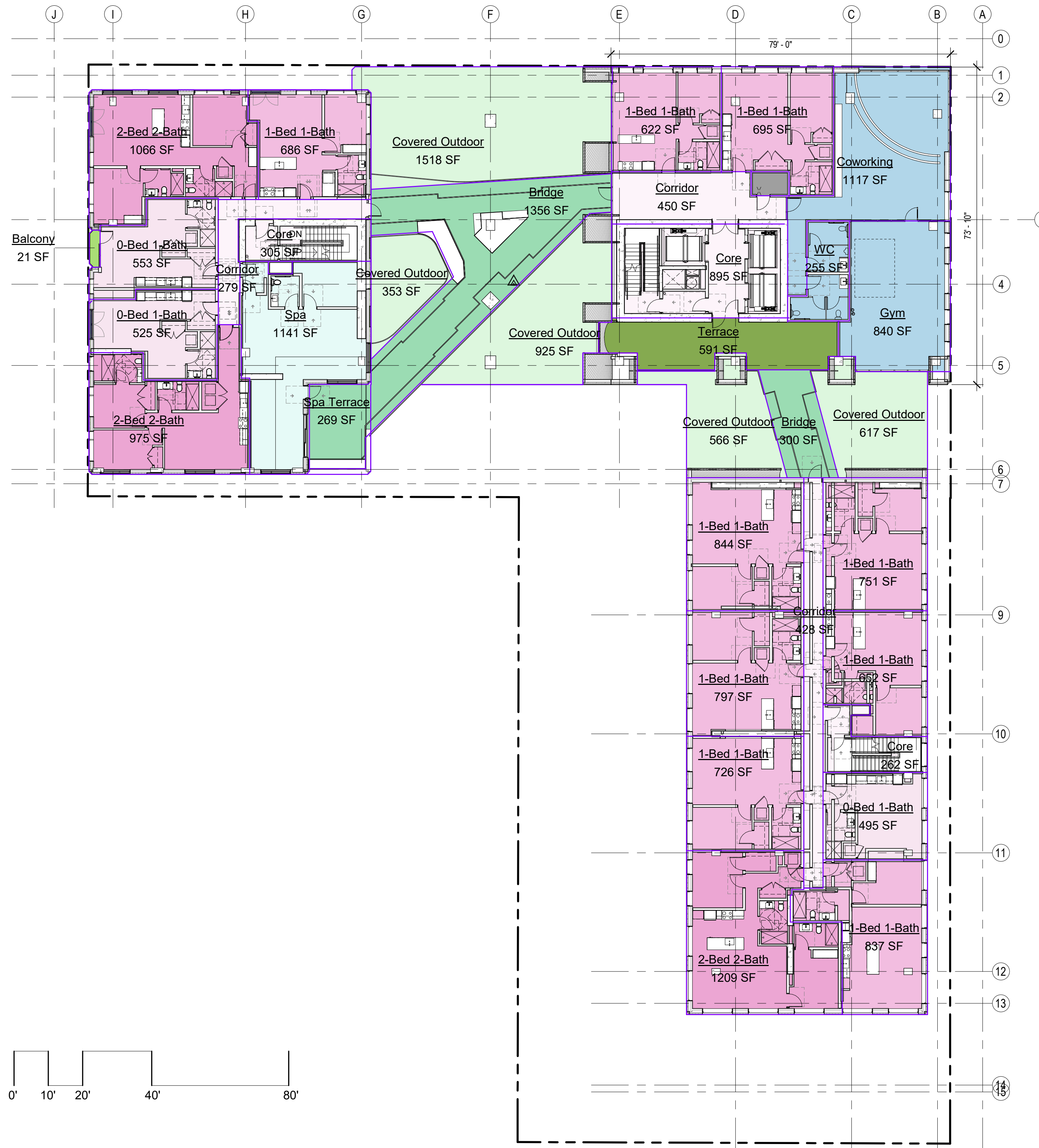
- | | | | | | | | | | | |
|---|---|---|---|---|---|--|--|--|--|--|
| 3 Bed | 3 Bed | 2 Bed | 2 Bed | 1 Bed + | 1 Bed | Studio | Common | Commercial | Covered Outdoor Space < 60'-0" | Building Service/Parking |
| 3 Bed | 3 Bed | 2 Bed | 2 Bed | 1 Bed + | 1 Bed | Studio | Common | Residential | Private Outdoor Space < 60'-0" | Bike Parking |
| 3 Bed | 3 Bed | 2 Bed | 2 Bed | 1 Bed + | 1 Bed | Studio | Common | Indoor Amenity | Private Outdoor Space > 60'-0" | Common Outdoor Space |
| 3 Bed | 3 Bed | 2 Bed | 2 Bed | 1 Bed + | 1 Bed | Studio | Common | Commercial | Common Outdoor Space | Waste Management |



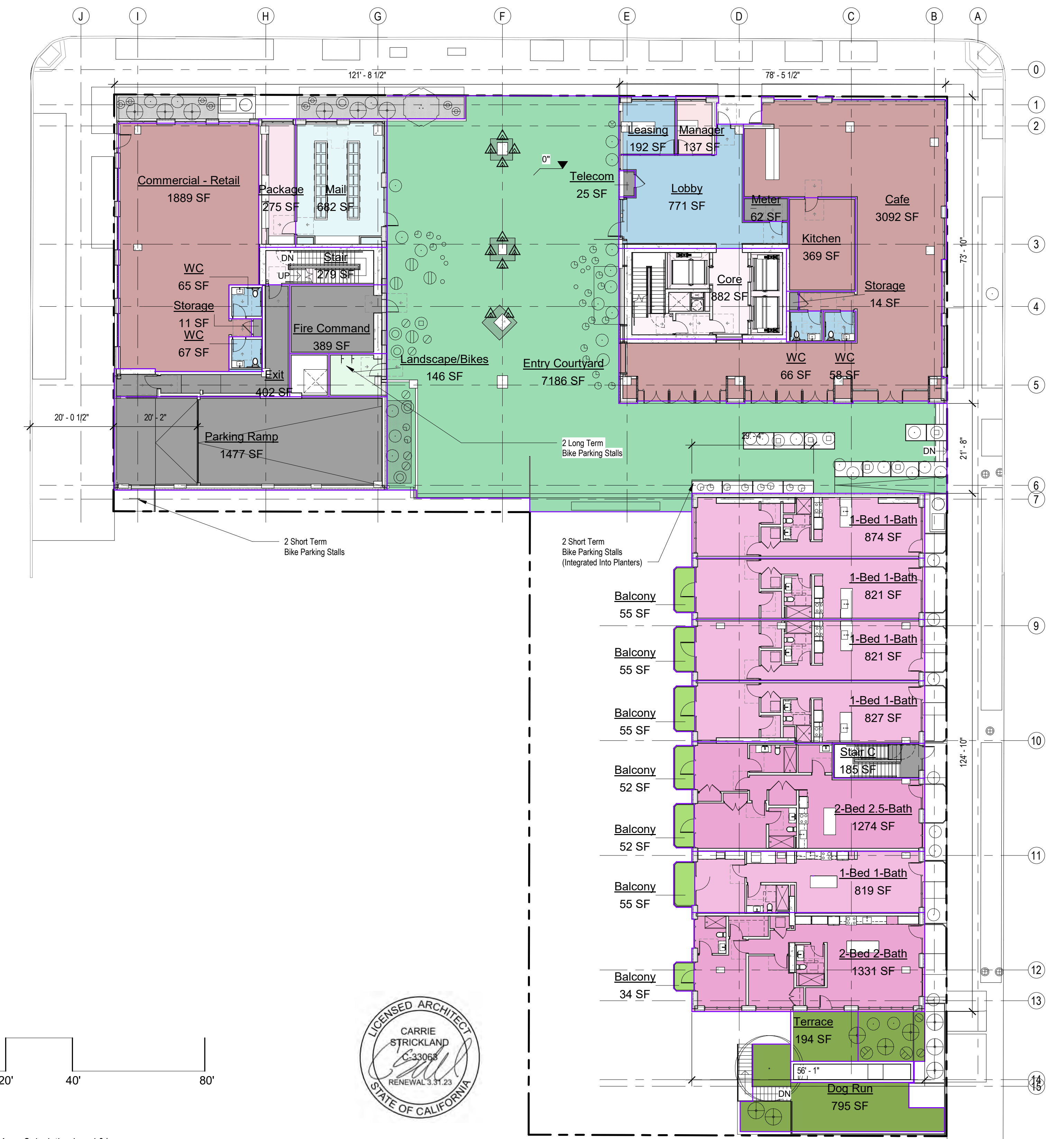


Area Plan Legend

- | | | | | | | | | | | | | | | |
|-------|-------|-------|-------|---------|-------|--------|--------|----------------|--------------------------------|--------------------------------|--------------------------------|----------------------|--------------------------|--------------|
| 3 Bed | 3 Bed | 2 Bed | 2 Bed | 1 Bed + | 1 Bed | Studio | Common | Commercial | Covered Outdoor Space < 60'-0" | Private Outdoor Space < 60'-0" | Private Outdoor Space > 60'-0" | Common Outdoor Space | Building Service/Parking | Bike Parking |
| | | | | | | | | Residential | | | | | | |
| | | | | | | | | Indoor Amenity | | | | | | |
| | | | | | | | | | | | | | | |



FLOOR PLAN - LEVEL 2
1/16" = 1' - 0"



FLOOR PLAN - LEVEL 1
1/16" = 1' - 0"

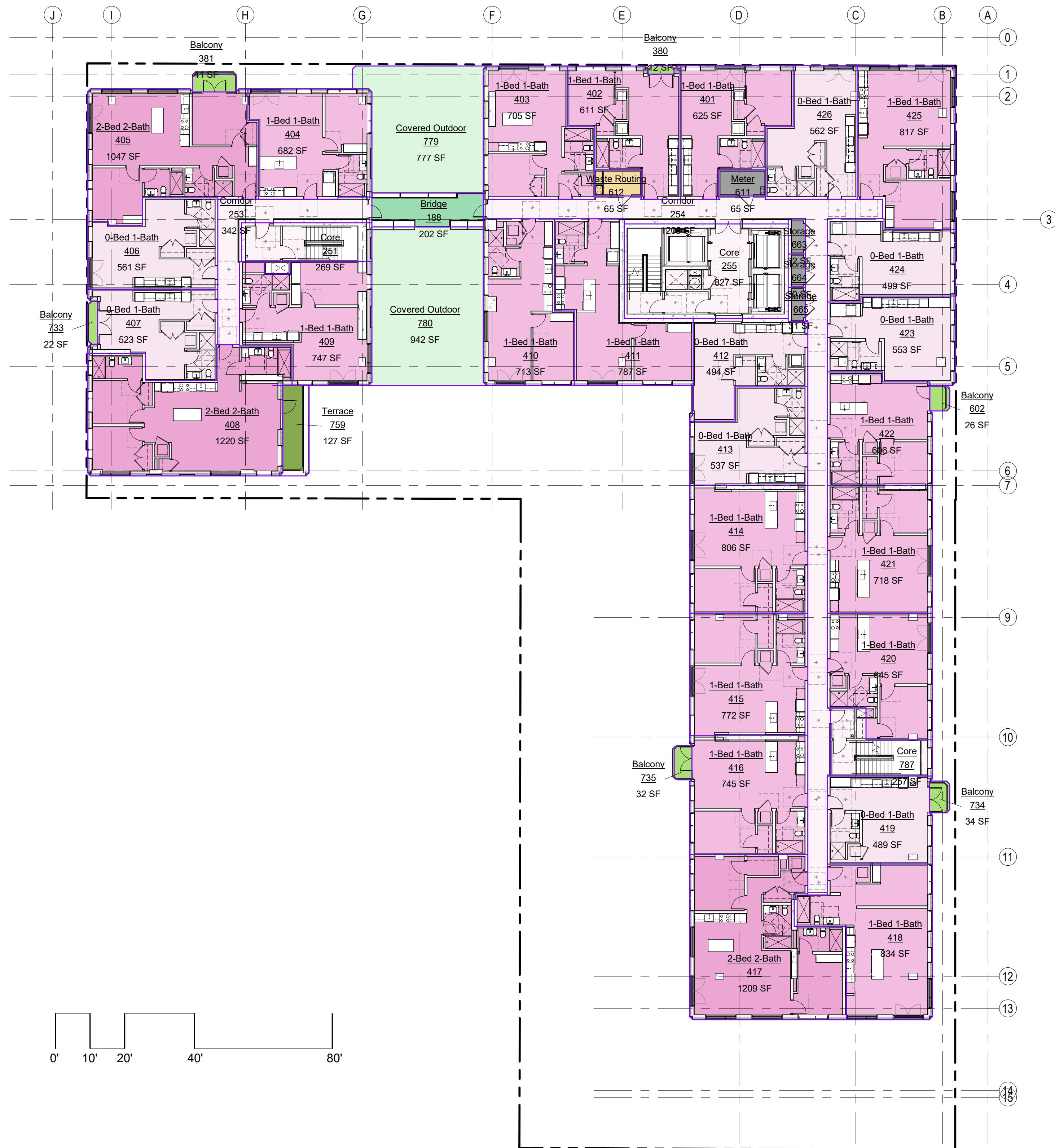
Area Plan Legend

3 Bed	3 Bed	2 Bed	2 Bed	1 Bed +	1 Bed	Studio	Common	Commercial
								Residential
								Indoor Amenity

Covered Outdoor Space < 60'-0"	Private Outdoor Space < 60'-0"	Private Outdoor Space > 60'-0"	Common Outdoor Space

Building Service/Parking	Bike Parking	Waste Management
		Refuse
		Organic
		Recycle
		Re/Org



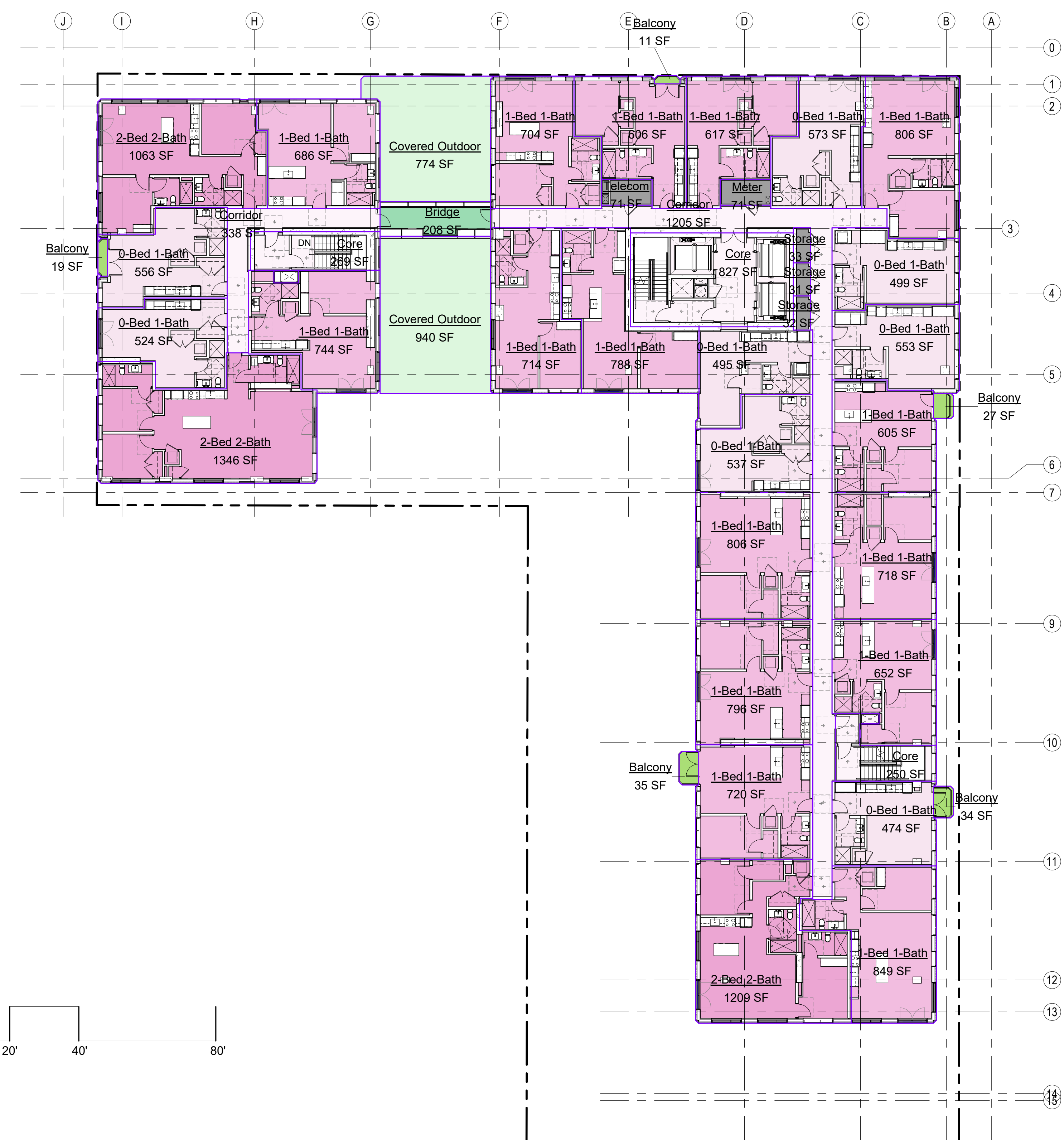


FLOOR PLAN - LEVEL 4

1/16" = 1' - 0"

Area Plan Legend

 Commercial	 Covered Outdoor Space < 60'-0"
 Residential	 Private Outdoor Space < 60'-0"
 3 Bed	 Private Outdoor Space > 60'-0"
 3 Bed	 Common Outdoor Space
 2 Bed	 Indoor Amenity
 2 Bed	 Common
 1 Bed +	
 1 Bed	
 Studio	

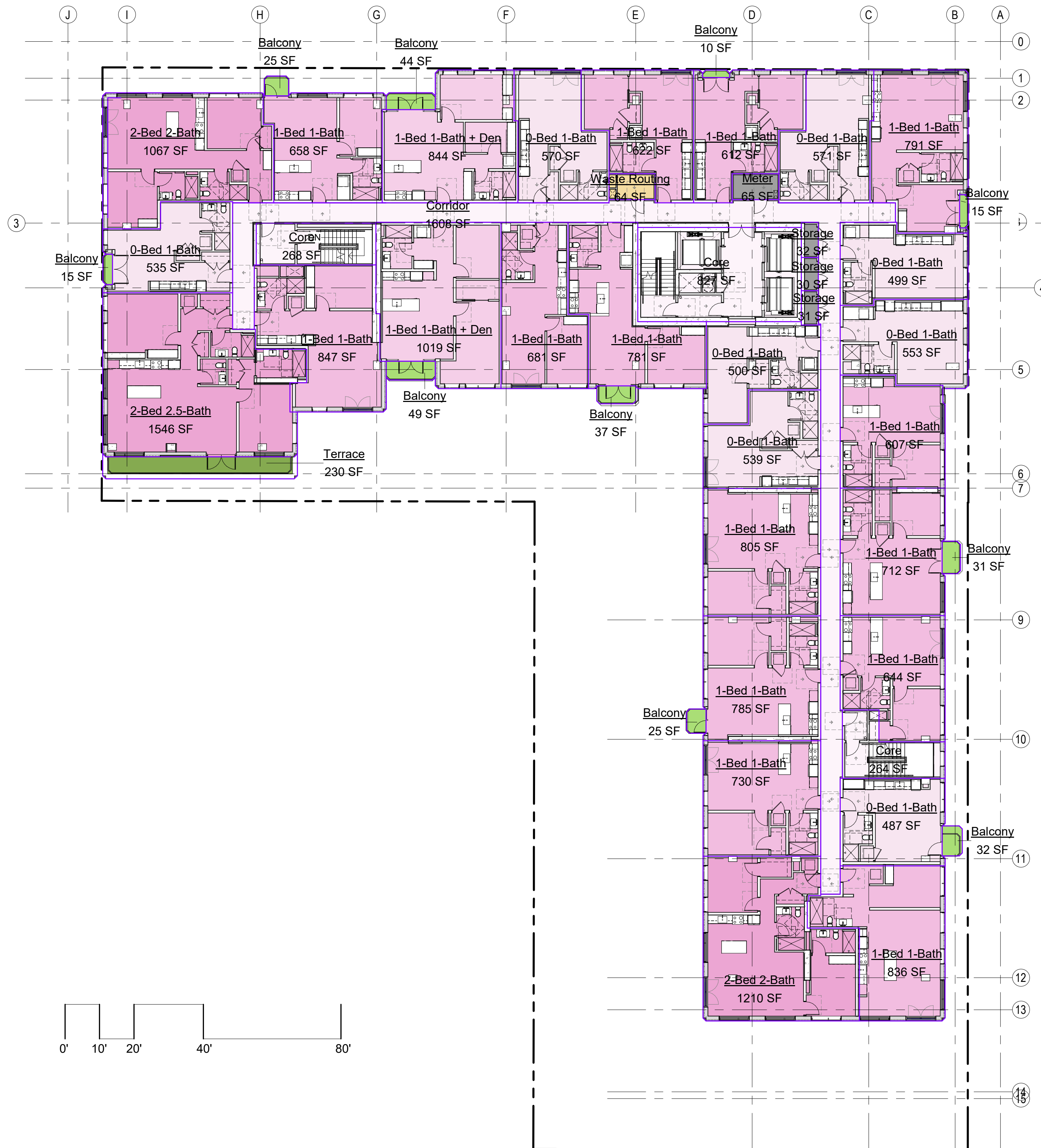


FLOOR PLAN - LEVEL 3

1/16" = 1' - 0"

 Building Service/Parking
 Bike Parking
 Refuse
 Organic
 Recycle
 Re/Org
 Waste Management





FLOOR PLAN - LEVEL 6

1/16" = 1' - 0"

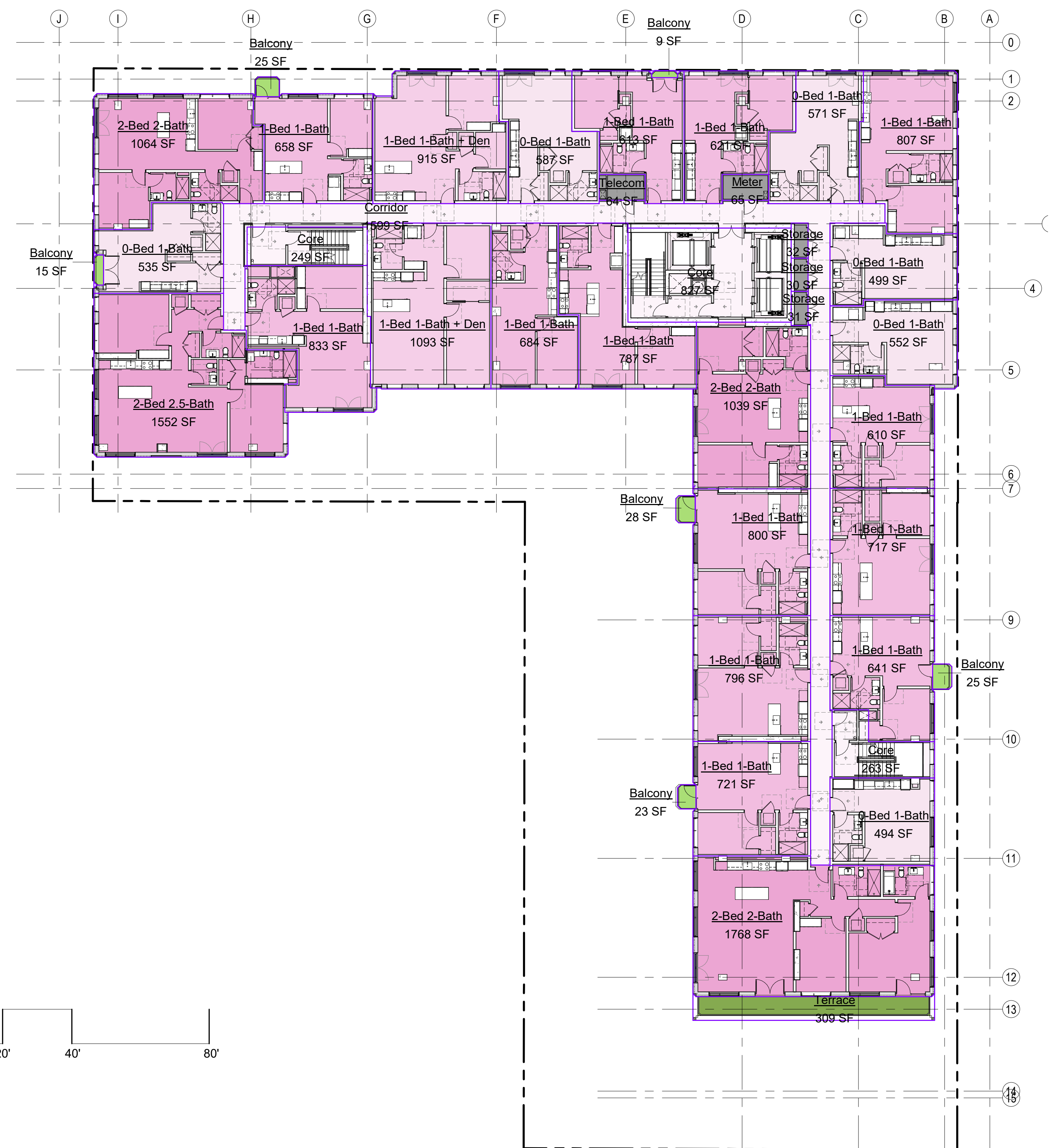
FLOOR PLAN - LEVEL 5

1/16" = 1' - 0"

Area Plan Legend

- | | | |
|---|---|---|
| Commercial | Covered Outdoor Space < 60'-0" | Building Service/Parking |
| 3 Bed | Private Outdoor Space < 60'-0" | Bike Parking |
| 2 Bed | Private Outdoor Space > 60'-0" | Waste Management |
| 1 Bed + | Common Outdoor Space | |
| 1 Bed | | |
| Studio | | |
| Common | | |





FLOOR PLAN - LEVEL 8

1/16" = 1' - 0"

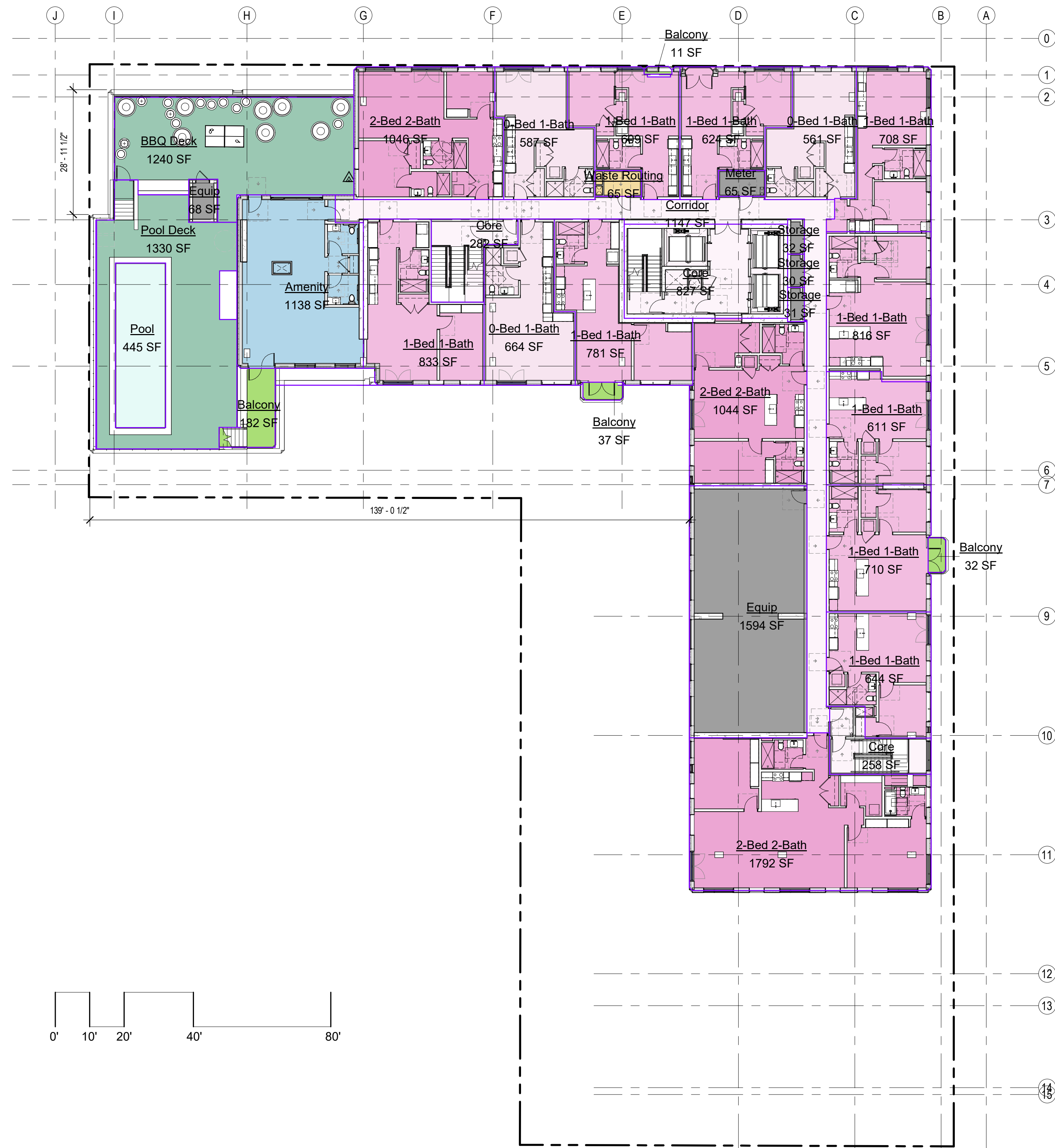
FLOOR PLAN - LEVEL 7

1/16" = 1' - 0"

Area Plan Legend

- | | | |
|---|---|---|
| Commercial | Covered Outdoor Space < 60'-0" | Building Service/Parking |
| 3 Bed | Private Outdoor Space < 60'-0" | Bike Parking |
| 2 Bed | Private Outdoor Space > 60'-0" | Waste Management |
| 1 Bed + | Common Outdoor Space | |
| 1 Bed | | |
| Studio | | |
| Common | | |
| Indoor Amenity | | |



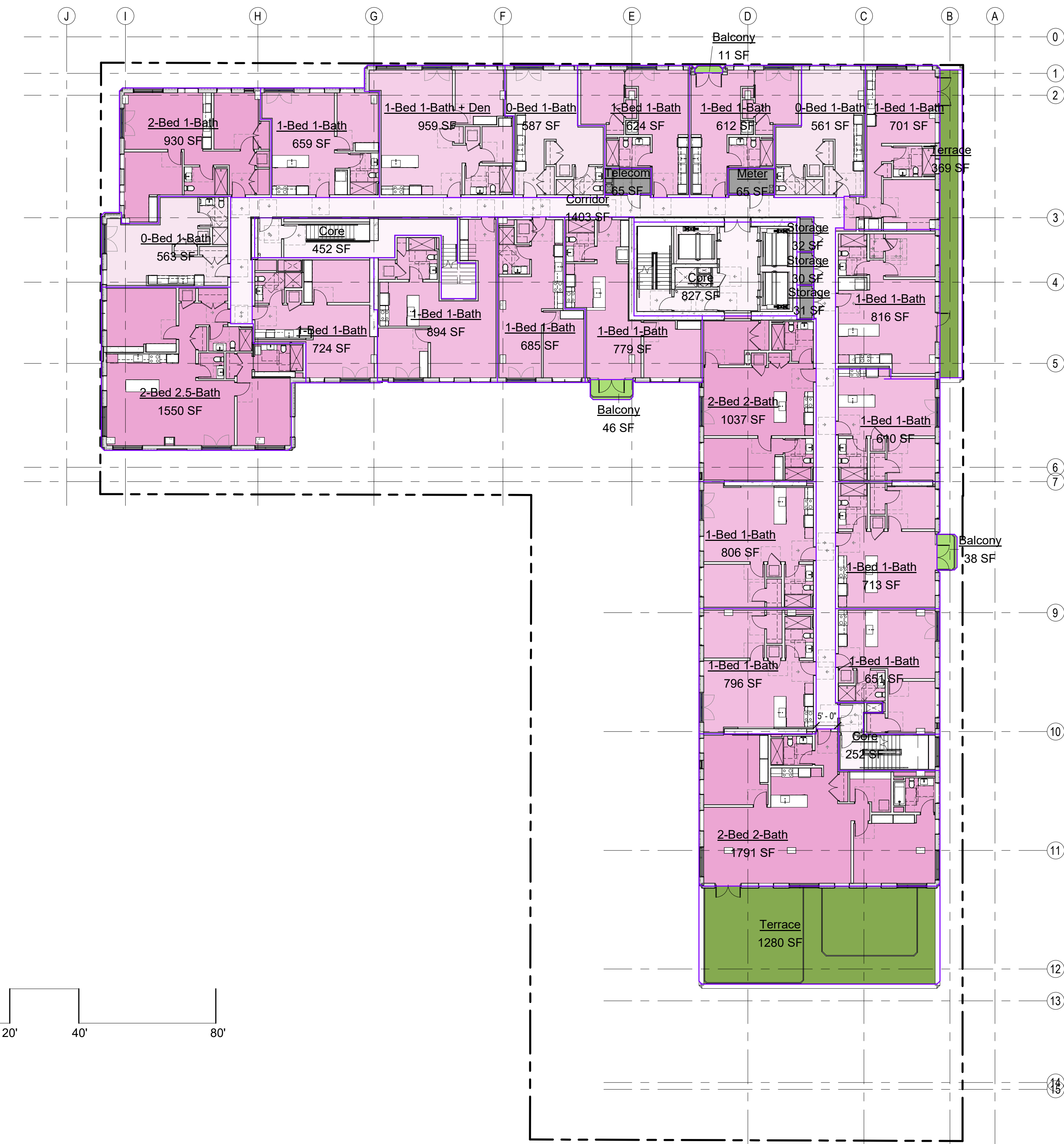


FLOOR PLAN - LEVEL 10

1/16" = 1' - 0"

Area Plan Legend

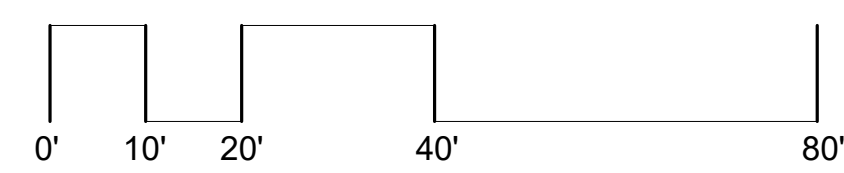
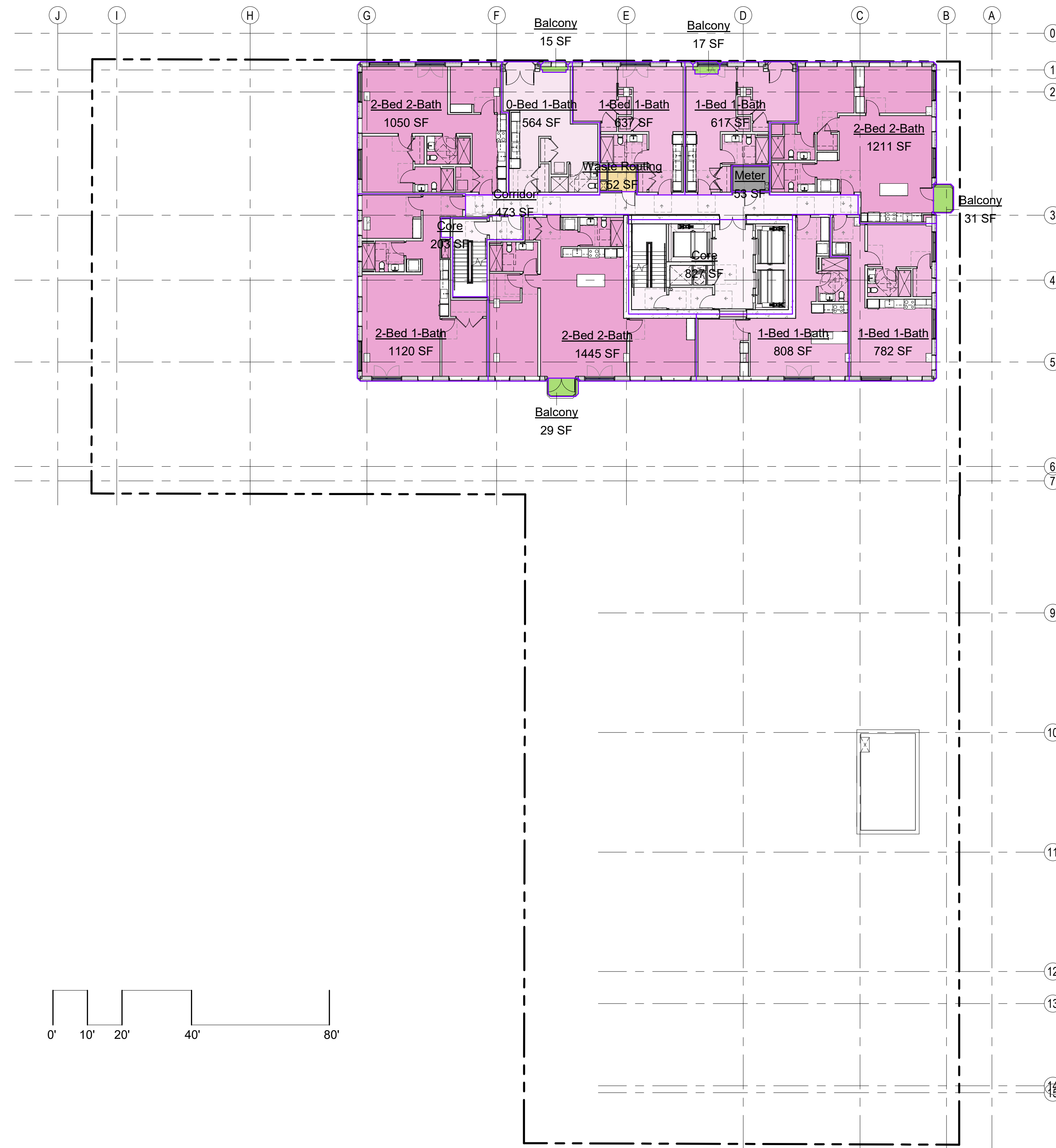
 Commercial	 Covered Outdoor Space < 60'-0"
 3 Bed	 Private Outdoor Space < 60'-0"
 2 Bed	 Private Outdoor Space > 60'-0"
 1 Bed +	 Common Outdoor Space
 1 Bed	 Building Service/Parking
 Studio	 Bike Parking
 Common	 Waste Management
 Indoor Amenity	



FLOOR PLAN - LEVEL 9

1/16" = 1' - 0"

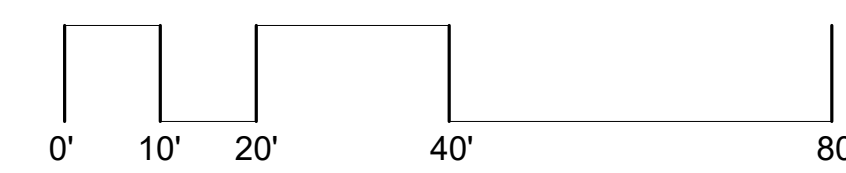
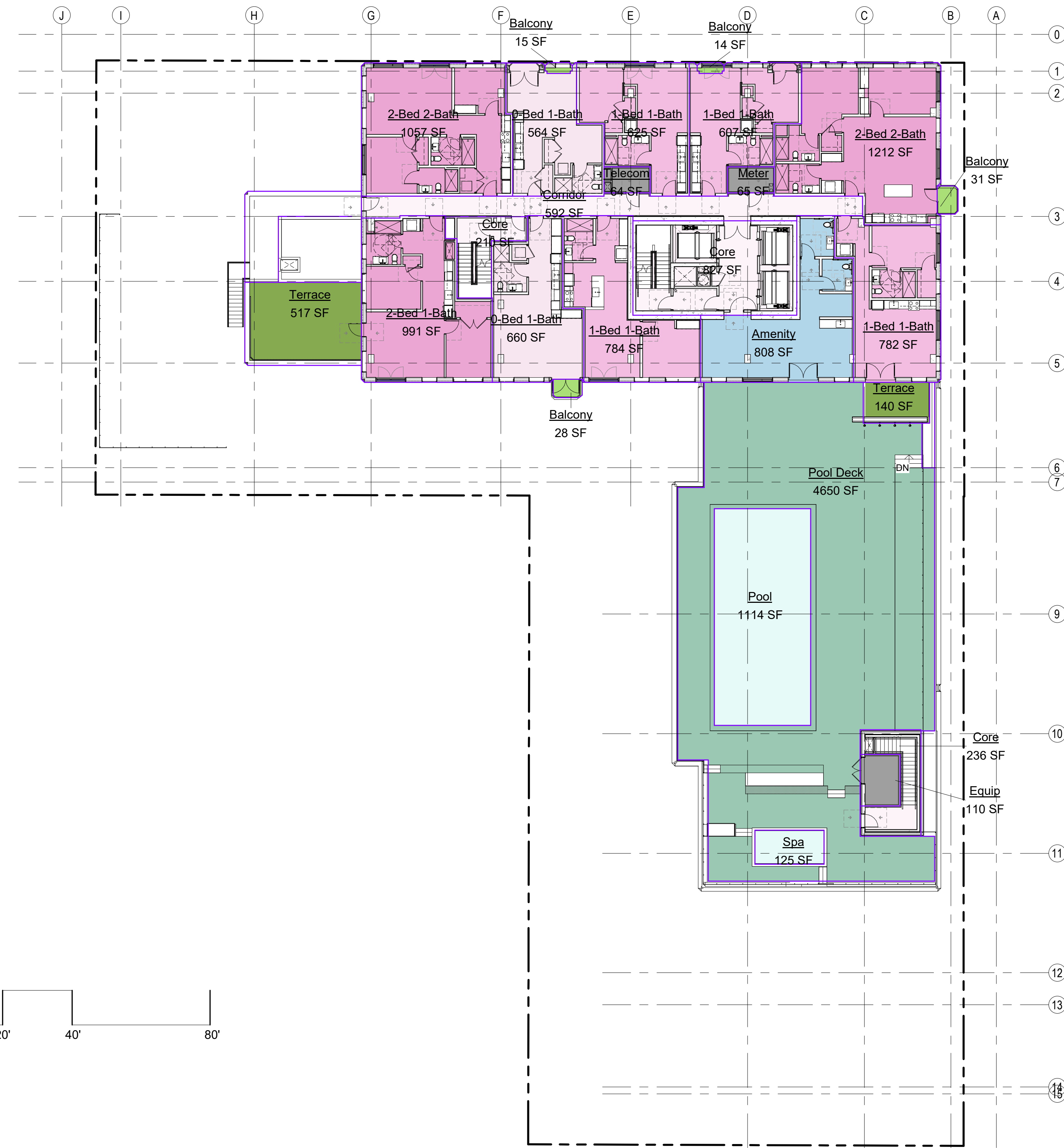




FLOOR PLAN - LEVEL 12

1/16" = 1' - 0"

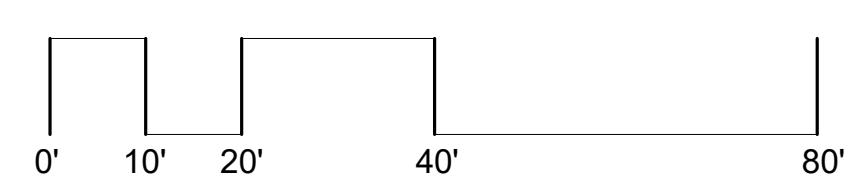
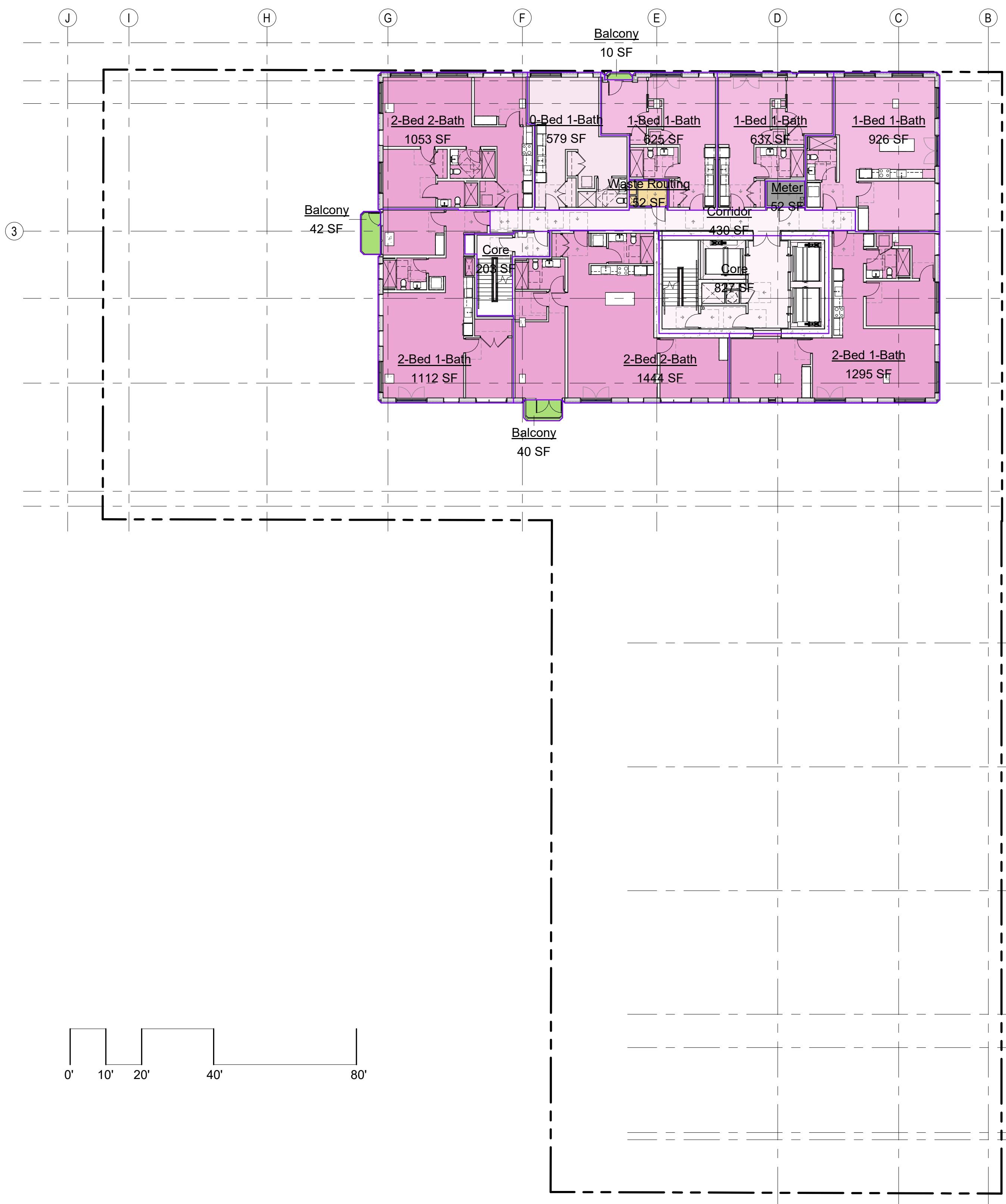
Area Plan Legend



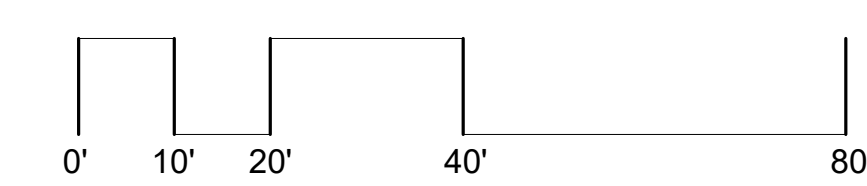
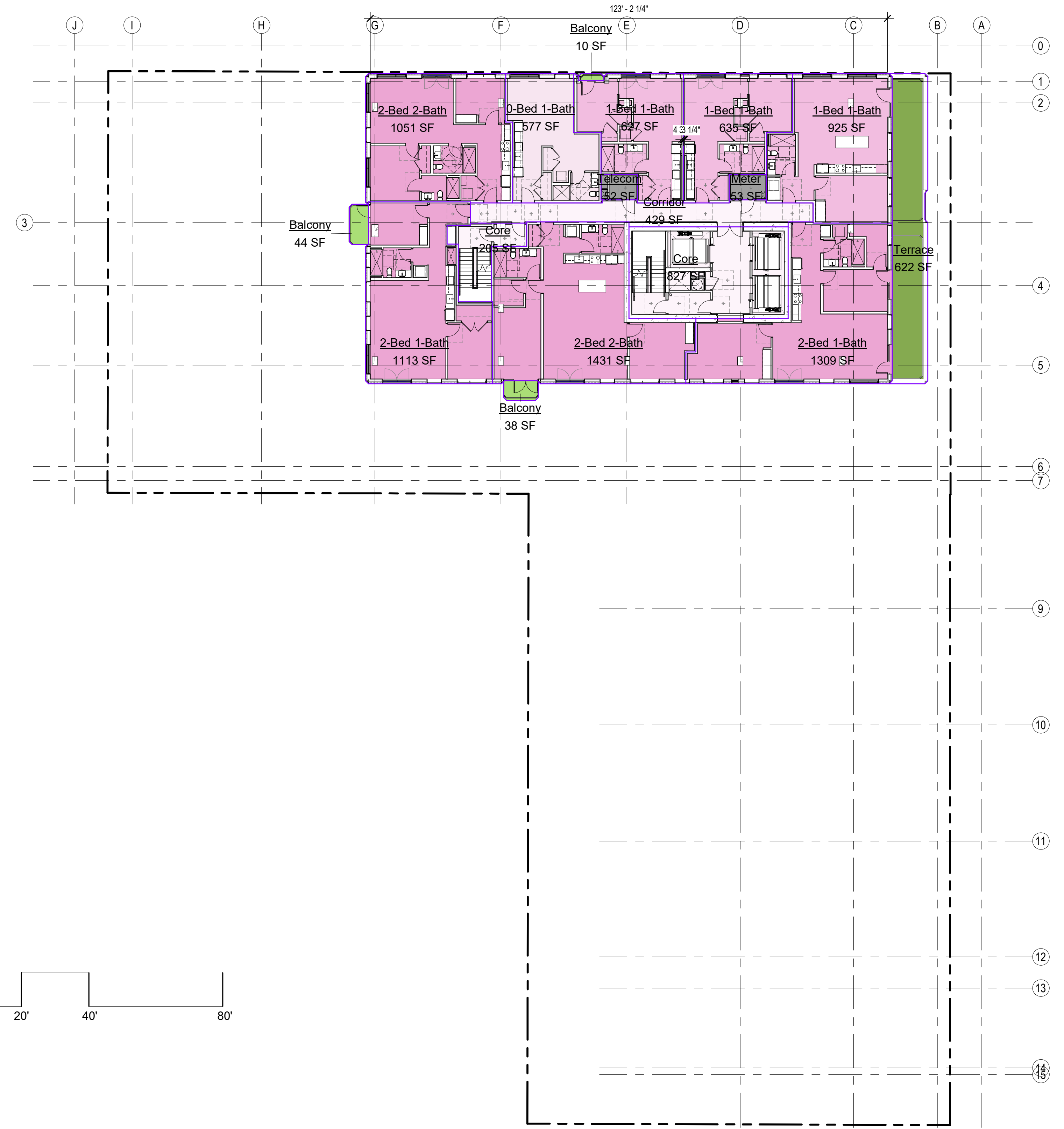
FLOOR PLAN - LEVEL 11

1/16" = 1' - 0"





FLOOR PLAN - LEVEL 14
1/16" = 1' - 0"



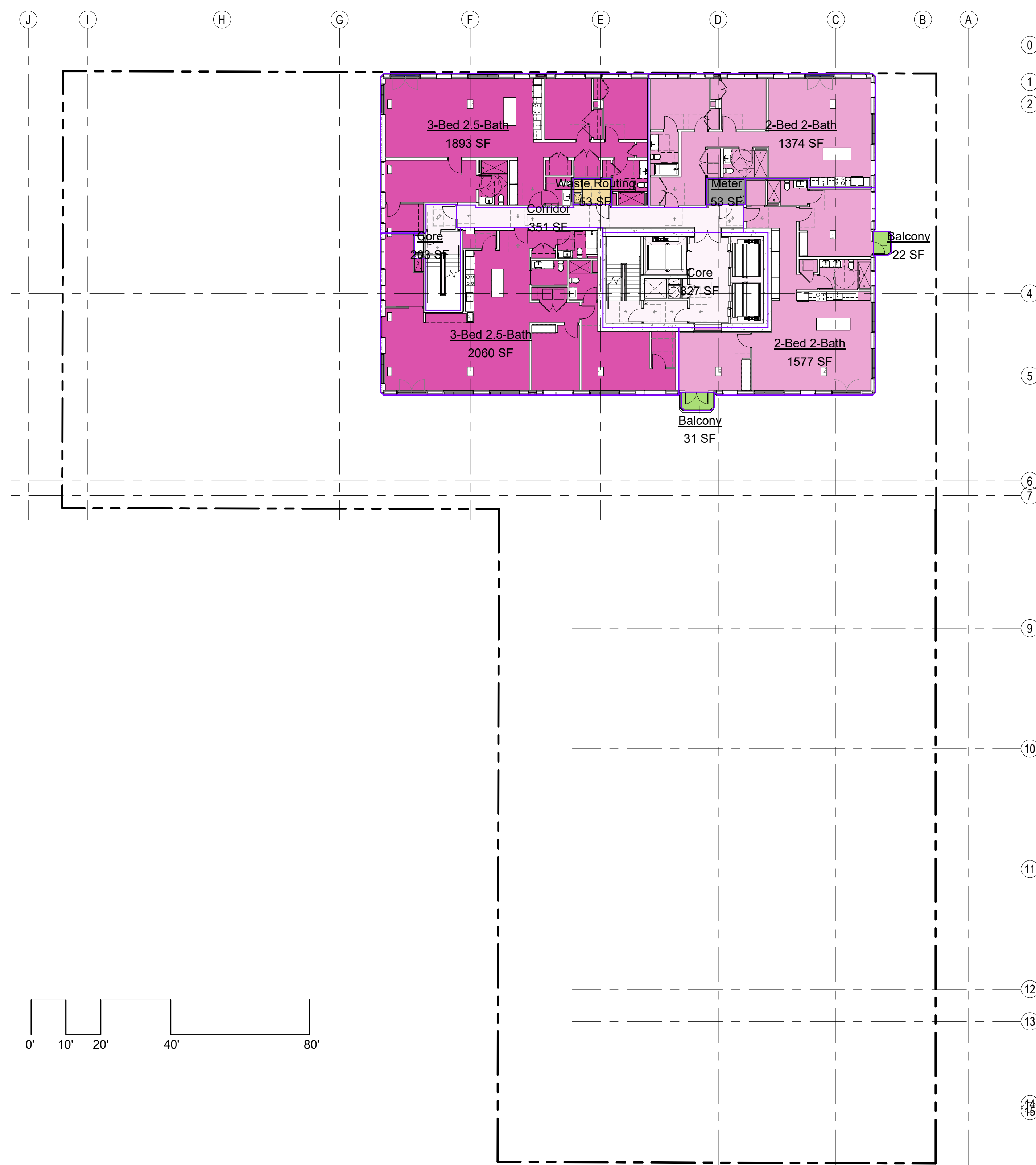
FLOOR PLAN - LEVEL 13
1/16" = 1' - 0"

Area Plan Legend

3 Bed	3 Bed	2 Bed	2 Bed	1 Bed +	1 Bed	Studio	Common	Commercial
								Residential
								Indoor Amenity

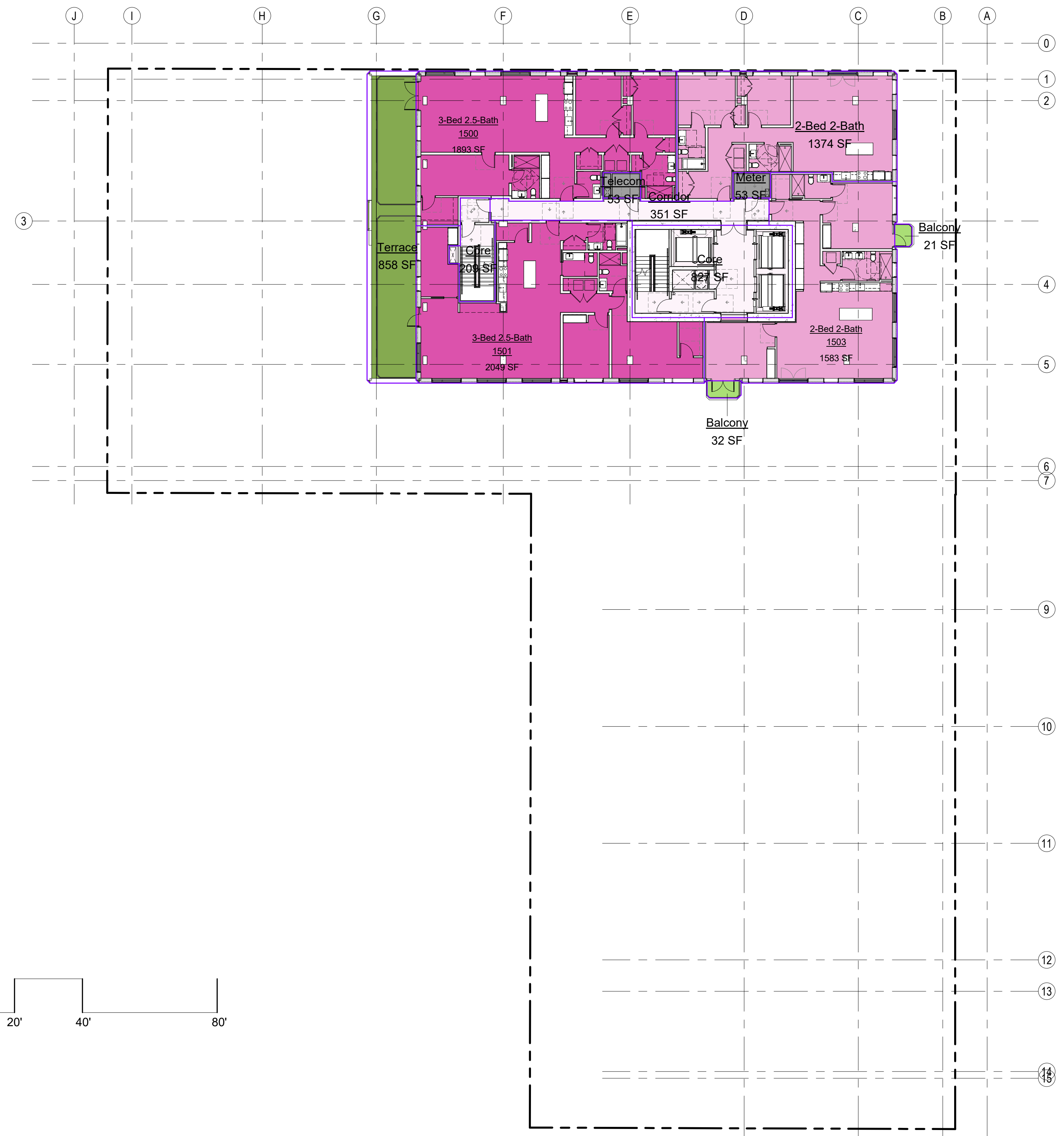
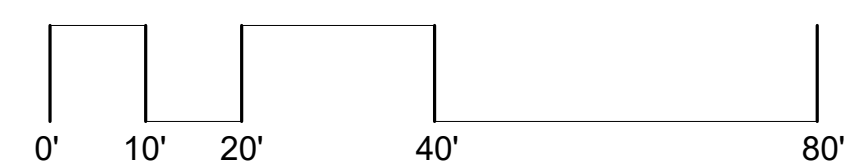
Covered Outdoor Space < 60'-0"	Building Service/Parking
Private Outdoor Space < 60'-0"	Bike Parking
Private Outdoor Space > 60'-0"	Waste Management
Common Outdoor Space	





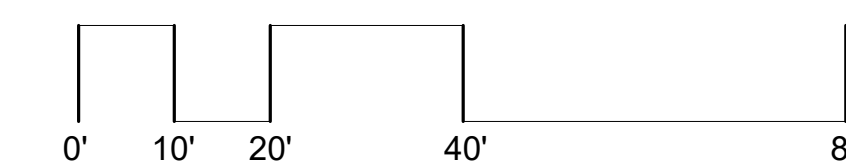
FLOOR PLAN - LEVEL 16

1/16" = 1' - 0"



FLOOR PLAN - LEVEL 15

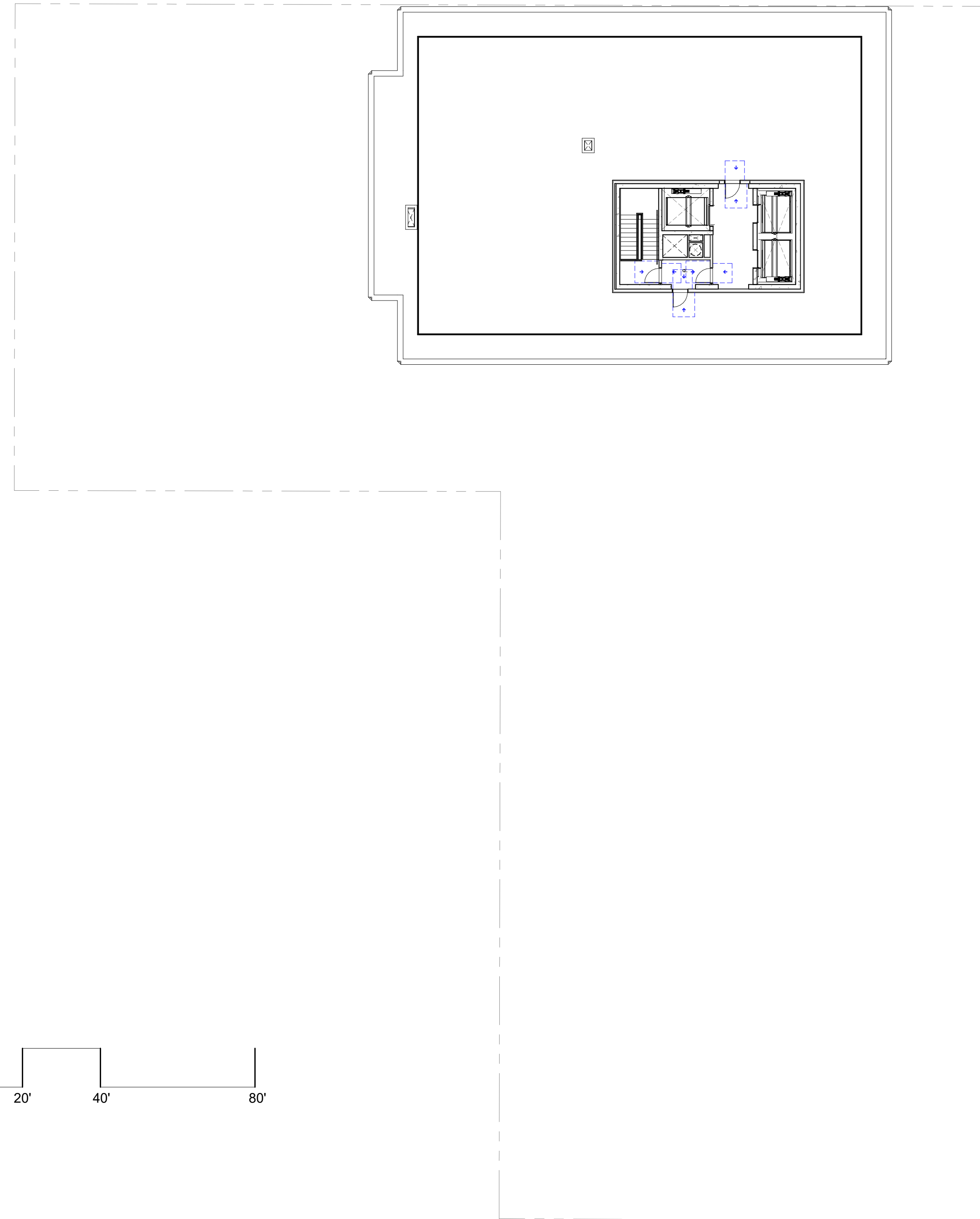
1/16" = 1' - 0"



Area Plan Legend

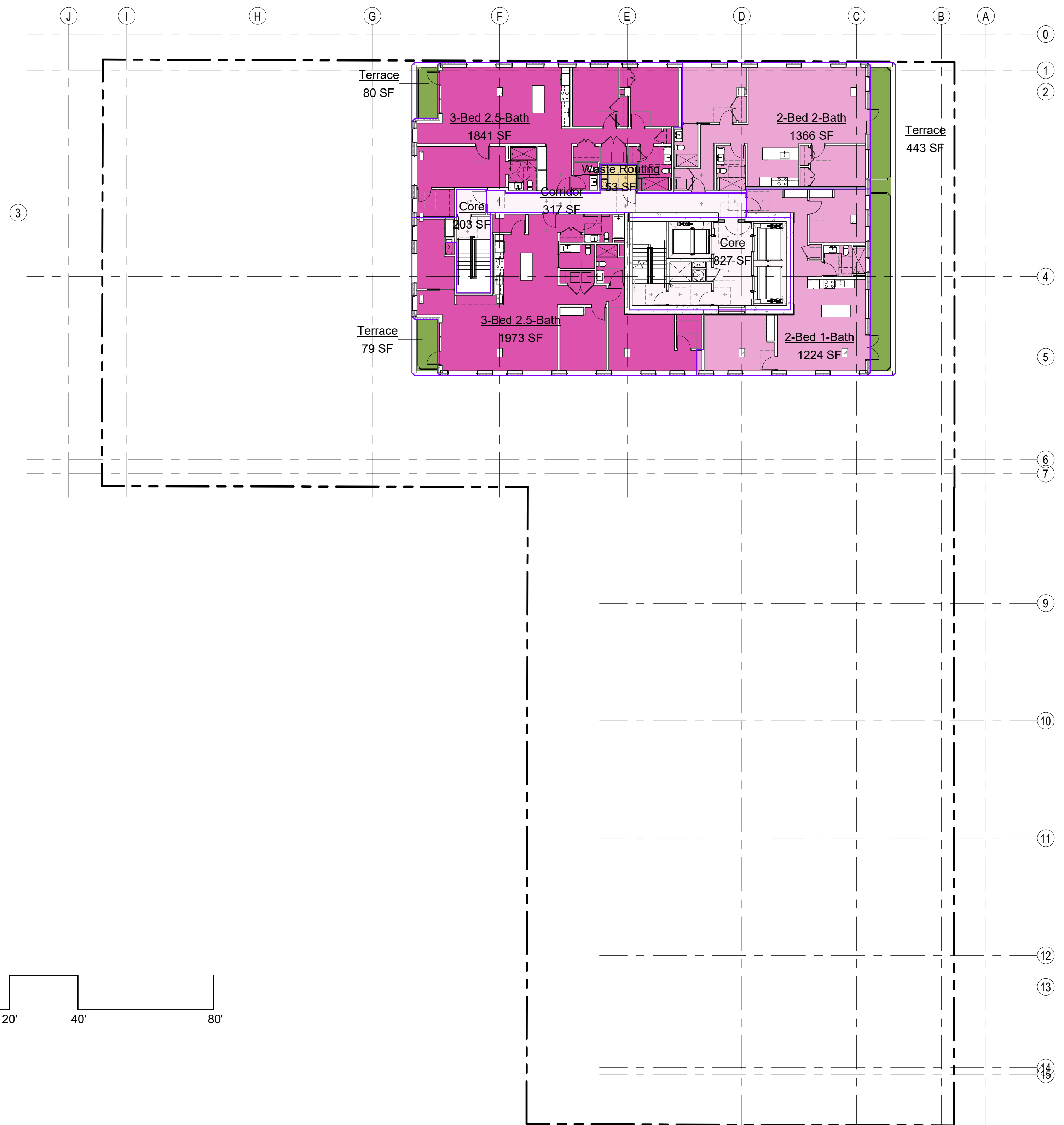
3 Bed	3 Bed	2 Bed	2 Bed	1 Bed+	1 Bed	Studio	Common	Commercial	Covered Outdoor Space < 60'-0"	Private Outdoor Space < 60'-0"	Private Outdoor Space > 60'-0"	Common Outdoor Space	Building Service/Parking	Bike Parking
3 Bed	3 Bed	2 Bed	2 Bed	1 Bed+	1 Bed	Studio	Common	Residential	Covered Outdoor Space < 60'-0"	Private Outdoor Space < 60'-0"	Private Outdoor Space > 60'-0"	Common Outdoor Space	Building Service/Parking	Bike Parking
Indoor Amenity	Common Outdoor Space	Refuse	Organic	Recycle	Re/Org	Waste Management								





ROOF PLAN

1/16" = 1' - 0"



FLOOR PLAN LEVEL 17

1/16" = 1' - 0"

Area Plan Legend

 Commercial	 3 Bed	 3 Bed	 2 Bed	 2 Bed	 1 Bed+	 1 Bed	 Studio	 Common	 Residential
 Indoor Amenity									

 Covered Outdoor Space < 60'-0"
 Private Outdoor Space < 60'-0"
 Private Outdoor Space > 60'-0"
 Common Outdoor Space

 Building Service/Parking	 Bike Parking			
 Refuse	 Organic	 Recycle	 Re/Org	Waste Management



Note: Plans and elevations show the extents of proposed mechanical screen.
Final details of mechanical equipment screen TBD.

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Final details of mechanical equipment screen TBD.

ARCHITECTURAL ELEVATIONS AND STREET WALL CALCULATION



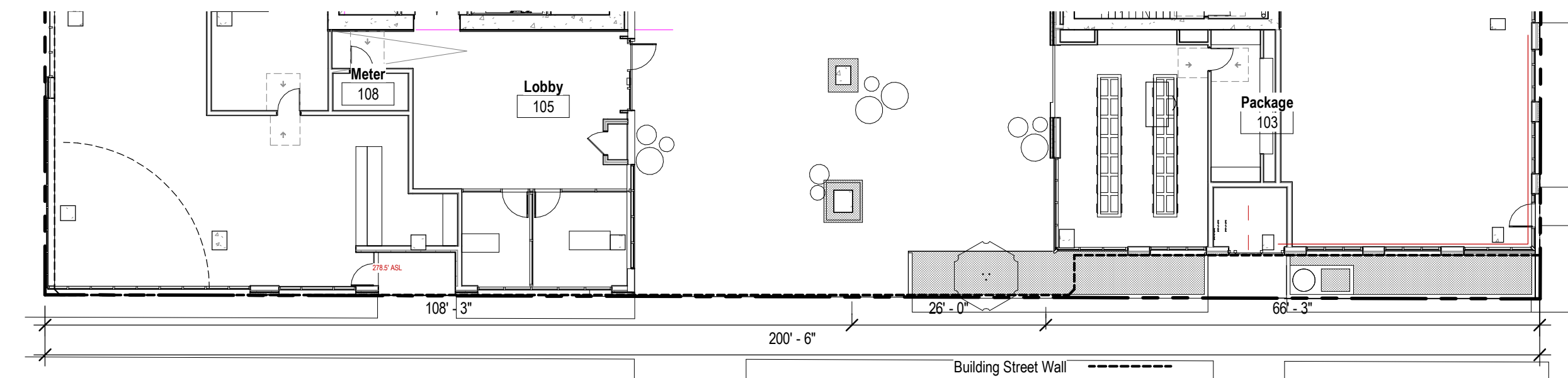
Street Wall Length: 239'-6"
Street Wall Length at 30'-0" = 193'-3"
Percentage of Street Wall at 30'-0" = 80.7%



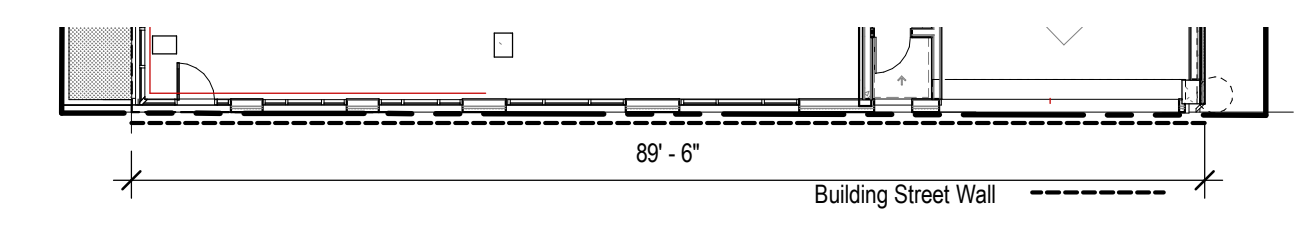
ARCHITECTURAL ELEVATIONS AND STREET WALL CALCULATION

Note: Plans and elevations show the extents of proposed mechanical screen. Final details of mechanical equipment screen TBD.

Note: Plans and elevations show the extents of proposed mechanical screen. Final details of mechanical equipment screen TBD.



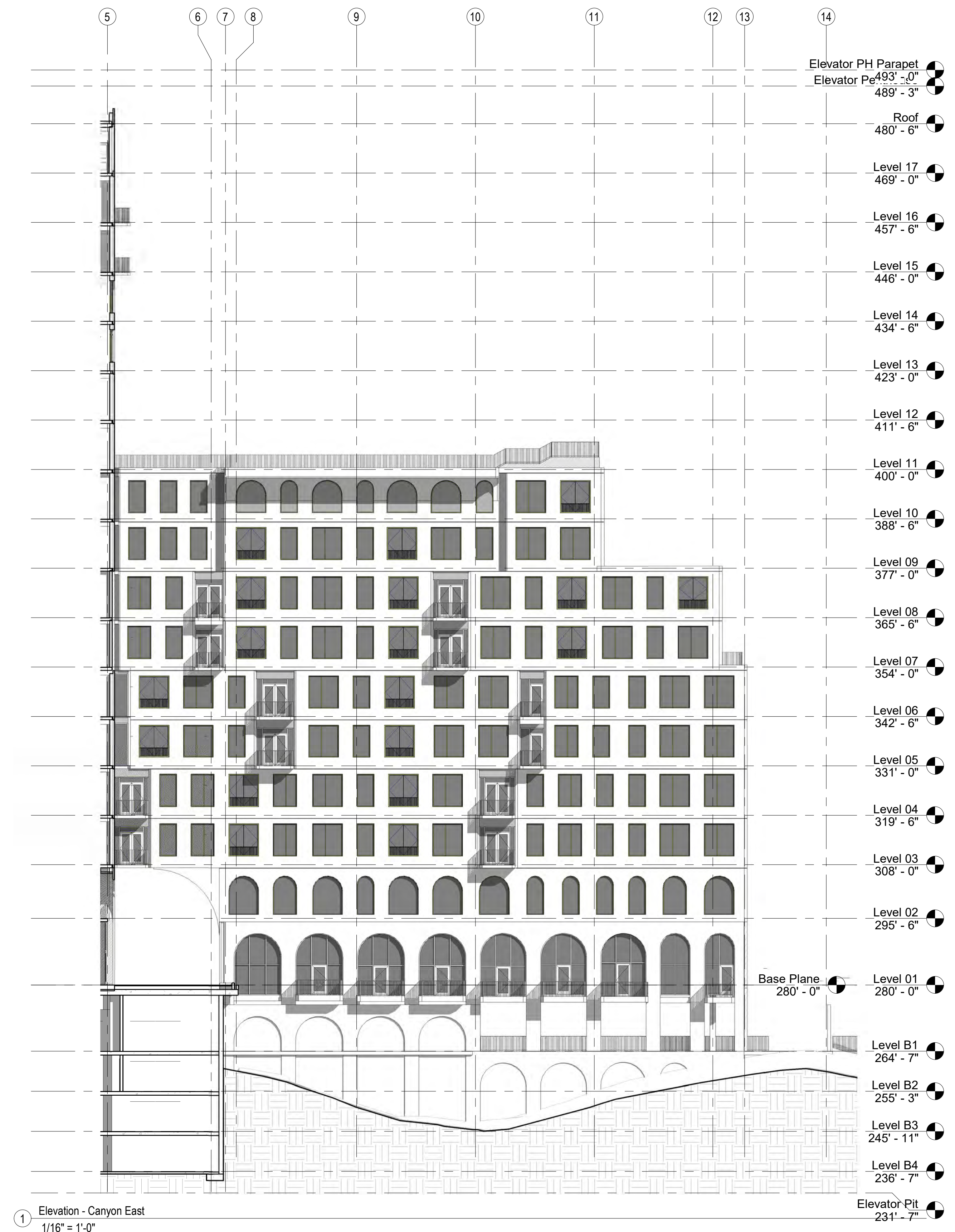
Street Wall Length: 200'-6"
 Street Wall Length at 30'-0" = 200'-6"
 Percentage of Street Wall at 30'-0" = 100%

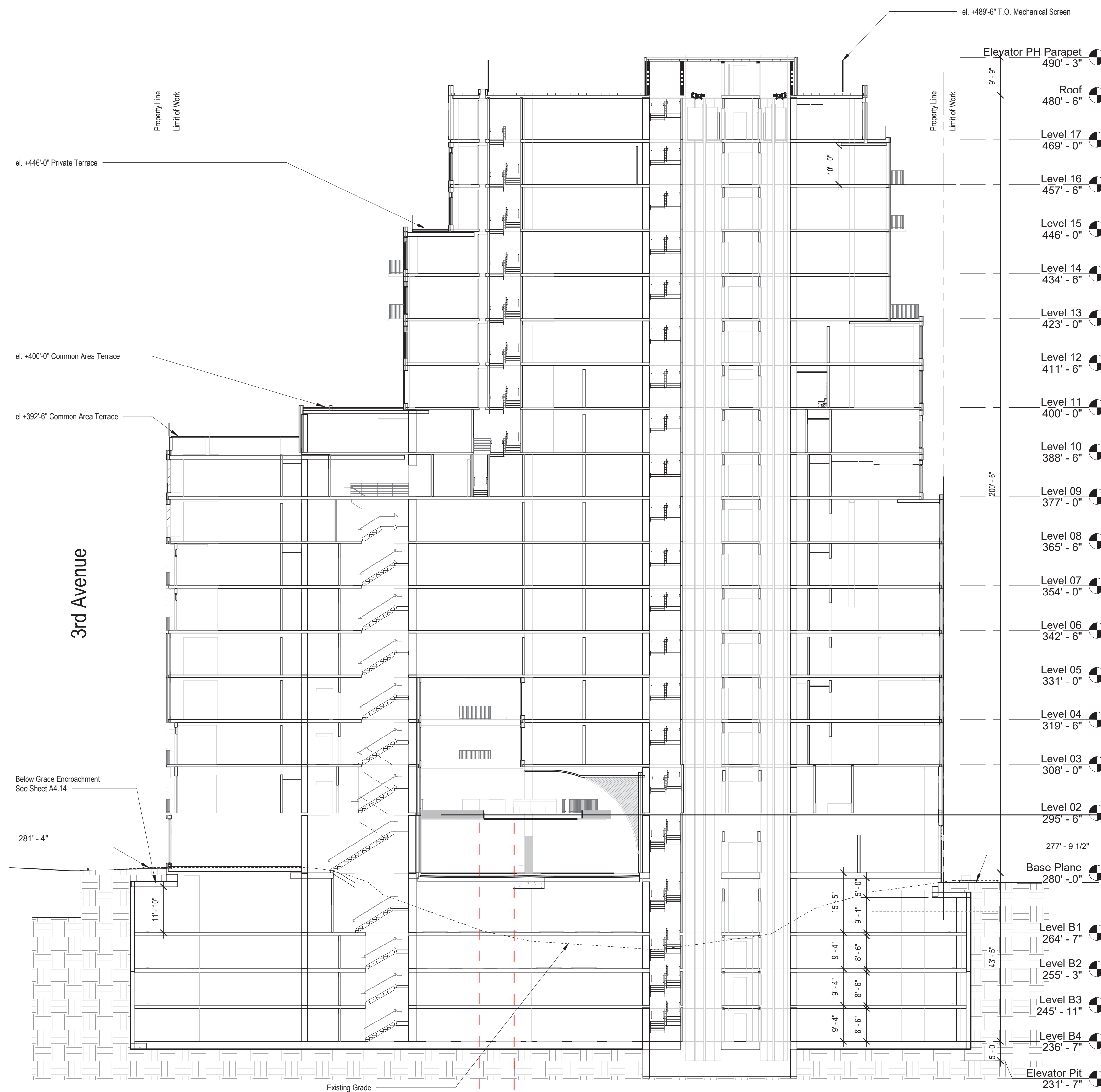


Street Wall Length: 89'-6"
 Street Wall Length at 30'-0" = 89'-6"
 Percentage of Street Wall at 30'-0" = 100%

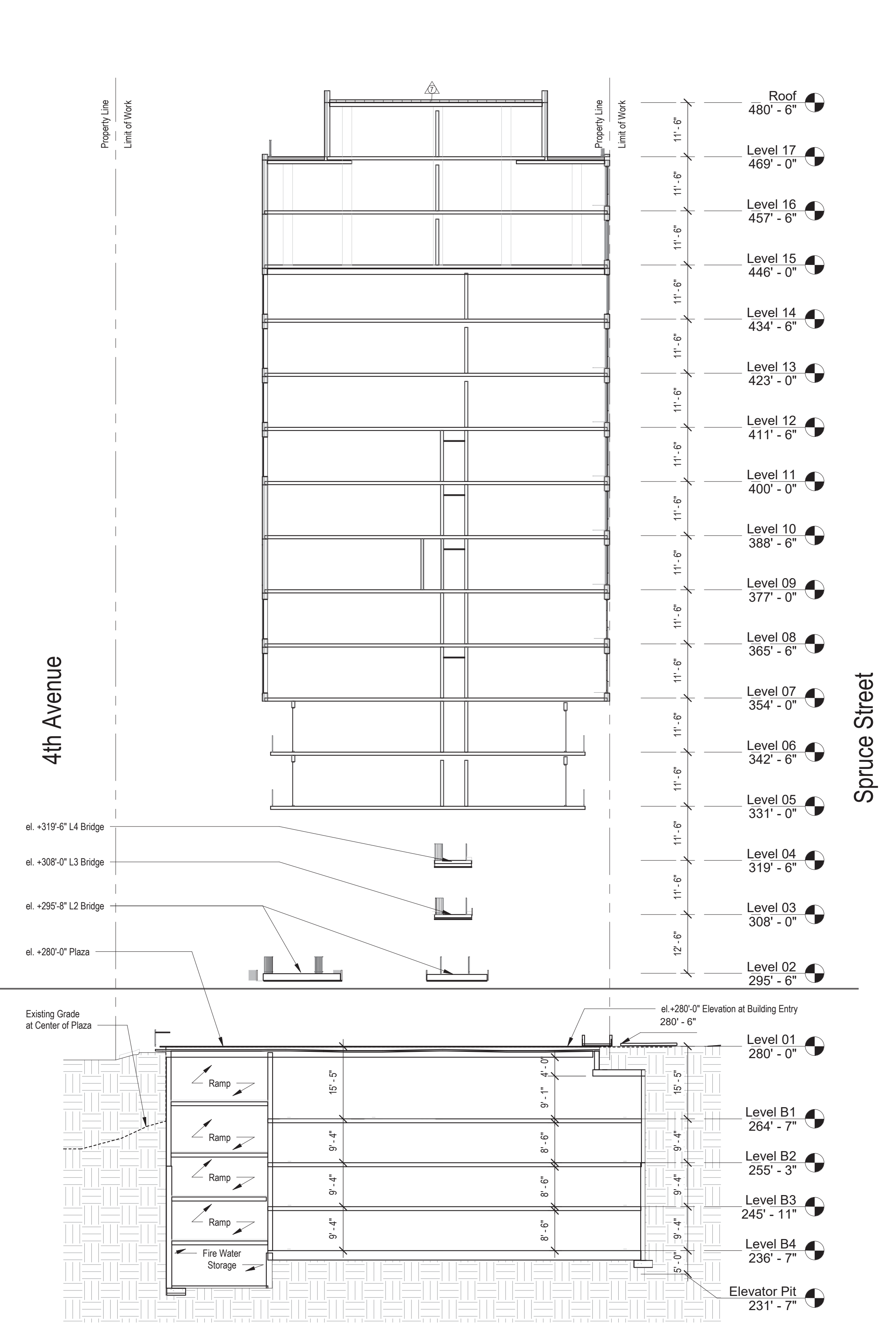
Elevation Benchmark Per Alta Survey dated 08-12-2022
 City of San Diego Vertical Control Per Benchmark







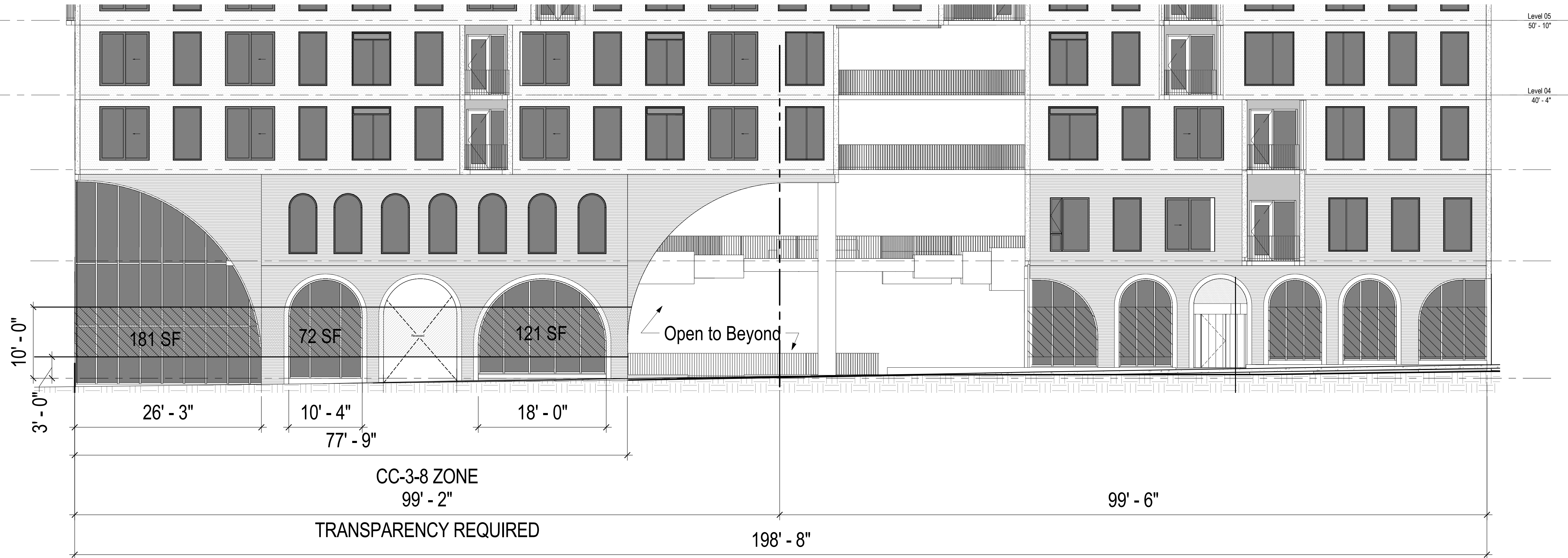
Elevation Benchmark Per Alta Survey dated 08-12-20-22
City of San Diego Vertical Control Per Benchmark



Elevation Benchmark Per Alta Survey dated 08-12-20-22
City of San Diego Vertical Control Per Benchmark

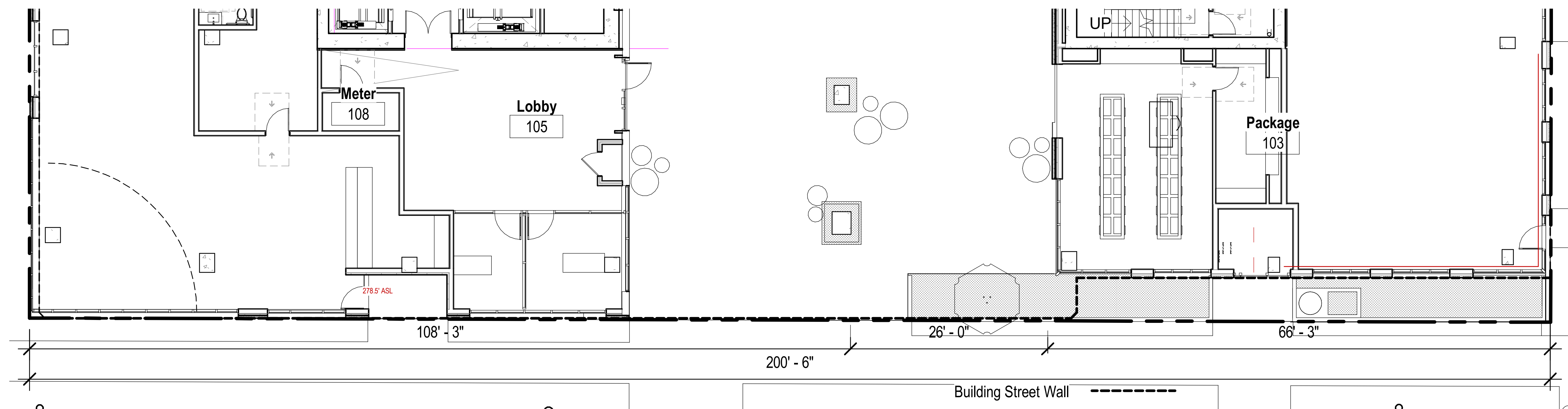


TRANSPARENCY REQUIREMENTS
SPRUCE STREET

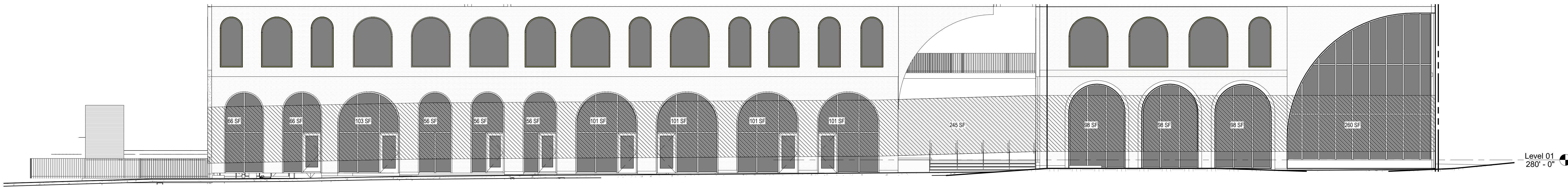


Exterior Street Wall Area Betw. 3'-0" and 10'-0" A.G. = 544 SF
 Transparent Area Required: = 272 SF
 Total Transparent Area Provided: = 374 SF
 Transparency Percentage Provided: = 68%

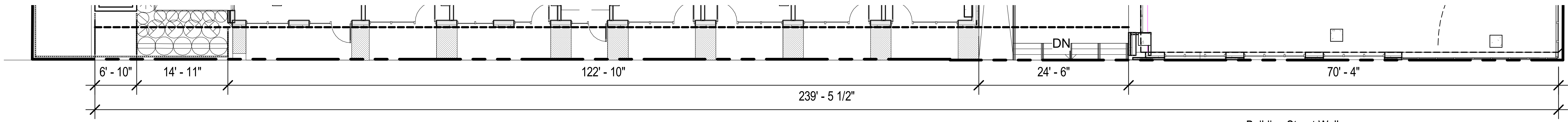
1 Enlarged Elevation - North Levels 1&2
 1/8" = 1'-0"



TRANSPARENCY REQUIREMENTS
4TH AVENUE



Exterior Street Wall Area Betw. 3'-0" and 10'-0": 2,185 SF
 Required Transparency: 1,057 SF
 Transparency Provided: 1,243 SF

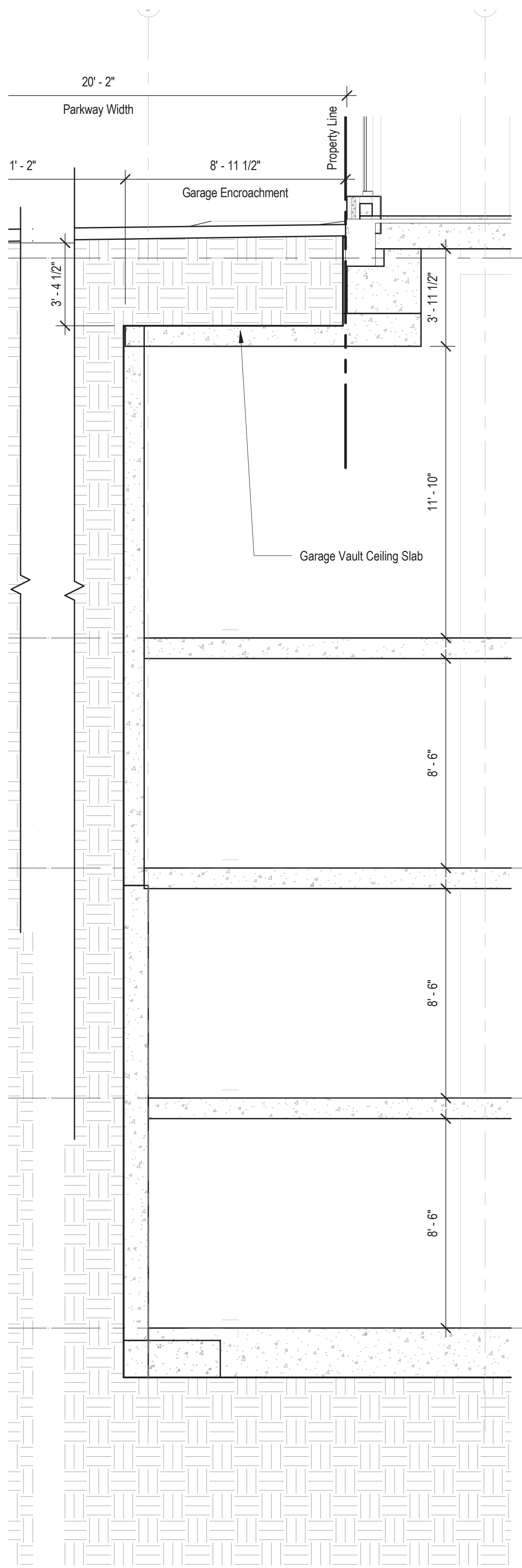
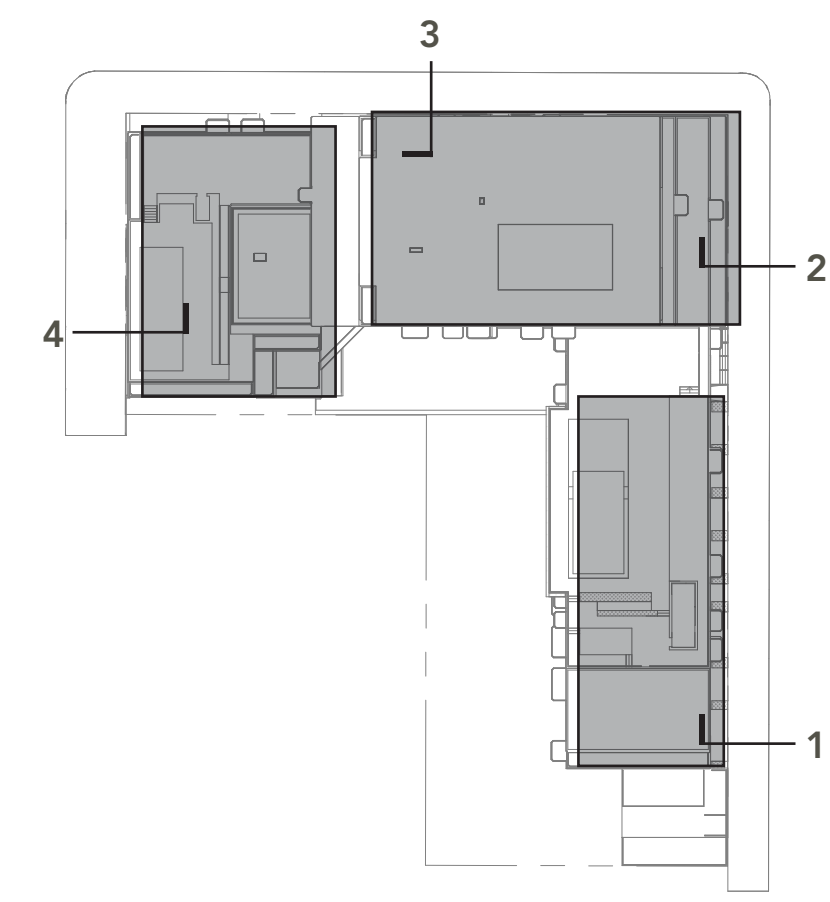


4th Avenue

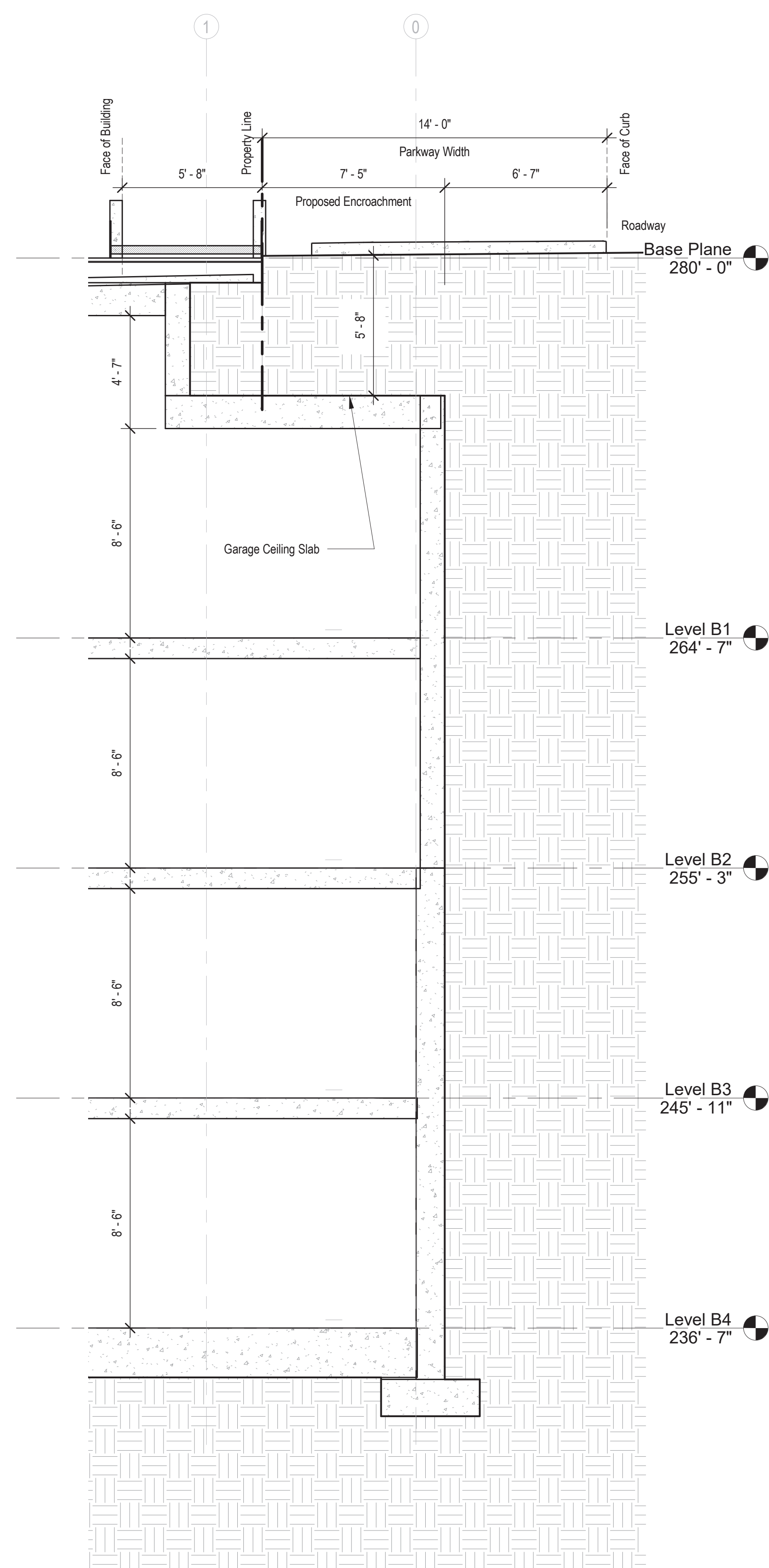
Building Street Wall - - - - -



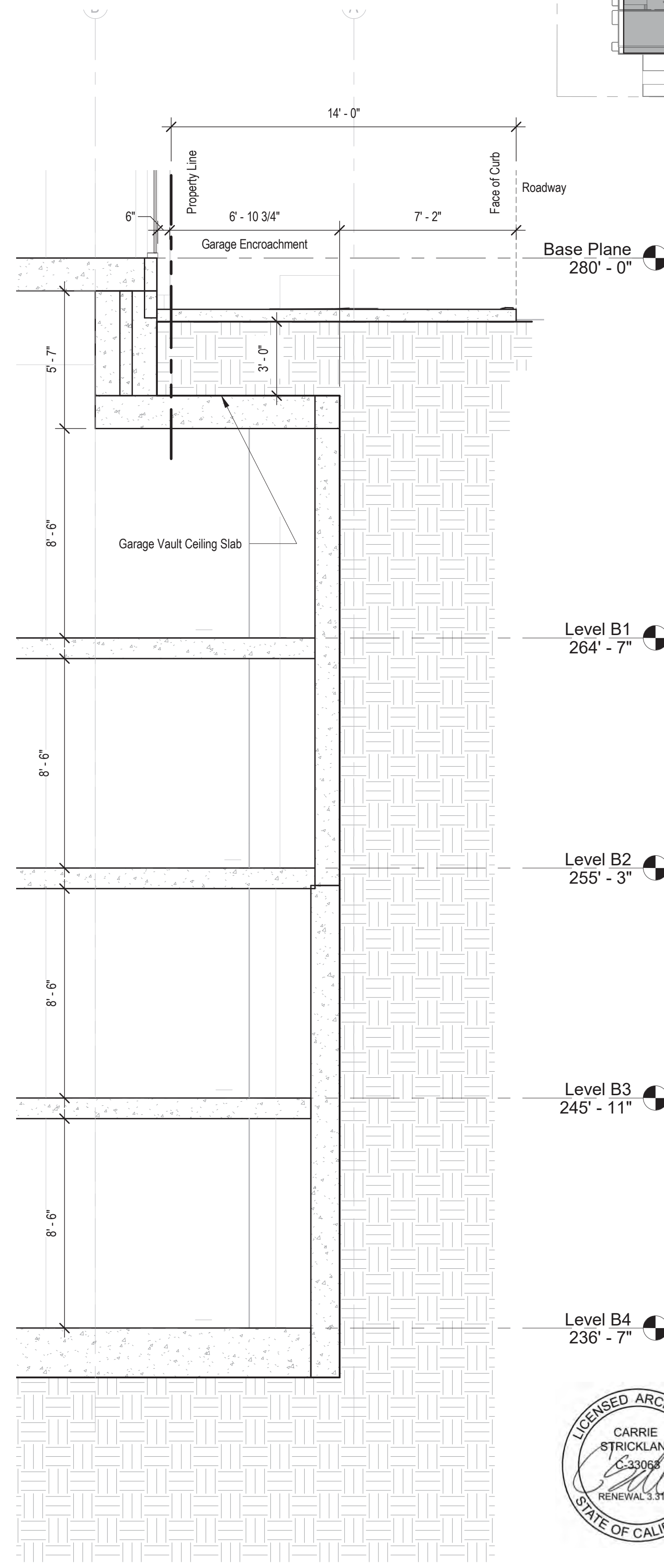
SIDEWALK ENCROACHMENT SECTIONS



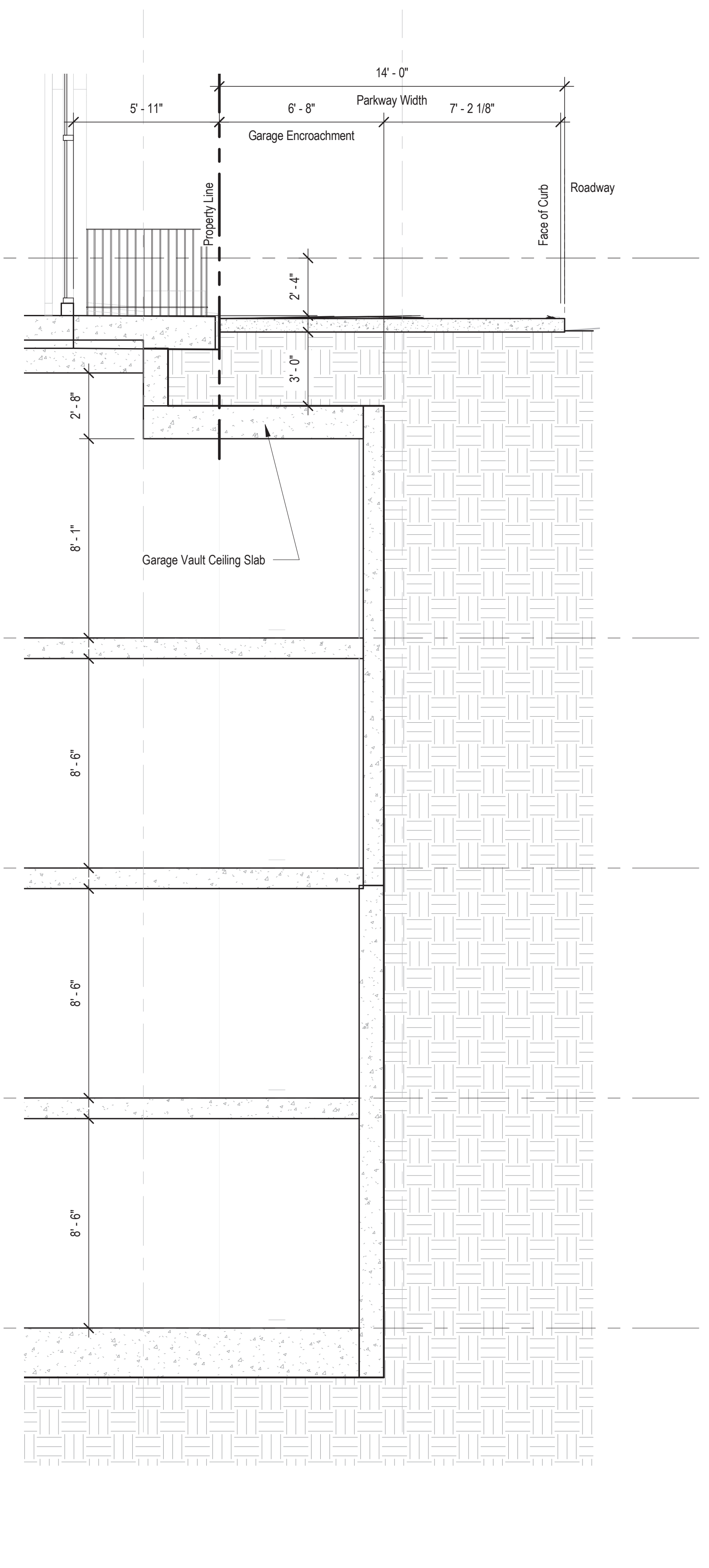
Section at Garage (Third Avenue) PII
1/4" = 1'-0"



Wall Section at Garage (Spruce Street) PII
1/4" = 1'-0"



Wall Section at Garage (Fourth Avenue)
1/4" = 1'-0"



Wall Section at Garage (Fourth Avenue)
1/4" = 1'-0"



BUILDING MASSING



The project is composed of many stacked two-story blocks which begin to break away as the project gains elevation to create smaller outdoor spaces and provide a contextual nod to the smaller scale buildings currently existing in the local context.

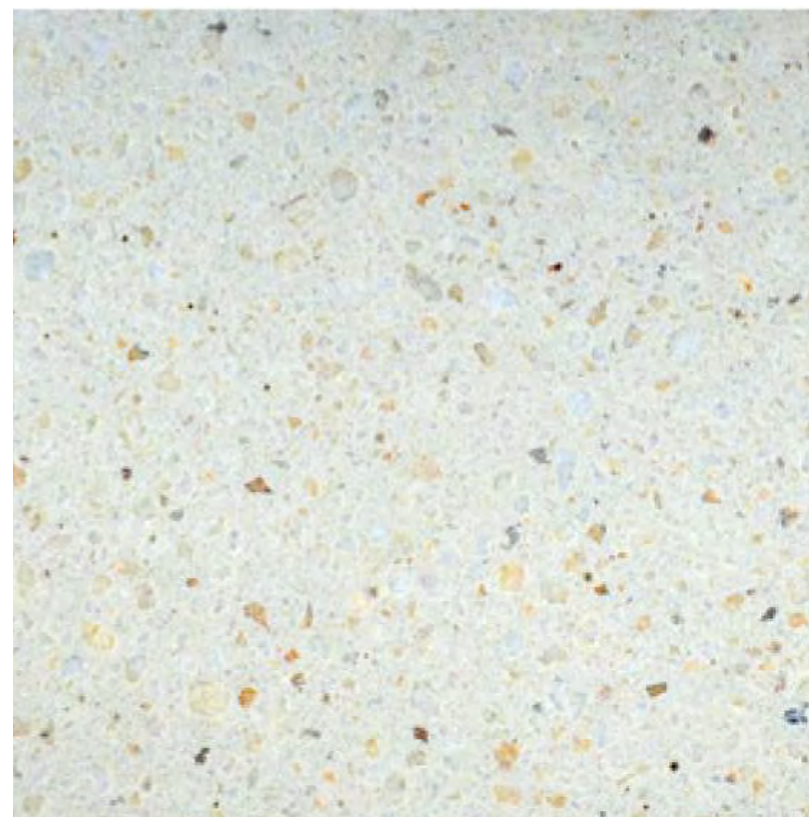
FIGURE 3 - BUILDING MASSING



SATELITE VIEW



1. Typical Glazing: Vitro Solarban 70



2. Concrete Panel



3. Typical Glazing: Mullion Color RAL 140-M





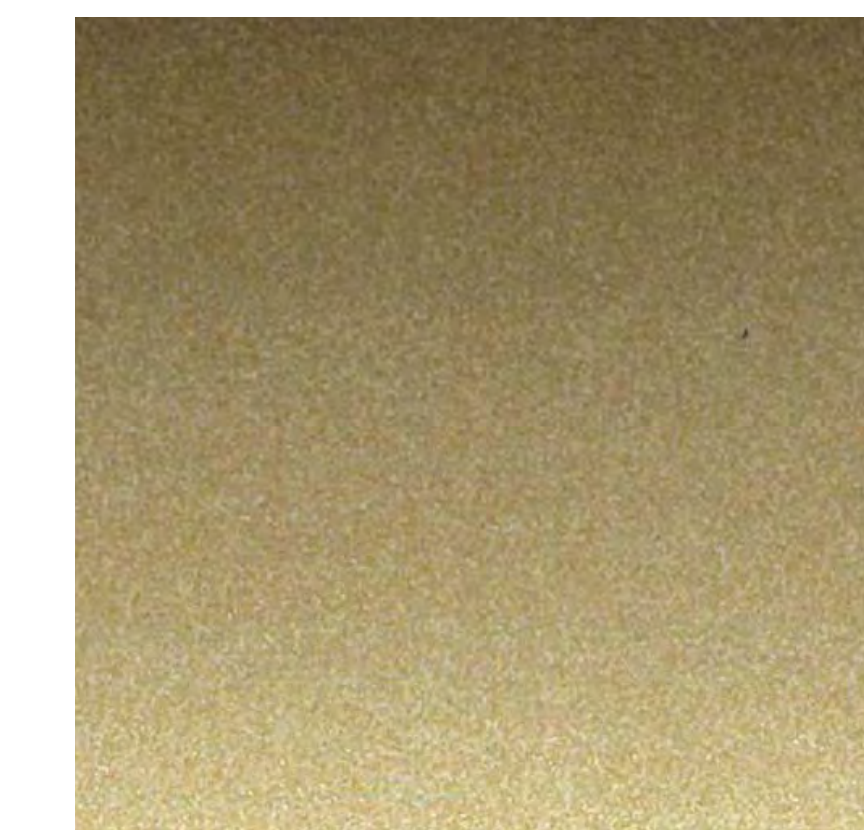
SATELITE VIEW



1. Typical Glazing: Vitro Solarban 70



2. Concrete Panel



3. Typical Glazing: Mullion Color RAL 140-M

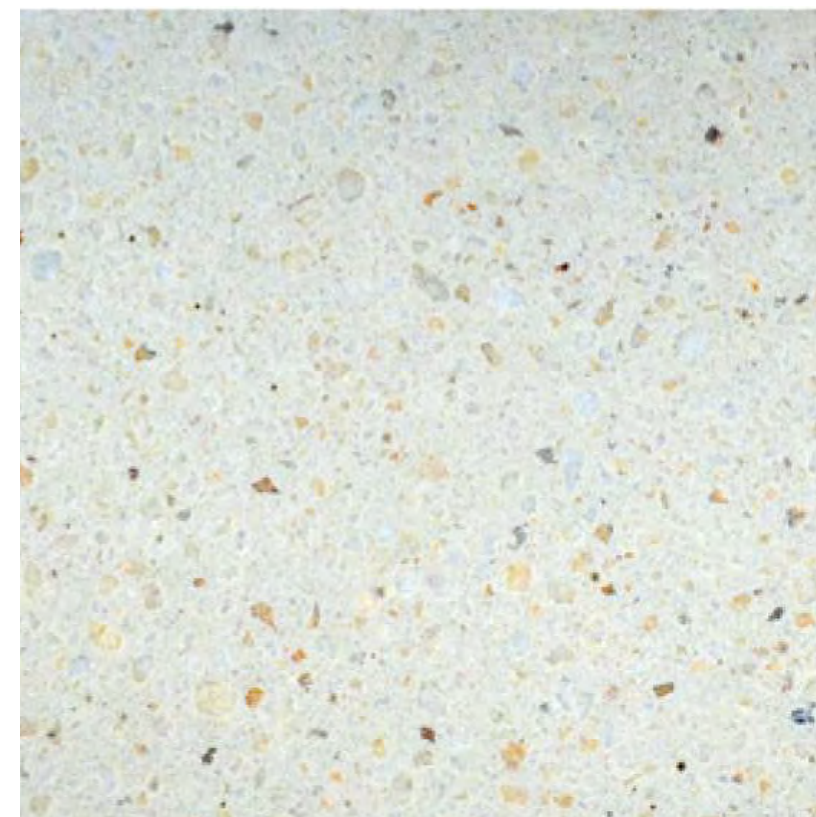




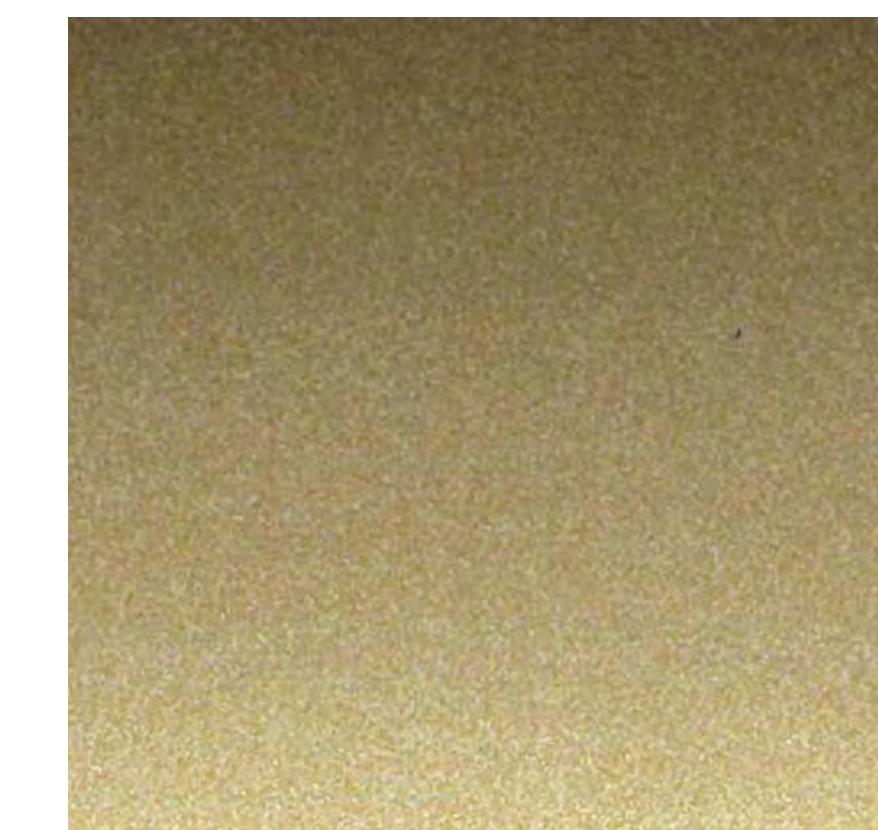
SATELITE VIEW



1. Typical Glazing: Vitro Solarban 70

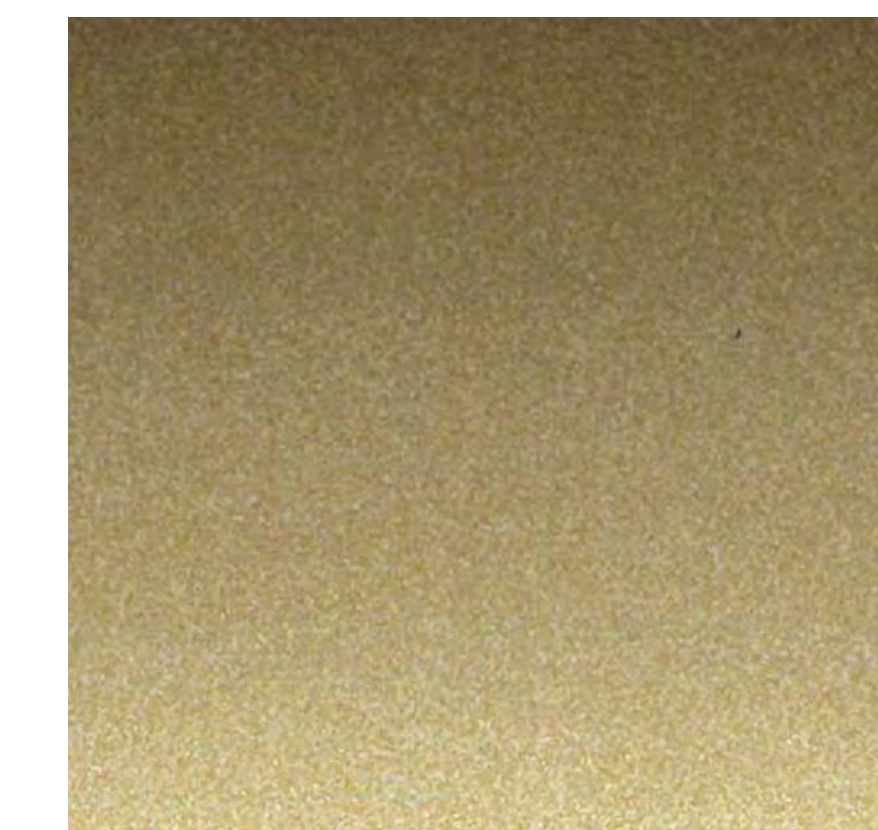
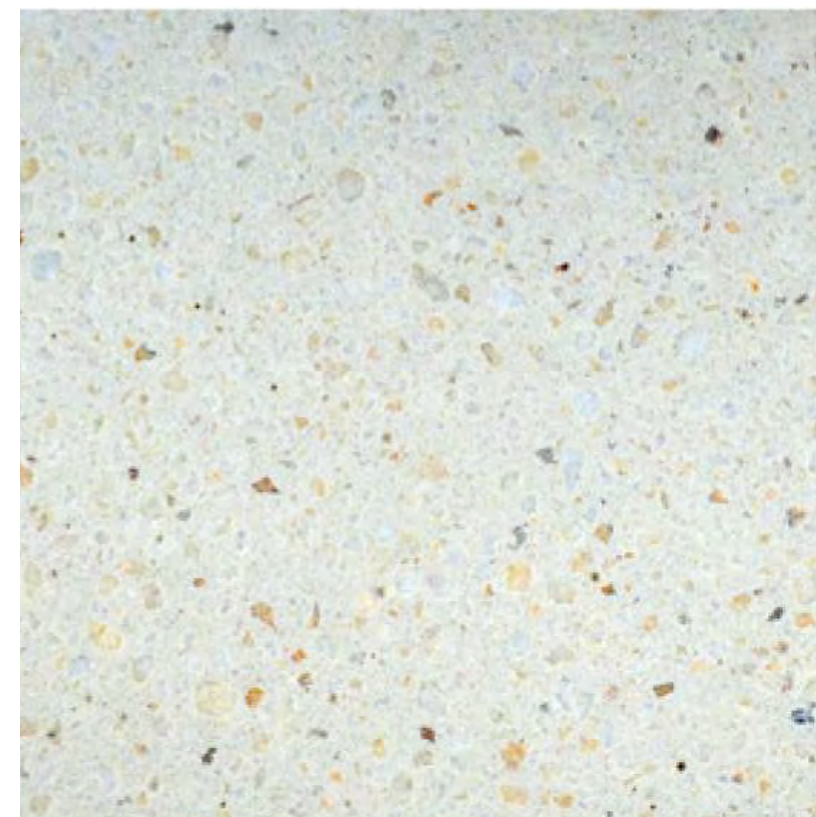


2. Concrete Panel

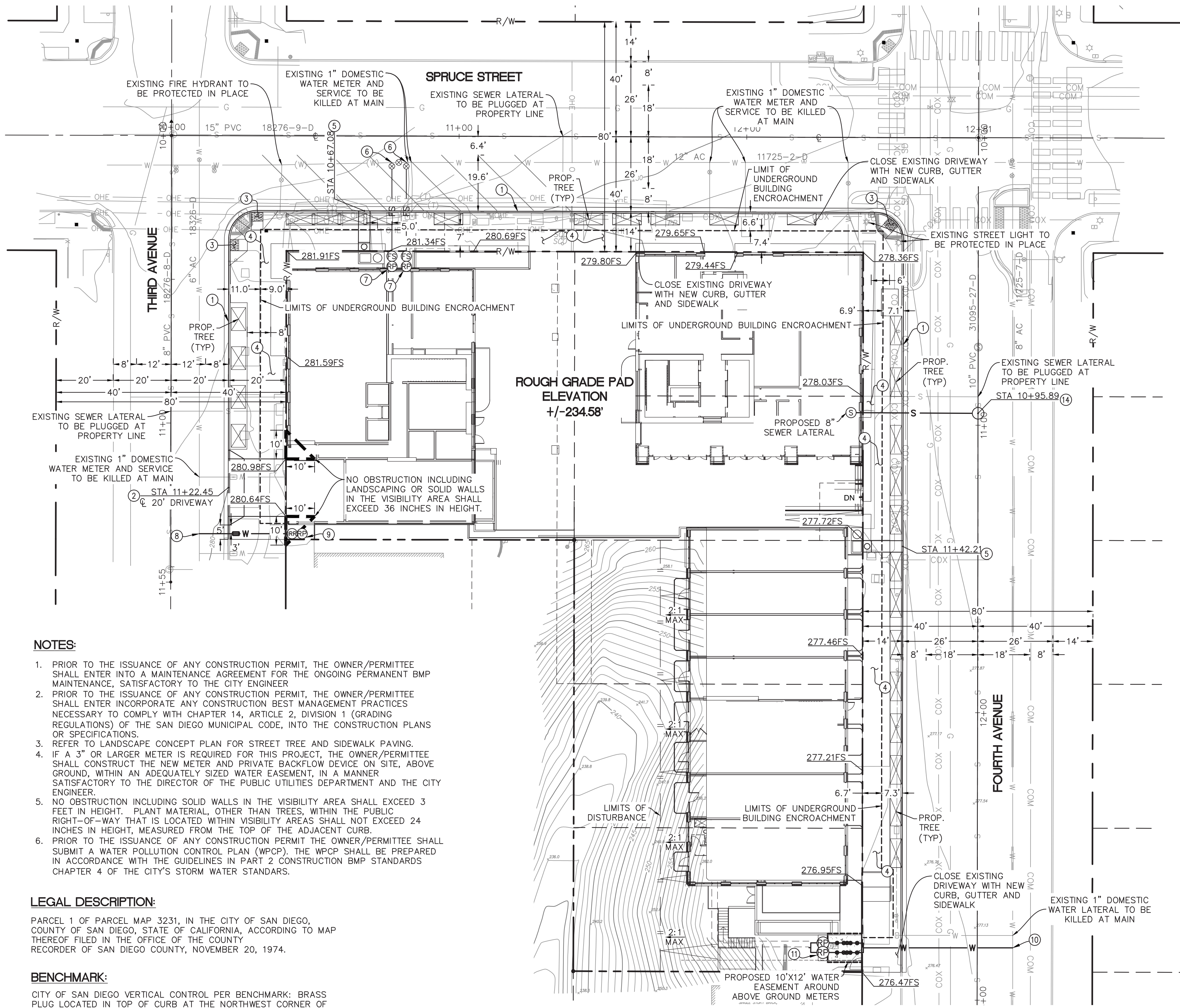


3. Typical Glazing: Mullion Color RAL 140-M





CIVIL PLAN PRELIMINARY IMPROVEMENTS AND GRADING



NOTES:

- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE SATISFACTORY TO THE CITY ENGINEER.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL ENTER INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
- REFER TO LANDSCAPE CONCEPT PLAN FOR STREET TREE AND SIDEWALK PAVING.
- IF A 3" OR LARGER METER IS REQUIRED FOR THIS PROJECT, THE OWNER/PERMITTEE SHALL CONSTRUCT THE NEW METER AND PRIVATE BACKFLOW DEVICE ON SITE, ABOVE GROUND, WITHIN AN ADEQUATELY SIZED WATER EASEMENT, IN A MANNER SATISFACTORY TO THE DIRECTOR OF THE PUBLIC UTILITIES DEPARTMENT AND THE CITY ENGINEER.
- NO OBSTRUCTION INCLUDING SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT. PLANT MATERIAL, OTHER THAN TREES, WITHIN THE PUBLIC RIGHT-OF-WAY THAT IS LOCATED WITHIN VISIBILITY AREAS SHALL NOT EXCEED 24 INCHES IN HEIGHT, MEASURED FROM THE TOP OF THE ADJACENT CURB.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE OWNER/PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN PART 2 CONSTRUCTION BMP STANDARDS CHAPTER 4 OF THE CITY'S STORM WATER STANDARDS.

LEGAL DESCRIPTION:

PARCEL 1 OF PARCEL MAP 3231, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 20, 1974.

BENCHMARK:

CITY OF SAN DIEGO VERTICAL CONTROL PER BENCHMARK: BRASS PLUG LOCATED IN TOP OF CURB AT THE NORTHWEST CORNER OF 6TH AVENUE AND SPRUCE STREET.

ELEVATION = 291.822' DATUM MEAN SEA LEVEL

GRADING QUANTITIES:

GRADED AREA	0.70	ACRES	MAX. CUT DEPTH	41	FT
CUT QUANTITIES	45,900	CYD	MAX CUT SLOPE RATIO (2:1MAX)	N/A	
FILL QUANTITIES	0	CYD	MAX. FILL DEPTH	0	FT
EXPORT	45,900	CYD	MAX FILL SLOPE RATIO (2:1MAX)	N/A	
RETAINING WALL LENGTH	N/A		RETAINING WALL HEIGHT	N/A	

THIS PROJECT PROPOSES TO EXPORT 28,400 CUBIC YARDS OF MATERIAL FROM THIS SITE. ALL EXPORT MATERIAL SHALL BE DISCHARGED TO A LEGAL DISPOSAL SITE. THE APPROVAL OF THIS PROJECT DOES NOT ALLOW PROCESSING AND SALE OF THE MATERIAL. ALL SUCH ACTIVITIES REQUIRE A SEPARATE CONDITIONAL USE PERMIT.

WATER AND SEWER NOTES:

- THERE ARE NO UTILITY EASEMENTS ON OR ADJACENT TO THE PROPERTY UNDER REVIEW.
- ALL PROPOSED WATER AND SEWER FACILITIES (PUBLIC AND PRIVATE) WITHIN THE PUBLIC ROW OR PUBLIC EASEMENT MUST BE DESIGNED, CONSTRUCTED, OR ABANDONED IN ACCORDANCE WITH THE CRITERIA ESTABLISHED WITHIN THE CITY OF SAN DIEGO'S CURRENT WATER AND SEWER FACILITY DESIGN GUIDELINES, REGULATIONS, STANDARDS, AND PRACTICES PERTAINING THERETO.
- IF A 3" OR LARGER METER IS REQUIRED FOR THIS PROJECT, THE OWNER/PERMITTEE SHALL CONSTRUCT THE NEW METER AND PRIVATE BACKFLOW DEVICE ON SITE, ABOVE GROUND, WITHIN THE PUBLIC ROW (OR WITHIN AN ADEQUATELY SIZED WATER EASEMENT) IN A MANNER SATISFACTORY TO THE PUBLIC UTILITIES DEPARTMENT AND THE CITY ENGINEER.
- THE OWNER/PERMITTEE SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO CITY OF SAN DIEGO WATER AND SEWER FACILITIES IN THE VICINITY OF THE PROJECT SITE, DUE TO THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS PROJECT, IN ACCORDANCE WITH MUNICIPAL CODE SECTION 142.0607. IN THE EVENT THAT ANY SUCH FACILITY LOSES INTEGRITY THEN, THE OWNER/PERMITTEE SHALL REPAIR OR RECONSTRUCT ANY DAMAGED PUBLIC WATER AND SEWER FACILITY IN A MANNER SATISFACTORY TO THE PUBLIC UTILITIES DEPARTMENT AND THE CITY ENGINEER.

PLAN VIEW
SCALE 1" = 20'

EMA WILL BE OBTAINED FOR PRIVATE UNDERGROUND BUILDING ENCROACHMENT

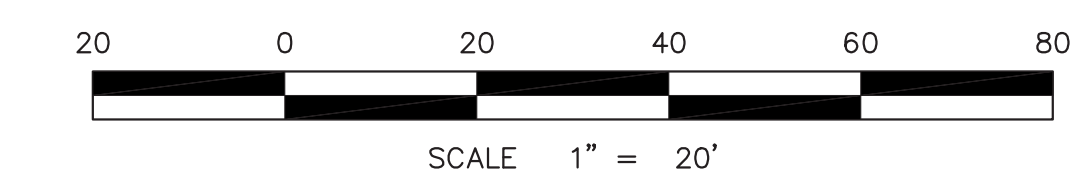
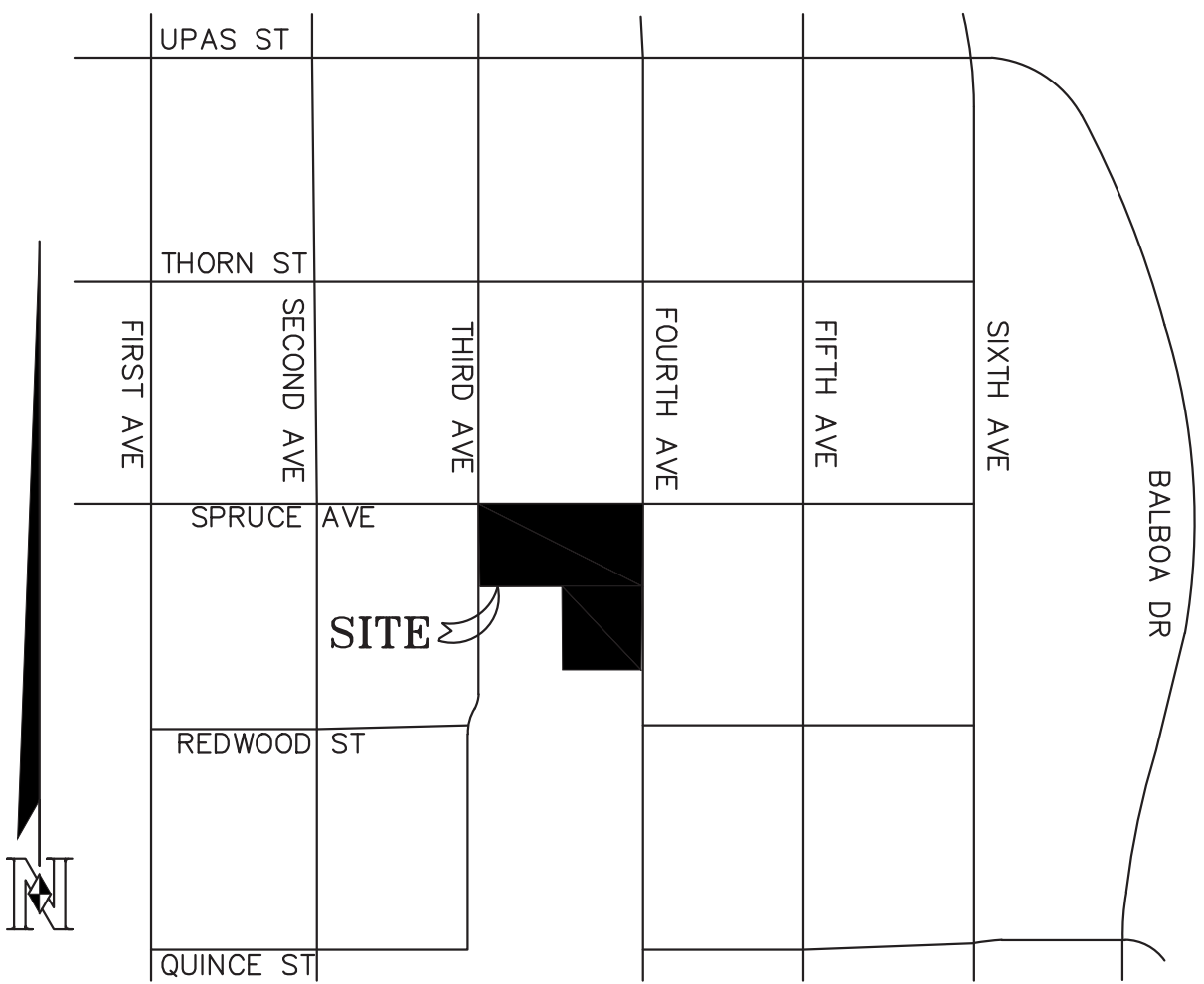
EMRA WILL BE OBTAINED FOR PRIVATE TREE GRATES, DECORATIVE SIDEWALK, LANDSCAPE

LEGEND

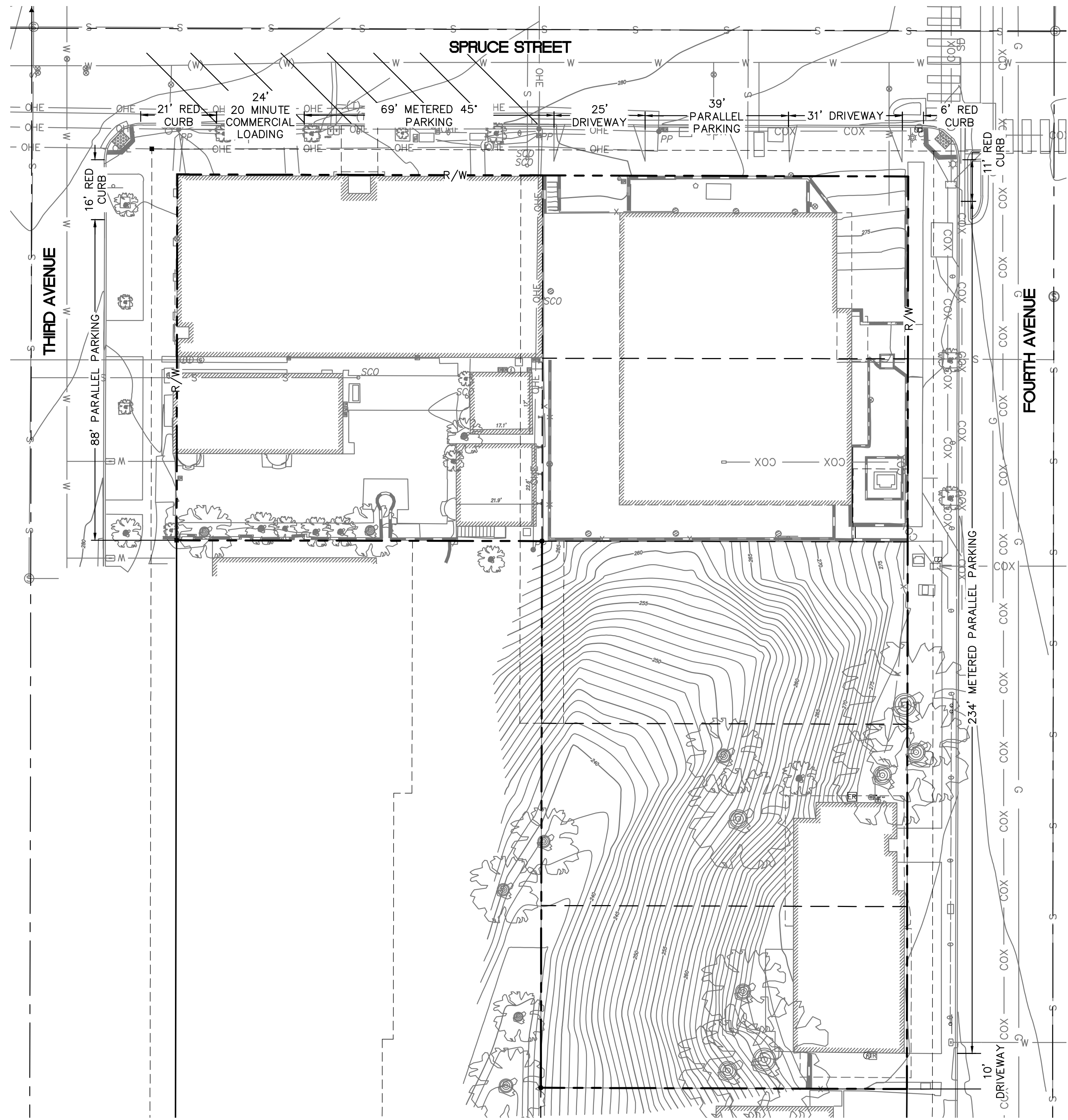
EXISTING IMPROVEMENTS	SYMBOL
GAS LINE	G
LIGHT STANDARD	⊙
PROPERTY LINE	---
SEWER LINE	S
SEWER MANHOLE	⊙
COX CABLE LINE	COX
COM LINE	COM
WATER LINE	W
WATER METER	⊠
WATER VALVE	⊙
DRIVEWAY	---
CURB AND GUTTER	---
STORM DRAIN LINE	SD
FIRE HYDRANT	⊙
OVERHEAD LINES	OHE
POWER POLE	⊙
PROPOSED IMPROVEMENTS	SYMBOL
SEWER LINE	S
WATER LINE	W
FIRE SERVICE LINE	FS
CURB OUTLET	⊙
CURB AND GUTTER	---
DRIVEWAY	---
CURB RAMP	---
TRANSFORMER	⊙
TREE PER LANDSCAPE PLANS	⊙
UNDER GROUND RIGHT OF WAY ENCROACHMENT	---
VISIBILITY TRIANGLE: NO OBSTRUCTION INCLUDING LANDSCAPING OR SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 36 INCHES IN HEIGHT.	⚠

CONSTRUCTION NOTES

- REMOVE EXISTING CURB AND GUTTER AND INSTALL TYPE G CURB AND GUTTER PER SDG-151.
- INSTALL 20' CONCRETE DRIVEWAY PER SDG-160.
- REMOVE EXISTING CURB RAMP AND INSTALL TYPE A CURB RAMP WITH TRUNCATED DOMES PER SDG-132, SDG-133 AND SDG-130.
- REMOVE EXISTING SIDEWALK AND INSTALL NEW CONCRETE SIDEWALK PER SDG-155 AND SDG-156.
- INSTALL TYPE A CURB OUTLET PER RSD D-25A.
- INSTALL 6" FIRE SERVICE LINE.
- INSTALL 6" FIRE SERVICE BACKFLOW.
- INSTALL 1" COPPER IRRIGATION SERVICE WITH 1" METER.
- INSTALL 1" IRRIGATION BACKFLOW ABOVE GROUND ON PRIVATE PROPERTY PER BUILDING PLANS.
- INSTALL 4" DOMESTIC WATER SERVICE AND DUAL 3" ABOVE GROUND METERS.
- INSTALL DUAL 3" DOMESTIC WATER BACKFLOWS.
- INSTALL PUBLIC SEWER MANHOLE.



Nasland
4740 Ruffner Street T 858 292-7770
San Diego, CA 92111 nasland.com
Civil Engineering Surveying Land Planning



EXISTING CURB UTILIZATION
SCALE 1" = 20'

THIRD AVENUE:
EXISTING PARALLEL PARKING SPACES: 4
PROPOSED PARALLEL PARKING SPACES: 2

NET LOSS ON THIRD AVE: 2

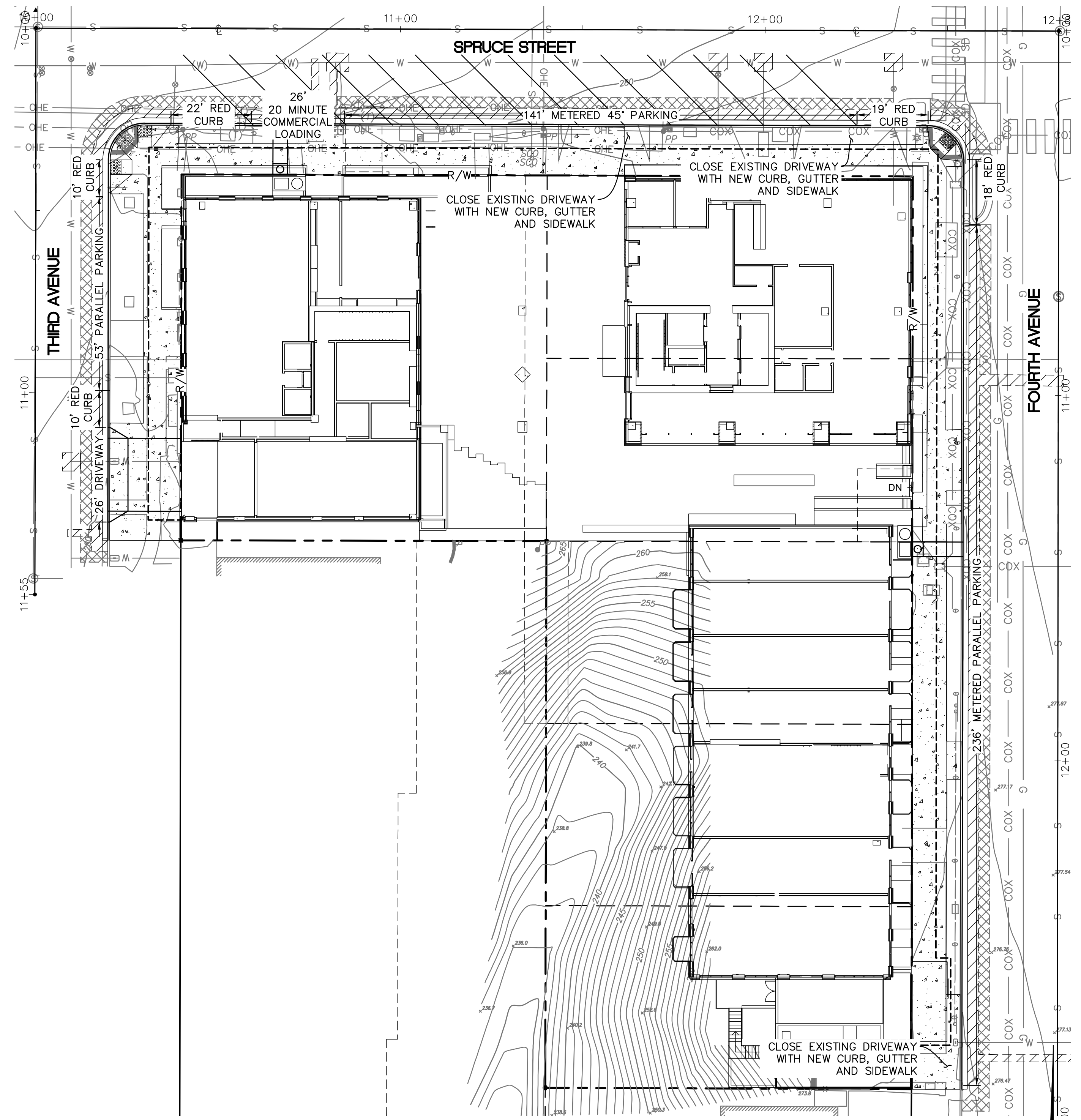
SPRUCE STREET:
EXISTING 45 DEGREE PARKING SPACES: 5
EXISTING PARALLEL PARKING SPACES: 2
PROPOSED 45 DEGREE PARKING SPACES: 11

NET GAIN ON SPRUCE STREET: 4

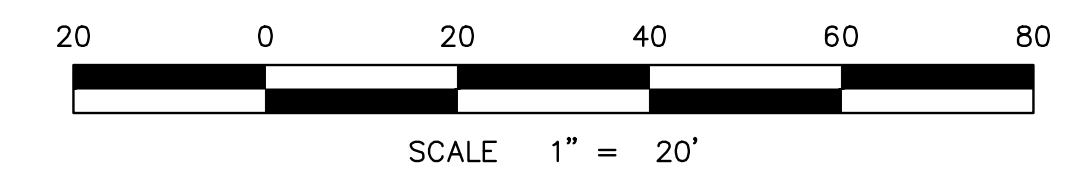
FOURTH AVENUE:
EXISTING PARALLEL PARKING SPACES: 10
PROPOSED PARALLEL PARKING SPACES: 10

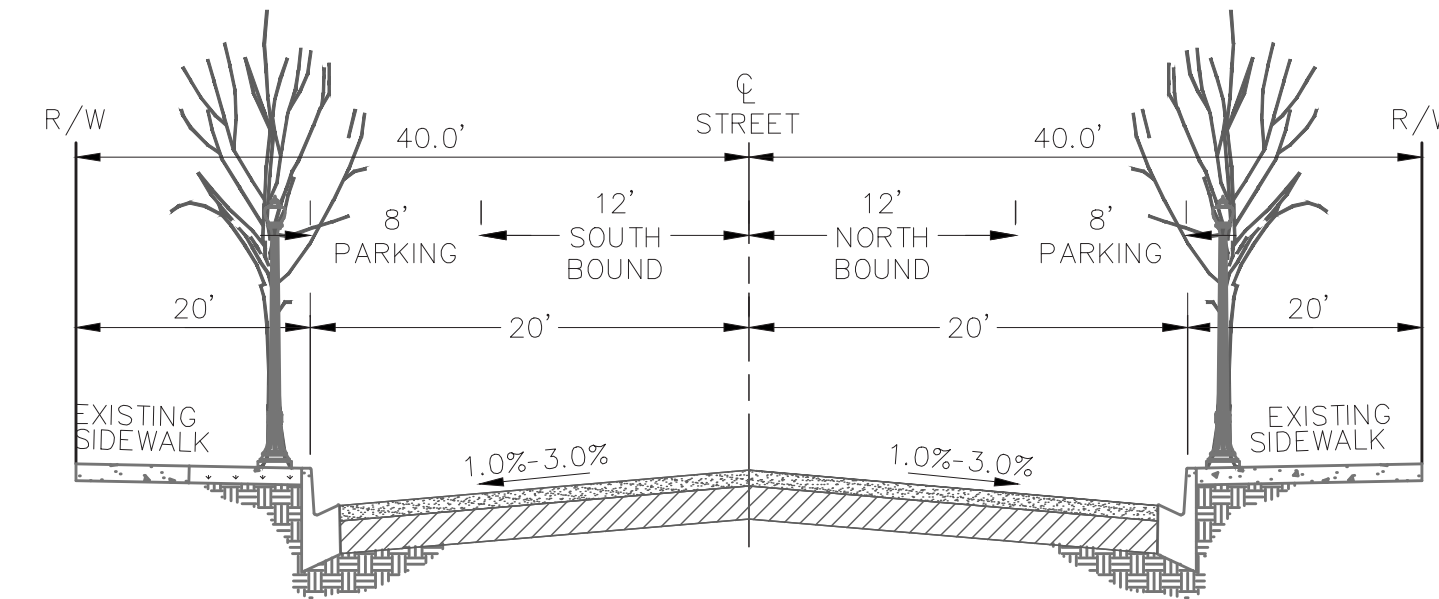
NET ON FOURTH AVENUE: 0

NET TOTAL PARKING SPACES: 2 ADDITIONAL PARKING SPACES



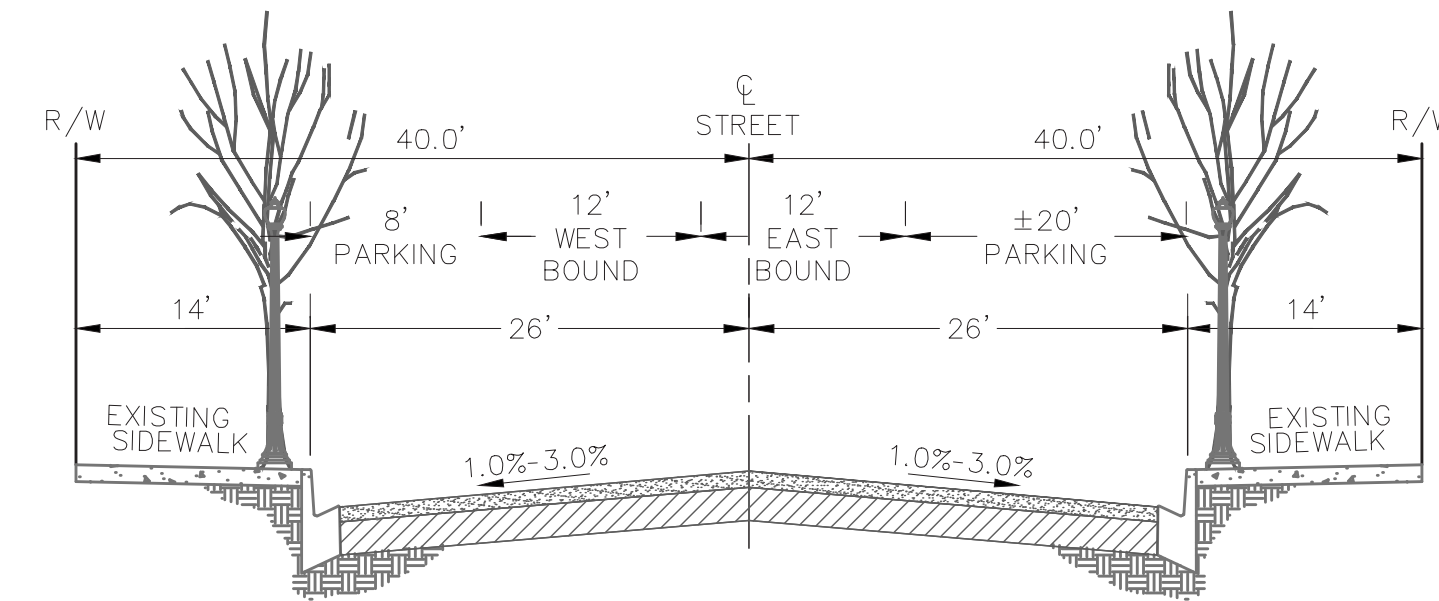
PROPOSED CURB UTILIZATION
SCALE 1" = 20'





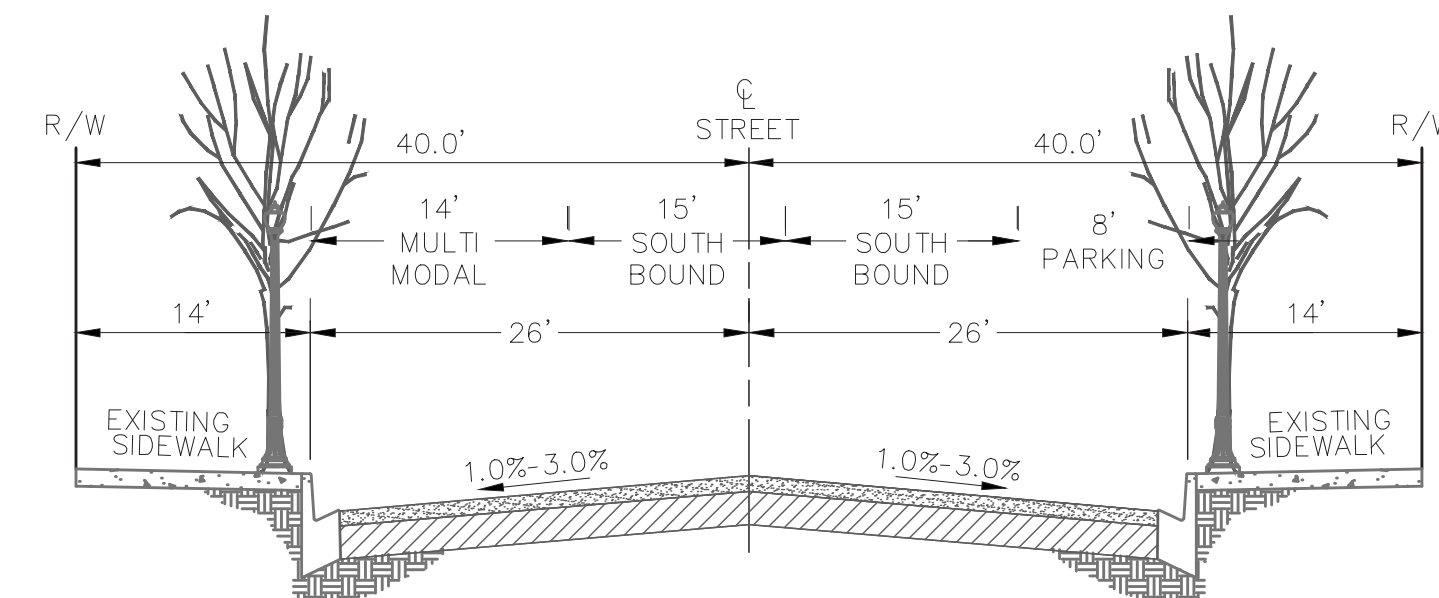
**THIRD AVENUE
TYPICAL SECTION**

NO SCALE



**SPRUCE STREET
TYPICAL SECTION**

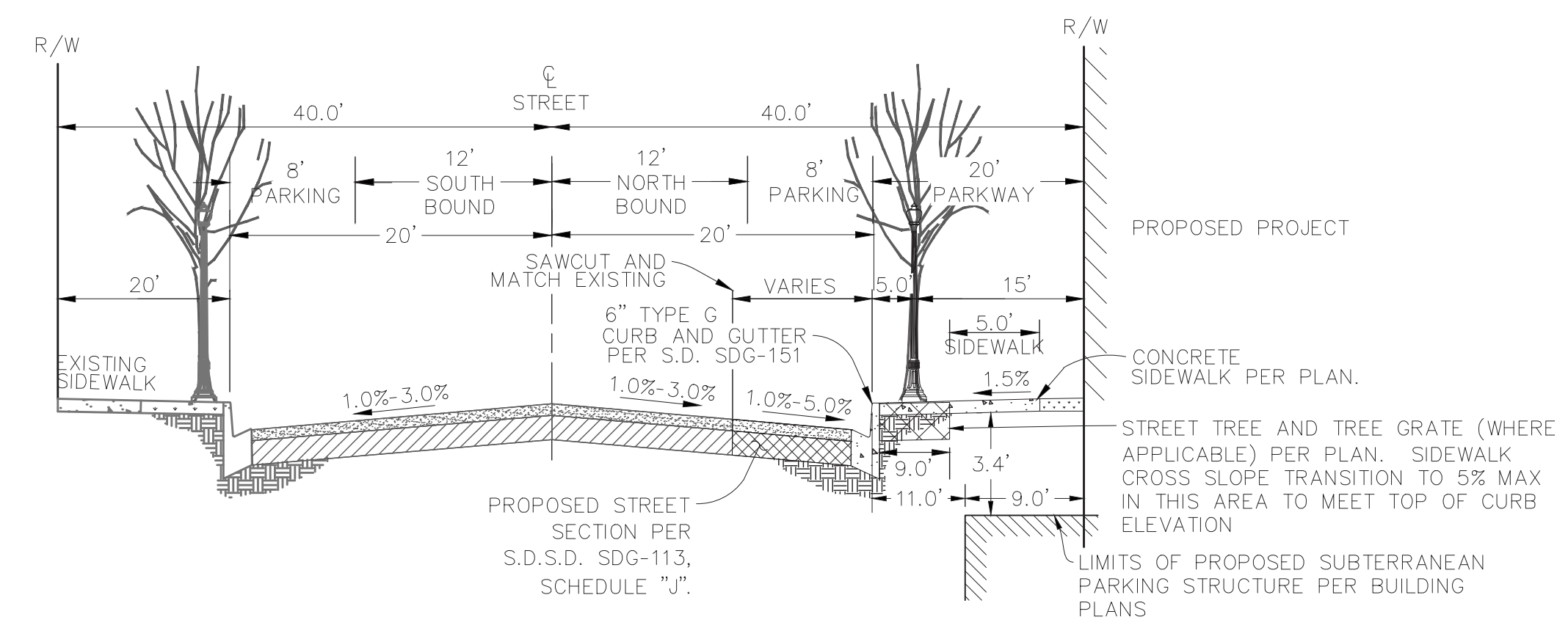
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**FOURTH AVENUE
TYPICAL SECTION**

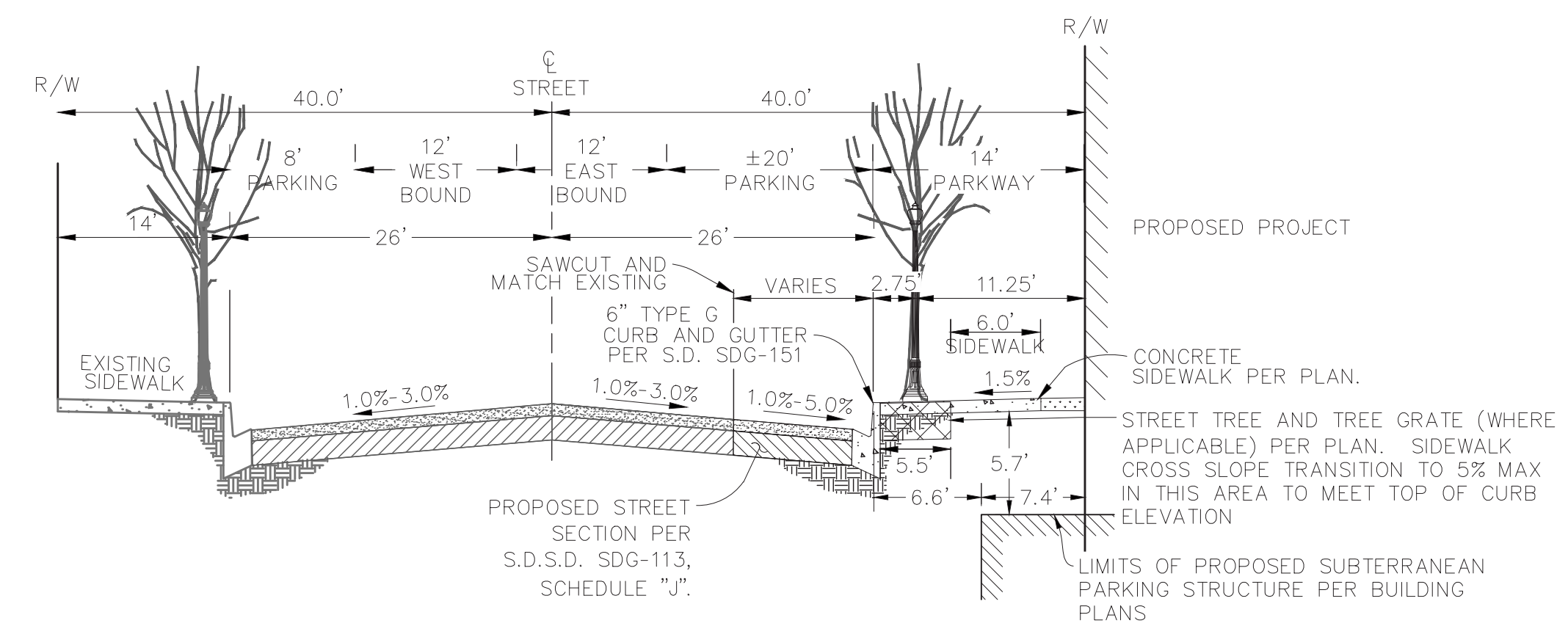
NO SCALE

EXISTING CONDITIONS



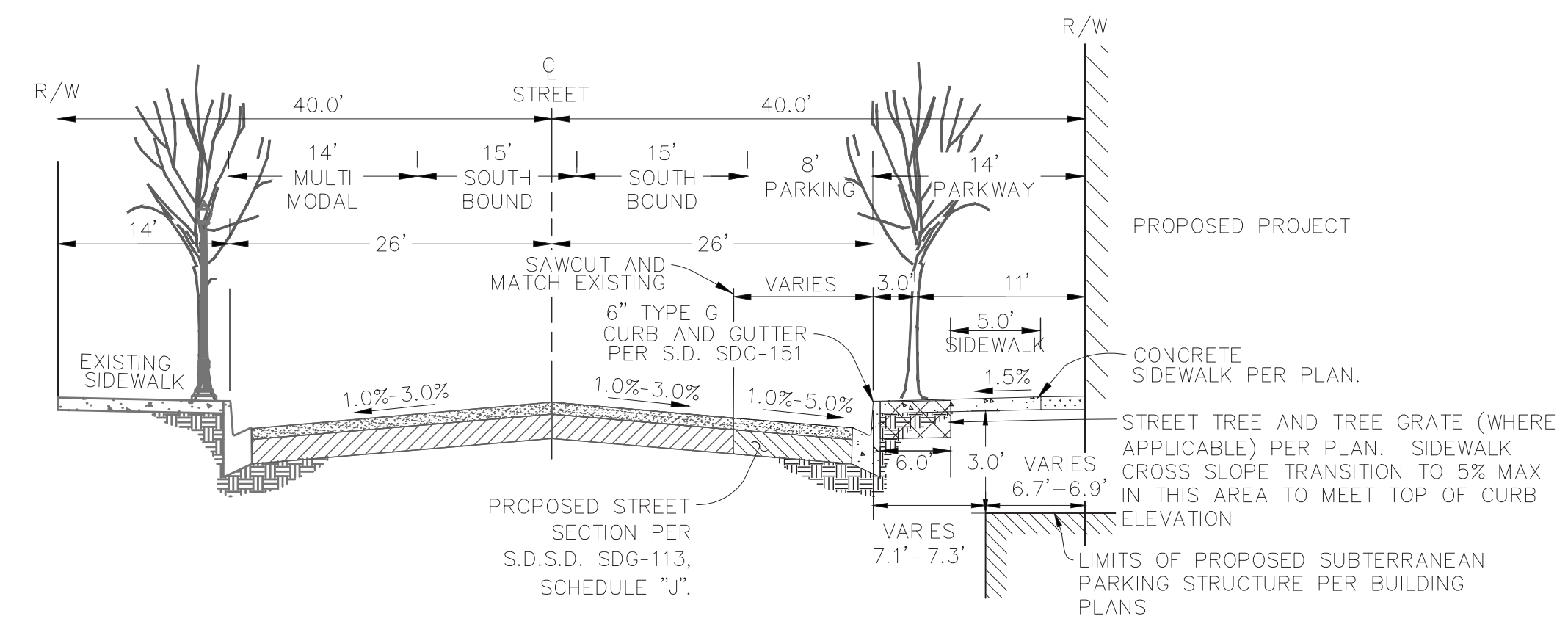
**THIRD AVENUE
TYPICAL SECTION**

NO SCALE



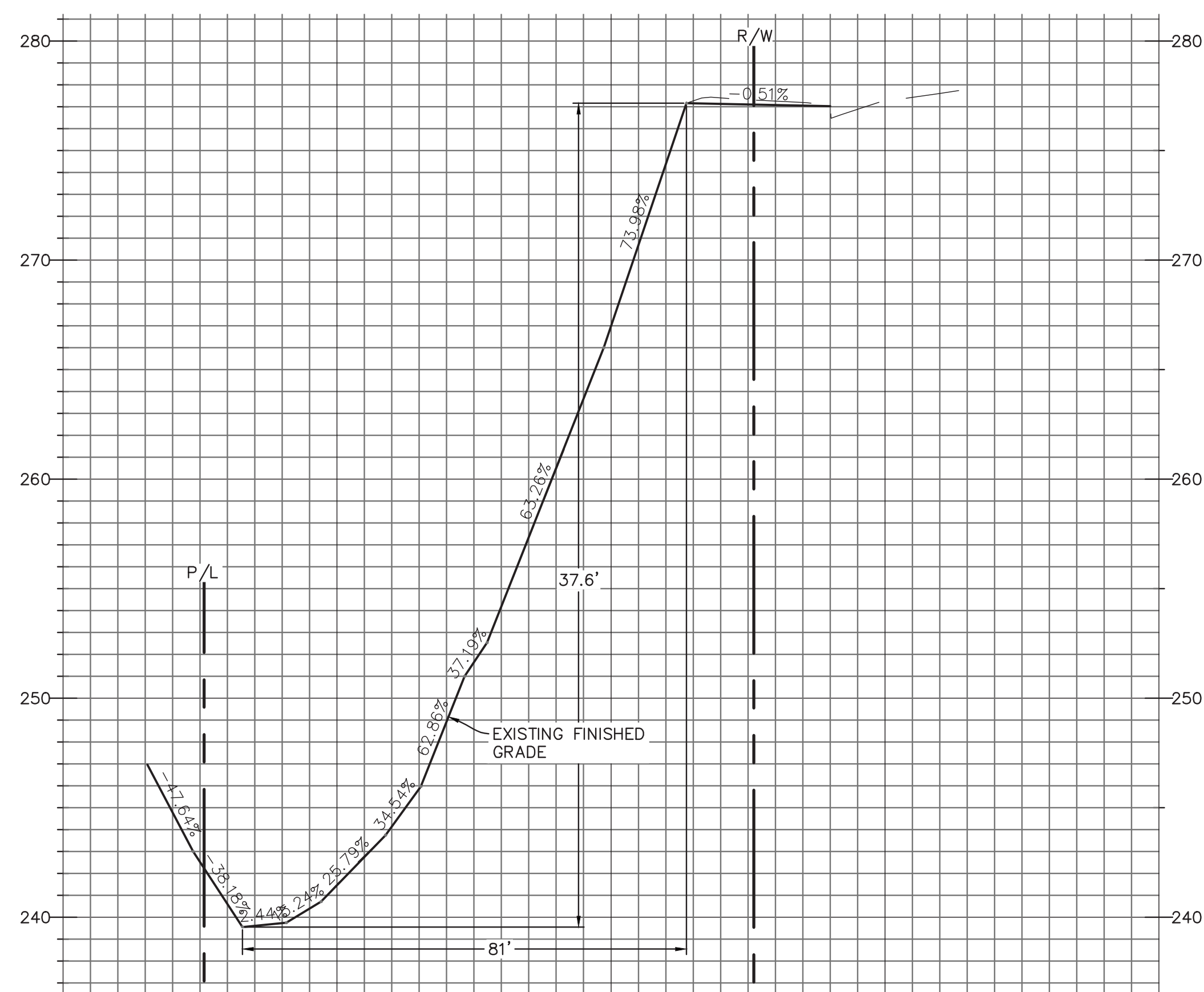
**SPRUCE STREET
TYPICAL SECTION**

NO SCALE

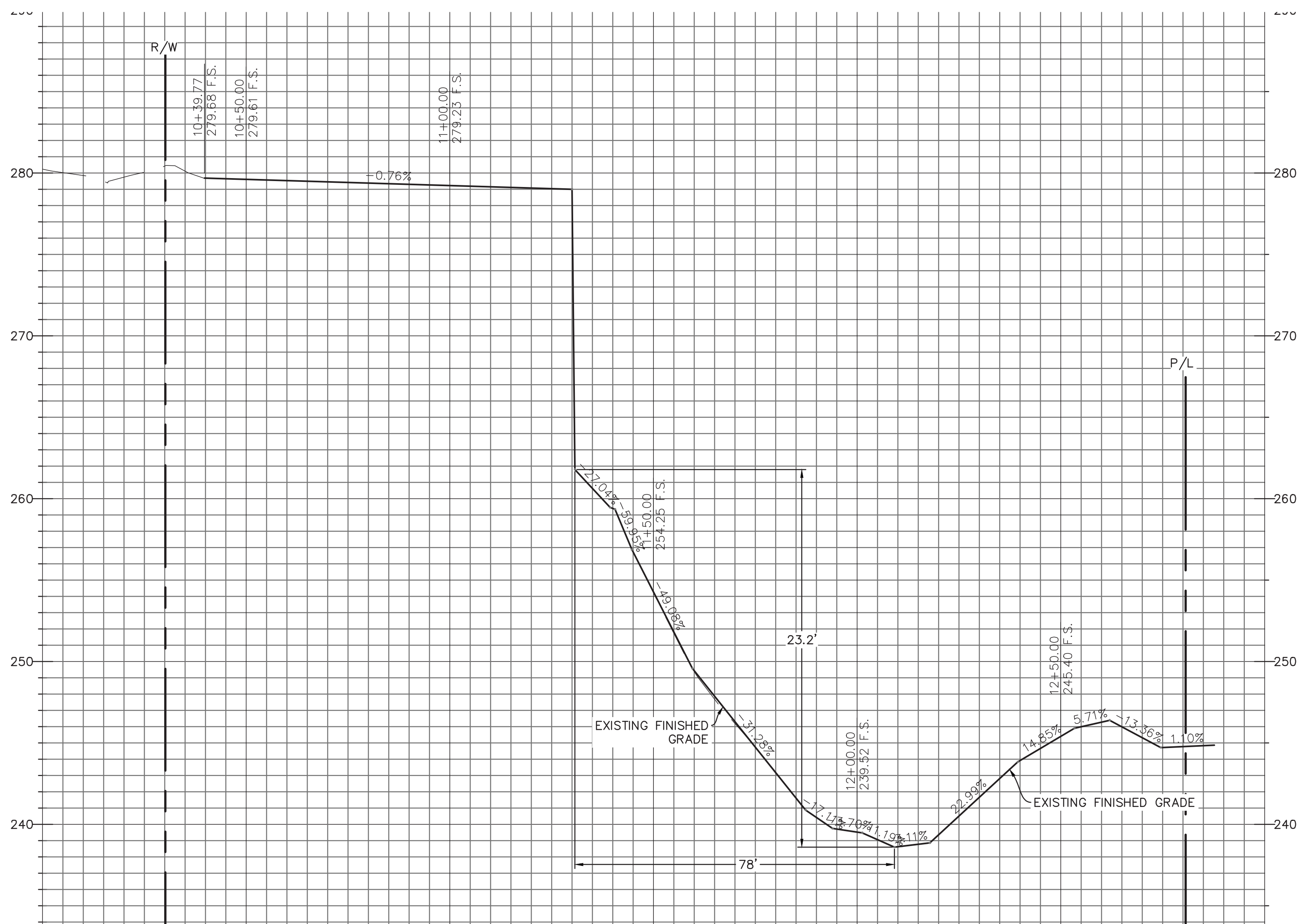
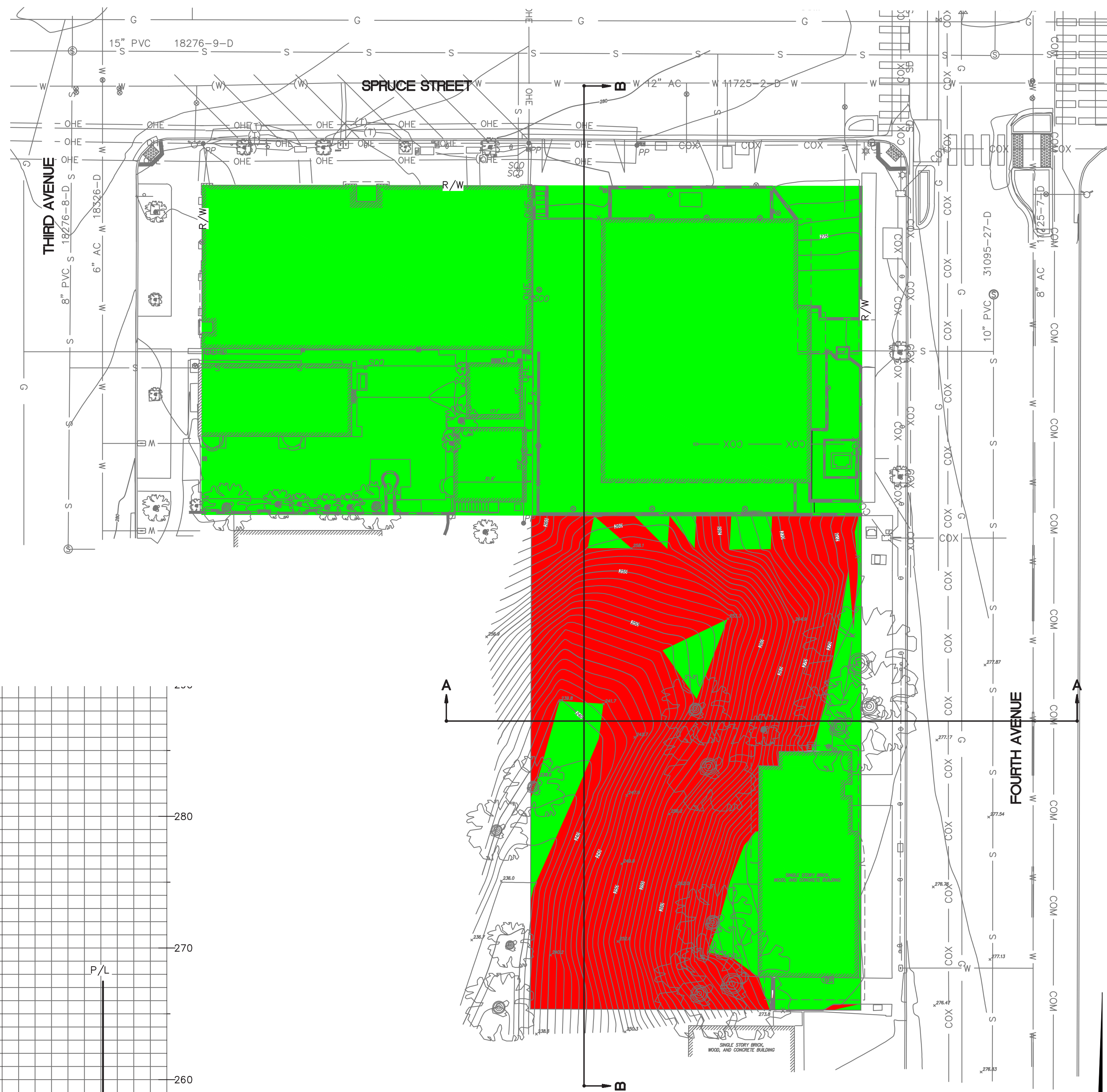


FOURTH AVENUE





SECTION A-A
SCALE: HORIZ 1" = 20'
VERT 1" = 5'

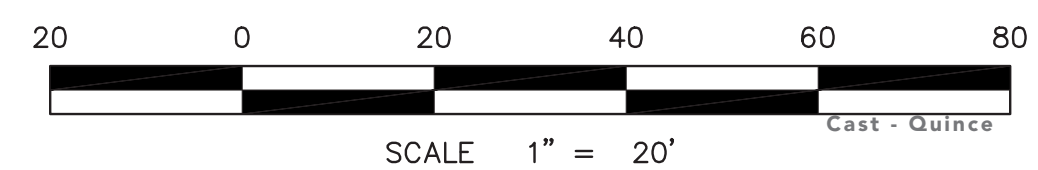


SECTION B-B
SCALE: HORIZ 1" = 20'
VERT 1" = 5'

Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	25.00%	24443.13	Green
2	25.00%	200.00%	10714.68	Red

NOTE: WHILE THE SITE DOES CONTAIN SLOPES OVER 25%, THOSE DO NOT MEET THE CITY'S DEFINITION OF STEEP HILLSIDES. SPECIFICALLY, THE SLOPES DO NOT HAVE A VERTICAL ELEVATION OF AT LEAST 50 FT, AS DEFINED BELOW.

- STEEP HILLSIDE GUIDELINE CRITERIA:
- a. SECTION 143.0110 OF THE STEEP HILLSIDE GUIDELINE
 - a.1. A NATURAL GRADIENT OF AT LEAST 25 PERCENT AND A VERTICAL ELEVATION OF AT LEAST 50' DOES NOT APPLY. THE MAX VERTICAL DISTANCE IS 37.6'.
 - a.2. A NATURAL GRADIENT OF AT LEAST 200 PERCENT AND A VERTICAL ELEVATION OF AT LEAST 10' DOES NOT APPLY. THE MAX VERTICAL DISTANCE IS 0'.




LANDSCAPE NOTES:

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- ALL GRADED, DISTURBED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED OR COVERED BY STRUCTURES SHALL BE PERMANENTLY REVEGETATED AND IRRIGATED AS SHOWN IN TABLE 142.04F AND IN ACCORDANCE WITH THE STANDARDS IN THE LAND DEVELOPMENT MANUAL.
- IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC §142.0403(C) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
NO IRRIGATION RUN-OFF SHALL DRAIN OFFSITE INTO THE PUBLIC RIGHT OF WAY, STREETS, DRIVES, OR ALLYS.
A DEDICATED IRRIGATION METER FOR LANDSCAPING WILL BE PROVIDED
- STREET TREES: PROPOSED STREET TREES SHALL BE SELF-SUPPORTING, WOODY PLANTS WITH AT LEAST ONE WELL DEFINED TRUNK AND ATTAIN A MATURE HEIGHT AND SPREAD OF AT LEAST 15FT. MULTI-TRUNK IS NOT ALLOWED IN PARKWAY.
- MINIMUM DISTANCE TO STREET TREE:
 - TRAFFIC SIGNALS (STOP SIGNS) - 20 FEET
 - UNDERGROUND UTILITY LINES - 5 FEET (10 FEET FOR SEWER)
 - ABOVE GROUND UTILITY STRUCTURES - 10 FEET
 - DRIVEWAY (ENTRIES) - 10 FEET IS FEET ON RESIDENTIAL STREETS RATES AT 25 MPH OR LOWER)
 - INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET
- A MINIMUM ROOT ZONE OF 40 SQUARE FEET IN AREA SHALL BE PROVIDED FOR ALL TREES, WITH A MINIMUM DIMENSION OF 5 FEET.
- TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENTS OR WHERE PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. THE ROOT BARRIER WILL NOT WRAP AROUND THE ROOT BALL.
- MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS AS SHOWN ON THESE PLANS, INCLUDING IN THE RIGHT-OF-WAY, SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS WITHIN THE PUBLIC ROW SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
- IF ANY REQUIRED LANDSCAPE INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE.
- ALL TREES IN POTS OR PLANTERS ON STRUCTURAL DECK SHALL HAVE A MINIMUM DIMENSION OF 48" IN EACH DIRECTION.

IRRIGATION NOTES:

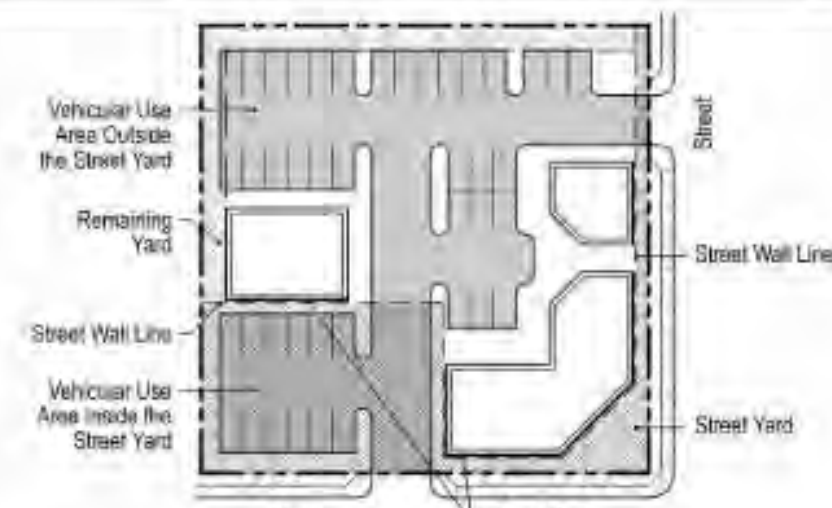
- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC §142.0403(C) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
- IRRIGATION TO BE ON DEDICATED WATER METER. SEE PLANS FOR LOCATION.
- SEE "WATER EFFICIENT LANDSCAPE WORKSHEET" (THIS SHEET) FOR PROPOSED IRRIGATION METHODS.
- LANDSCAPE AND IRRIGATION SYSTEM TO UTILIZE POTABLE WATER. SYSTEM TO COMPLY WITH CURRENT CAL GREEN AND CALIFORNIA MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.
- WEATHER BASED HUNTER CONTROLLER WITH INTERNET COMMUNICATIONS TO ALLOW FOR REMOTE ACCESS, MONITORING, AND AUTOMATIC ADJUSTMENT FOR CURRENT WEATHER CONDITIONS.
- IRRIGATION SYSTEM TO CONSIST OF HIGH EFFICIENCY DRIP IRRIGATION WITHIN ALL PLANTED AREAS.
- IRRIGATION SYSTEM ZONES TO BE SEPARATED BY GENERAL PLANT WATER NEEDS AND EXPOSURE.
- TREES TO BE IRRIGATED WITH SUPPLEMENTAL BUBBLERS FOR ESTABLISHMENT.

WATER EFFICIENT LANDSCAPE WORKSHEET						
<i>This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package</i>						
Project Name:		Quince				
Project Address:		301 Spruce Ave San Diego, California 92103			 <small>DESIGN, CONSTRUCTION AND CONSULTING</small>	
Reference Evapotranspiration (ET _o)		46.5	In./Yr.	Residential Project?	No	
Hydrozone # / Planting Description*	Plant Factor	Irrigation Method*	Irrigation Efficiency (IE)*	ETAF (PF / IE)	Landscape Area (Sq. Ft.)	Estimated Total Water Use (ETWU)*
Regular Landscape Areas						
1. Low Water Use Plantings	0.30	Drip	0.81	0.38	6,330	2,405
1. Moderate Water Use Plantings	0.30	Overhead	0.75	0.40	7,456	2,982
2. Low Water Use Trees	0.30	Bubblers	0.81	0.38	3,000	1,140
3. Medium Water Use Trees	0.40	Bubblers	0.81	0.50	1,250	625
					Totals:	18,036
					ETAF x Area	7,153
Special Landscape Areas						
					Estimated Total Water Use (ETWU) Total:	206,215
					Maximum Applied Water Allowance (MAWA)*:	233,990
* Hydrozone # / Planting Description		* Irrigation Method		* Irrigation Efficiency		
E.g.		Overhead Spray of		0.75 for Spray		
1.) Front Lawn		Drip		0.81 for Drip		
2.) Low Water Use Plantings						
3.) Medium Water Use Plantings						
* ETWU (Annual Gallons Required) = ET_o x 0.62 x ETAF x Area						
<i>Where 0.62 is a conversion factor that converts acre-inches/acre/year to gallons/square foot/year.</i>						
* MAWA (Annual Gallons Allowed) = ET_o x 0.62 x [(ETAF x LA) + ((1 - ETAF) x SLA)]						
<i>Where 0.62 is a conversion factor that converts acre-inches/acre/year to gallons/square foot/year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is 0.55 for residential projects and 0.45 for non-residential projects.</i>						
Evapotranspiration Adjustment Factor (ETAF) Calculations						
<i>This non-residential project complies with the WELO and its average ETAF is less than 0.45</i>						
Regular Landscape Areas			All Landscape Areas			
Total ETAF x Area	7,153	Total ETAF x Area	7,153			
Total Area	18,036	Total Area	18,036			
Average ETAF	0.4	Average ETAF	0.4			
I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE						
					SIGNATURE:	09-30-22
					DATE:	

STREET YARD CALCULATIONS

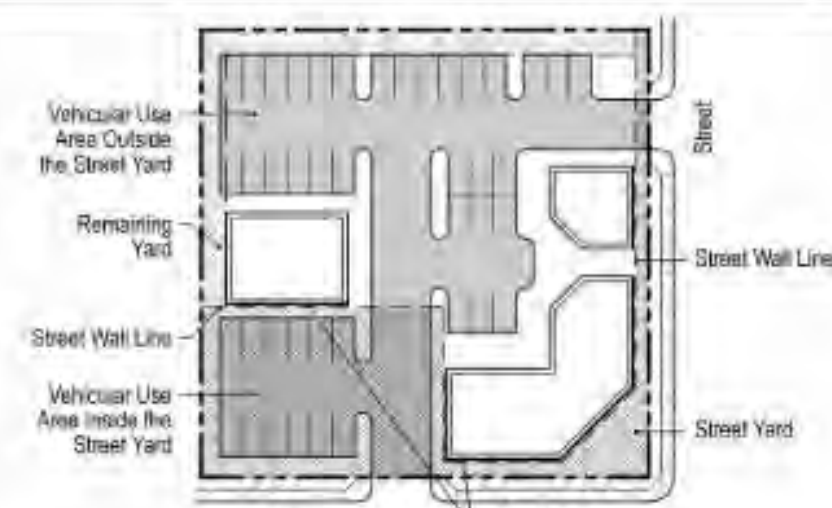
Spruce Street Frontage

City of San Diego Development Services 1222 First Ave., MS-501 San Diego, CA 92101		Landscape Calculations Worksheet Multiple Dwelling Unit Residential & Residential Components of Mixed-Use Development		FORM DS-6 August 2020
Provide the following information on the Landscape Plans. The Landscape Calculations determine the planting area and plant points required by the Landscape Regulations, Chapter 14, Article 2, Division 4 of the Land Development Code. Refer to §142.0403 Table 142-04B for proposed and existing plant point schedule.				
<ul style="list-style-type: none"> At least one-half of the required planting points shall be achieved with trees. If any of the requirements of Landscape Regulations, Section 142.0405(a) 1, 2, and 3 apply to your project, provide a written summary explaining how requirements are being met. 				
STREET YARD [§142.0404 - §142.0405] - All Multiple Dwelling Unit Residential Development				
Planting area in the public right-of-way is not counted towards fulfillment of the required street yard planting area.				
Planting Area Required	Planting Area Provided	Excess Area Provided		
Total Area 573.5 sq. ft. x 50% = 286.75 sq. ft.	430 sq. ft.	143.25 sq. ft.		
Plant Points Required	Plant Points Provided	Excess Points Provided		
Total Area 573.5 sq. ft. x 0.05 = 28.68 points	38 points	9.32 points		
		Plant Points Achieved with Trees (50%)		
		20 points N/A		
ADDITIONAL YARD PLANTING AND PLANT POINT REQUIREMENTS - IF APPLICABLE				
Planting Area Reduction [§142.0405(a)(3)]	Minimum Planting Area with Allowed Reduction	Excess Points Required		
Planting Area Required 100 sq. ft. x 25% = 25 sq. ft.	100 sq. ft.	0 points		
Planting Area allowable as Hardscape [§142.0405(b)(1)(A)]		Hardscape Provided		
Planting Area Required 100 sq. ft. x 10% = 10 sq. ft.	10 sq. ft.	0 points		



Fourth Avenue Frontage

City of San Diego Development Services 1222 First Ave., MS-501 San Diego, CA 92101		Landscape Calculations Worksheet Multiple Dwelling Unit Residential & Residential Components of Mixed-Use Development		FORM DS-6 August 2020
Provide the following information on the Landscape Plans. The Landscape Calculations determine the planting area and plant points required by the Landscape Regulations, Chapter 14, Article 2, Division 4 of the Land Development Code. Refer to §142.0403 Table 142-04B for proposed and existing plant point schedule.				
<ul style="list-style-type: none"> At least one-half of the required planting points shall be achieved with trees. If any of the requirements of Landscape Regulations, Section 142.0405(a) 1, 2, and 3 apply to your project, provide a written summary explaining how requirements are being met. 				
STREET YARD [§142.0404 - §142.0405] - All Multiple Dwelling Unit Residential Development				
Planting area in the public right-of-way is not counted towards fulfillment of the required street yard planting area.				
Planting Area Required	Planting Area Provided	Excess Area Provided		
Total Area 800 sq. ft. x 50% = 400 sq. ft.	440 sq. ft.	40 sq. ft.		
Plant Points Required	Plant Points Provided	Excess Points Provided		
Total Area 800 sq. ft. x 0.05 = 40 points	62 points	22 points		
		Plant Points Achieved with Trees (50%)		
		20 points		
ADDITIONAL YARD PLANTING AND PLANT POINT REQUIREMENTS - IF APPLICABLE				
Planting Area Reduction [§142.0405(a)(3)]	Minimum Planting Area with Allowed Reduction	Excess Points Required		
Planting Area Required 100 sq. ft. x 25% = 25 sq. ft.	100 sq. ft.	0 points		
Planting Area allowable as Hardscape [§142.0405(b)(1)(A)]		Hardscape Provided		
Planting Area Required 100 sq. ft. x 10% = 10 sq. ft.	10 sq. ft.	0 points		



NOTE THAT 3RD AVENUE IS A ZERO LOT LINT CONDITION, AS SUCH THERE IS NO STREET YARD.

REMAINING YARD/Common Open Area Calculations

Page 2 of 3 City of San Diego - Development Services Department - DS-6		
REMAINING YARD [§142.0404 - §142.0405] - 4 Dwelling Units or Less		
A minimum of 60 points per residential structure. Planting shall be distributed within a 10-foot offset from the structural envelope or within the remaining yard.		
Plant Points Required	Plant Points Provided	Excess Points Provided
60 points x # of residential structures	sq. ft.	sq. ft.
		Plant Points Achieved with Trees (50%)
		points
REMAINING YARD [§142.0404 - §142.0405] - 5 Dwelling Units or More		
Option 1: A minimum of 30 percent of the total area within a 10-foot offset from the structural envelope of each residential structure shall be planting area and shall be planted at a rate of 0.05 points per square foot of total area within the offset.		
Planting Area Required	Planting Area Provided	Excess Area Provided
Total Area 17,990 sq. ft. x 30% = 5,397 sq. ft.	3,830 sq. ft.	1,567 sq. ft.
Plant Points Required	Plant Points Provided	Excess Points Provided
Total Area 17,990 sq. ft. x 0.05 = 899.5 points	928 points	28.5 points
		Plant Points Achieved with Trees (50%)
		480 points
Option 2: Where common open space areas are provided in the form of plazas, paseos, or courtyard (including decks), 20 percent of the total common open space area shall be planting area and shall be planted at a rate of 0.05 points per square foot of the total area. The required 20 percent of each open space area is to be calculated individually.		
Planting Area Required	Planting Area Provided	Excess Area Provided
Total Area 17,741 sq. ft. x 20% = 3,548 sq. ft.	3,830 sq. ft.	32 sq. ft.
Plant Points Required	Plant Points Provided	Excess Points Provided
Total Area 17,741 sq. ft. x 0.05 = 887.05 points	928 points	40.95 points
		Plant Points Achieved with Trees (50%)
		480 points

LANDSCAPE COMPLIANCE CALCULATION TOTALS

LEVEL	PLANTED AREA PROVIDED	PLANT POINTS PROVIDED
LEVEL B1	N/A	N/A
LEVEL L1	1,890 SF	288
LEVEL L2	820 SF	263
LEVEL L3	67 SF	8
LEVEL L4	51 SF	8
LEVEL L10	358 SF	294
LEVEL L11	486 SF	93
TOTALS:	3,630 SF	954

LANDSCAPE SHEET INDEX

Landscape Notes and Calculations Diagram	L0.01
Landscape Demolition Plan	L0.10
Brush Management Plan: Photos and Key Plan	L2.10
Brush Management Plan: Notes	L2.11
Brush Management Plan: Street Level	L2.12
Brush Management Plan: Canyon Level	L2.13
Landscape Planting Plans - B1	L3.10
Landscape Planting Calcs - L1	L3.11
Landscape Planting Plans - L1	L3.12
Landscape Planting Calcs and Plans - L2	L3.13
Landscape Planting Calcs and Plans - L3	L3.14
Landscape Planting Calcs and Plans - L4	L3.15
Landscape Planting Calcs and Plans - L10	L3.16
Landscape Planting Calcs and Plans - L11	L3.17

IRRIGATION NOTES:

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- TREES TO BE IRRIGATED WITH SUPPLEMENTAL BUBBLERS FOR ESTABLISHMENT.

Total Existing Trees	30
Existing Trees to Remain, In-situ	1
Existing Trees to be Removed	29

Proposed Trees to be Provided	
3rd Avenue	4
Spruce Street	10
4th Avenue	13
Level 1	3
Level 2	4
Level 10	12
Subtotal	46
Net Increase in Trees (47-30)	17
Net Total Trees	47

1 Net Tree Gain Calculation
1" = 20'-0"

Landscape Calculation: Street Trees

3rd Avenue:	
Linear Feet of Street Frontage:	99'-10" - 20'-0" (Driveway) = 79'-10"
Required Street Trees:	4 (1/20 LF)
Trees Proposed Per Plan:	4
Parkway Width:	20'-0"
Tree Varietal:	Primary Tree: Coastal Live Oak Secondary Tree: Tipu

Spruce Street	
Linear Feet of Street Frontage:	200'-0"
Required Street Trees:	10 (1/20 LF)
Trees Proposed Per Plan	10
Parkway Width:	14'-0"
Tree Varietal:	Fruitless Olive

4th Avenue	
Linear Feet of Street Frontage:	250'-0"
Required Street Trees:	12.5 (1/20 LF)
Trees Proposed Per Plan	13
Parkway Width:	14'-0"
Tree Varietal:	Primary Tree: Chinese Elm; Secondary Tree: Chinese Flame

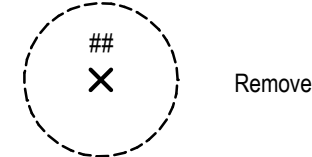
2 Street Tree Calculations
1 1/2" = 1'-0"



General Demolition Notes

- CONTRACTOR TO CLEAR PROJECT SITE AREA WITHIN THE CONFINES OF THE DEMOLITION LIMIT OF WORK LINE. THE CONTRACTOR SHALL DEMOLISH AND LEGALLY REMOVE FROM THE SITE ALL EXISTING UTILITIES, STRUCTURES, FOOTING AND FOUNDATIONS, PLANTERS, TREES, TREE ROOT BALLS, AND ALL OTHER FEATURES IDENTIFIED AS EXISTING SITE FEATURES TO BE REMOVED ON THE DEMOLITION DRAWINGS, UNLESS OTHERWISE NOTED ON THE DEMOLITION DRAWINGS.
- REMOVAL OF EXISTING LANDSCAPING SHALL INCLUDE TREES, TREE ROOT BALL (UNLESS OTHERWISE NOTED) AND ORGANIC MATERIALS. ONCE THE TREE ROOT BALL HAS BEEN REMOVED THE CONTRACTOR SHALL BACKFILL THE OPEN PIT TO MEET EXISTING GRADE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS AND SHALL PAY ALL ASSOCIATED FEES FOR ENCROACHMENT, GRADING, DEMOLITION, AND DISPOSAL OF SAID MATERIALS REQUIRED BY GOVERNING AGENCIES, JURISDICTIONS, AND UTILITY PROVIDERS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONDUCTING A PROJECT SITE INSPECTION TO FULLY ACKNOWLEDGE THE EXTENT AND LIMITS OF THE DEMOLITION WORK
- THE CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING ABOVE GROUND AND UNDERGROUND UTILITIES WITHIN THE PROJECT AREA. LOCATION OF UTILITIES AND SERVICE LINES SHOWN ON THE DRAWINGS ARE APPROXIMATE AND SHOWN FOR GENERAL INFORMATION ONLY.
- DAMAGE TO ANY EXISTING UTILITIES AND SERVICE LINES TO REMAIN SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL REPAIR AND/OR REPLACE IN KIND.
- EROSION CONTROL MEASURES AND BMP'S SHALL BE IMPLEMENTED TO PREVENT DEBRIS AND UNSUITABLE MATERIALS FROM ENTERING STORM DRAINS, SANITARY SEWERS AND STREETS.
- DUST CONTROL SHALL BE IMPLEMENTED DURING THE DEMOLITION PHASE OF WORK.
- PROJECT SITE DEMOLITION IS LIMITED TO WITHIN DEMOLITION LIMIT LINE UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND QUANTITY OF EXISTING SURFACE STRUCTURES AND SHALL BE SOLELY RESPONSIBLE FOR ANY UNIDENTIFIED UTILITIES, SERVICE LINES, IMPROVEMENTS, TREES, ETC. TO BE DEMOLISHED AND REMOVED WITHIN THE DEMOLITION LIMIT LINE OF WORK INCLUDING APPURTENANT FOUNDATIONS, FOOTINGS OR SUPPORTS.
- DEMOLITION CALL-OUTS FOR THIS SECTION ARE REPRESENTATIVE OF WHAT IS TO BE DONE AND ARE NOT AN ITEMIZED ACCOUNTING FOR EACH PIPE, CATCH BASIN, MANHOLE, VAULT, ETC. THAT IS TO BE DEMOLISHED, REMOVED AND LEGALLY DISPOSED OF.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND ROOT SYSTEMS AS DOCUMENTED ON THE LANDSCAPE ARCHITECT'S DRAWINGS AS EXISTING TO REMAIN, PROTECT IN PLACE.

Tree Disposition Systems



Tree Protection and Removal Schedule

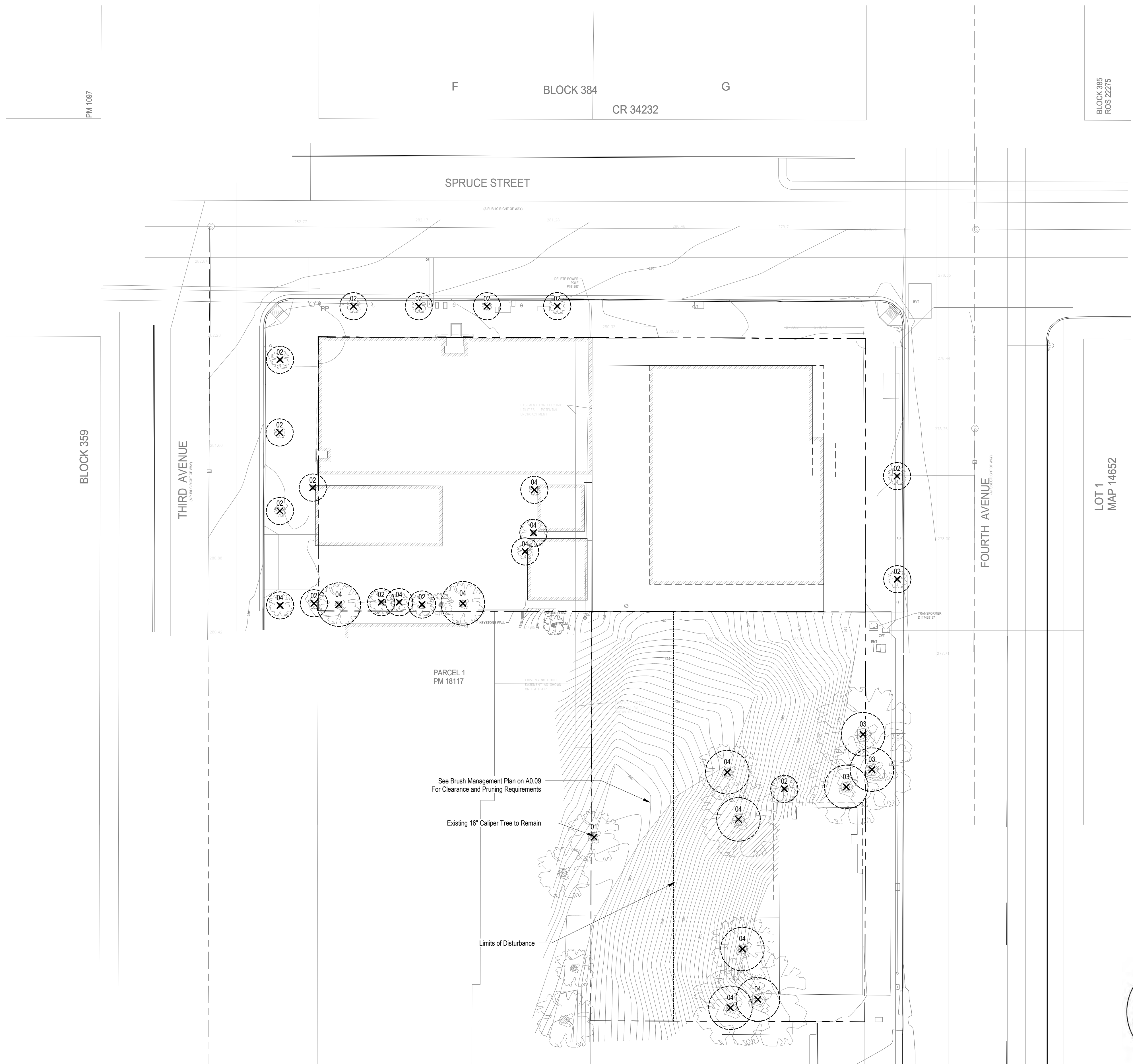
ID	Botanical Name	Common Name	Protect / Remove	Quantity
01	Liquidambar styraciflua	American Sweetgum	Protect	1
02	Liquidambar styraciflua	American Sweetgum	Remove	14
03	Pinus canariensis	Canary Island Pine	Remove	3
04	Eucalyptus mannifera	Red-Spotted Gum	Remove	12
Total Existing Trees				30
Total Existing Trees To Remain				1

New Proposed Tree Schedule

ID	Botanical Name	Common Name	Location	Quantity
QUE AGR	Quercus Agrifolia	Coastal Live Oak	3rd Ave	4
OLE EUR	Olea Europaea	Non-Fruiting Olive	Spruce	10
ULM PAR	Ulmus Parvifolia	Chinese Elm	4th Ave	13
KAL BEH	Kalanchoe Beharensis	Velvet Elephant Ear	Street Yards	2
FEI SEL	Feijoa Sellowana	Pineapple Guava	Level 1	1
KAL BEH	Kalanchoe Beharensis	Velvet Elephant Ear	Level 2	3
EUP PING	Euphorbia Ingens	Candelabra Tree	Level 2	1
ALO BAR	Aloe Barbaerae/Bainsii	Aloe Tree	Level 10	2
MYR PAC	Myrica Ca	Pacific Wax Myrtle	Level 10	1
RAV RIV	Ravenea Rivularis	Majesty Palm	Level 10	4
SAB MIN	Dracaena Draco	Dragon Tree	Level 10	5
Total New Trees				46

Net Canopy Tree Gain Calculation

	Quantity
Existing Trees to be Protected	1
Existing Trees to be Removed	(29)
Proposed Trees to be Added	46
Net Increase in Trees	(47 net total trees-30 existing trees) 17



See Brush Management Plan on A0.09 For Clearance and Pruning Requirements

Existing 16" Caliper Tree to Remain

Limits of Disturbance



San Diego Municipal Code
§142.0412 - Brush Management

Table 142-04H

	Standard Width	Provided Width
Zone One	35-feet	35'-0"
Zone Two	65-feet	Appx. 11'-0" to PPL



(f) The Zone Two width may be decreased by 1 ½ feet for each 1 foot of increase in Zone One width, however, within the Coastal Overlay Zone, a maximum reduction of 30 feet of Zone Two width is permitted.

(g) Zone One Requirements

- (1) The required Zone One width shall be provided between native or naturalized vegetation and any structure and shall be measured from the exterior of the structure to the vegetation.
- (2) Zone One shall contain no habitable structures, structures that are directly attached to habitable structures, or other combustible construction that provides a means for transmitting fire to the habitable structures. Structures such as fences, walls, palapas, play structures, and non-habitable gazebos that are located within brush management Zone One shall be of noncombustible, one hour fire-rated Type IV or heavy timber construction as defined in the California Building Code.
- (3) Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Plants shall be low-fuel and fire-resistant.
- (4) Trees within Zone One shall be located away from structures to a minimum distance of 10 feet as measured from the drip line of the tree at maturity in accordance with the Landscape Standards of the Land Development Manual.
- (5) Permanent irrigation is required for all planting areas within Zone One except as follows:
 - (A) When planting areas contain only species that do not grow taller than 24 inches in height, or
 - (B) When planting areas contain only native or naturalized species that are not summer-dormant and have a maximum height at plant maturity of less than 24 inches.
- (6) Zone One irrigation overspray and runoff shall not be allowed into adjacent areas of native or naturalized vegetation.
- (7) Zone One shall be maintained on a regular basis by pruning and thinning plants, controlling weeds, and maintaining irrigation systems.

(h) Zone Two Requirements

- (1) The required Zone Two width shall be provided between Zone One and the undisturbed, native or naturalized vegetation, and shall be measured from the edge of Zone One that is farthest from the habitable structure, to the edge of undisturbed vegetation.
- (2) No structures shall be constructed in Zone Two.
- (3) Within Zone Two, 50 percent of the plants over 24 inches in height shall be cut and cleared to a height of 6 inches.
- (4) Within Zone Two, all plants remaining after 50 percent are reduced in height, shall be pruned to reduce fuel loading in accordance with the Landscape Standards in the Land Development Manual. Non-native plants shall be pruned before native plants are pruned.
- (5) The following standards shall be used where Zone Two is in an area previously graded as part of legal development activity and is proposed to be planted with new plant material instead of clearing existing native or naturalized vegetation:
 - (A) All new plant material for Zone Two shall be native, low-fuel, and fire-resistant. No non-native plant material may be planted in Zone Two either inside the MHPA or in the Coastal Overlay Zone, adjacent to areas containing sensitive biological resources.
 - (B) New plants shall be low-growing with a maximum height at maturity of 24 inches. Single specimens of fire resistant native trees and tree form shrubs may exceed this limitation if they are located to reduce the chance of transmitting fire from native or naturalized vegetation to habitable structures and if the vertical distance between the lowest branches of the trees and the top of adjacent plants are three times the height of the adjacent plants to reduce the spread of fire through ladder fueling.
 - (C) All new Zone Two plantings shall irrigated temporarily until established to the satisfaction of the City Manager. Only low-flow, low-gallage spray heads may be used in Zone Two. Overspray and runoff from the irrigation shall not drift or flow into adjacent areas of native or naturalized vegetation. Temporary irrigation systems shall be removed upon approved establishment of the plantings. Permanent irrigation is not allowed in Zone Two.

(D) Where Zone Two is being revegetated as a requirement of Section 142.0411(a), revegetation shall comply with the spacing standards in the Land Development Manual. Fifty percent of the planting area shall be planted with material that does not grow taller than 24 inches. The remaining planting area may be planted with taller material, but this material shall be maintained in accordance with the requirements for existing plant material in Zone Two.

- (6) Zone Two shall be maintained on a regular basis by pruning and thinning plants, removing invasive species, and controlling weeds.
- (7) Except as provided in Section 142.0412(i), where the required Zone One width shown in Table 142-04H cannot be provided on premises with existing structures, the required Zone Two width shall be increased by one foot for each foot of required Zone One width that cannot be provided.
- (i) An applicant may request approval of alternative compliance for brush management in accordance with Process One if all of the following conditions exist:
 - (1) The proposed alternative compliance provides sufficient defensible space between all structures on the premises and contiguous areas of native or naturalized vegetation as demonstrated to the satisfaction of the Fire Chief based on documentation that addresses the topography of the site, existing and potential fuel load, and other characteristics related to fire protection and the context of the proposed development.
 - (2) The proposed alternative compliance minimizes impacts to undisturbed native or naturalized vegetation where possible while still meeting the purpose and intent of Section 142.0412 to reduce fire hazards around structures and provide an effective fire break.
 - (3) The proposed alternative compliance is not detrimental to the public health, safety, and welfare of persons residing or working in the area.
- (j) If the Fire Chief approves alternative compliance in accordance with this section, the modifications shall be recorded with the approved permit conditions if approved as part of a development permit, or noted in the permit file if approved as part of a construction permit.
- (k) For existing structures, the Fire Chief may require brush management in compliance with this section for any area, independent of size, location, or condition if it is determined that an imminent fire hazard exists.
- (l) Brush management for existing structures shall be performed by the owner of the property that contains the native and naturalized vegetation. This requirement is independent of whether the structure being protected by brush management is owned by the property owner subject to these requirements or is on neighboring property.

San Diego Landscape Standards
Section III - Brush Management

3-1 BRUSH MANAGEMENT – DESCRIPTION

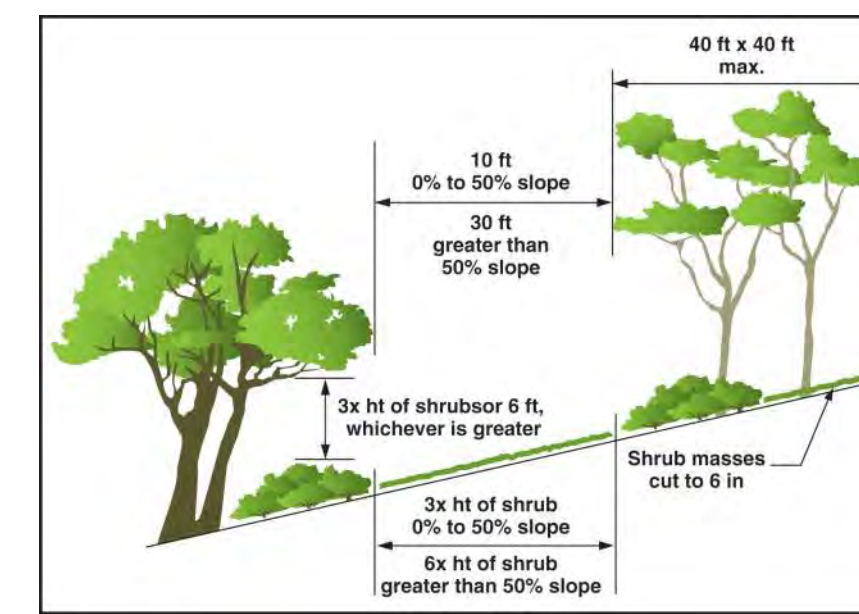
Fire safety in the landscape is achieved by reducing the readily flammable fuel adjacent to structures. This can be accomplished by pruning and thinning of native and naturalized vegetation, revegetation with low fuel volume plantings or a combination of the two. Implementing brush management in an environmentally appropriate manner requires a reduction in the amount and continuity of highly flammable fuel while maintaining plant coverage for soil protection. Such a transition will minimize the visual, biological and erosion impacts while reducing the risks of wildland fires.

3-2 BRUSH MANAGEMENT- REQUIREMENTS

3.2-1 Basic requirements – All Zones

- 3.2-1.01 For zone two, plants shall not be cut below six inches.
- 3.2-1.02 Debris and trimmings produced by thinning and pruning shall be removed from the site or if left, shall be converted into mulch by a chipping machine and evenly dispersed, non-irrigated, to a maximum depth of 6 inches.
- 3.2-1.03 Trees and large tree form shrubs (e.g., Oaks, Sumac, Toyon) which are being retained shall be pruned to provide clearance of three times the height of the under story plant material or six feet whichever is higher (Figure 3-1). Dead and excessively twiggy growth shall also be removed.

Figure 3-1
Pruning Trees to Provide Clearance for Brush Management



- 3.2-1.04 All plants or plant groupings except cacti, succulents, trees and tree-form shrubs shall be separated by a distance three times the height of the tallest adjacent plants (Figure 3-1).
- 3.2-1.05 Maximum coverage and area limitations as stated herein shall not apply to indigenous native tree species (i.e., Pinus, Quercus, Platanus, Salix and Populus).
- 3.2-2 Zone 1 Requirements - All Structures
 - 3.2-2.01 Do not use, and remove if necessary, highly flammable plant materials (see Appendix "B").
 - 3.2-2.02 Trees should not be located any closer to a structure than a distance equal to the tree's mature spread.
 - 3.2-2.03 Maintain all plantings in a succulent condition.
 - 3.2-2.04 Non-irrigated plant groupings over six inches in height may be retained provided they do not exceed 100 square feet in area and their combined coverage does not exceed 10 percent of the total Zone 1 area.
- 3.2-3 Zone 2 Requirements – All Structures
 - 3.2-3.01 Individual non-irrigated plant groupings over 24 inches in height may be retained provided they do not exceed 400 square feet in area and their combined coverage does not exceed 30 percent of the total Zone 2 area.

Brush Management Maintenance Notes

1. General Maintenance ~ Regular inspections and landscape maintenance are necessary to minimize the potential damage or loss of property from brush fires and other natural hazards such as erosion and slope failures. Because each property is unique establishing a precise maintenance schedule is not feasible. For effective fire and watershed management, however, property owners should expect to provide maintenance according to each brush management zone: Zone 1: Year-round maintenance, Zone 2: Seasonal maintenance. Brush management activities are prohibited within coastal sage scrub, maritime succulent scrub, and coastal sage-chaparral habitats from March 1 through August 15, except where documented to the satisfaction of the City Manager that the thinning would be consistent with conditions of species coverage described in the City of San Diego's MSCP Subarea Plan.
2. Brush Management Zone 1 ~ This is the most critical area for fire and watershed safety. All ornamental plantings should be kept well watered and any irrigation run-off should drain toward the street. Rain gutters and drainage pipes should be cleaned regularly and all leaves removed from the roof before the fire season begins. All planting, particularly non-irrigated natives and large trees should be regularly pruned to eliminate dead fuels, to reduce excessive fuel and to provide adequate space between plants and structures.
3. Brush Management Zone 2 ~ Seasonal maintenance in this zone should include removal of dead woody plants, eradication of weedy species and periodic pruning and thinning of trees and shrubs. Removal of weeds should not be done with hand tools such as hoes, as this disturbs valuable soil. The use of weed trimmers or other tools which retain short stubble that protects the soil is recommended. Native shrubs should be pruned in the summer after the major plant growth occurs. Well pruned healthy shrubs should typically require several years to build up excessive live and dead fuel. On slopes all drainage devices must be kept clear. Re-inspect after each major storm since minor soil slips can block drains. Various groundcovers should be periodically sheared and thatch removed. Diseased and dead wood should be pruned from trees. Fertilizing trees and shrubs is not typically recommended as this may stimulate excessive growth.
4. Long-term Maintenance Responsibility ~ All Landscaping / Brush Management within the Brush Management Zone(s) as shown on these plans shall be the responsibility of the Owner [please Specify, e.g. Owner, H.O.A.]. The Brush Management Zone areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition.
 - 4a. Brush Management on adjacent properties shall be the responsibility of the adjacent property owner. For maintenance issues, contact the Fire-Rescue Department's Fire Hazard Advisor - Brush/Weed complaint line at: (619) 533-4444.

BRUSH MANAGEMENT PLAN
GENERAL NOTES



BRUSH MANAGEMENT PLAN PHOTOGRAPHS AND KEY MAP



1



2



3



4



5



6



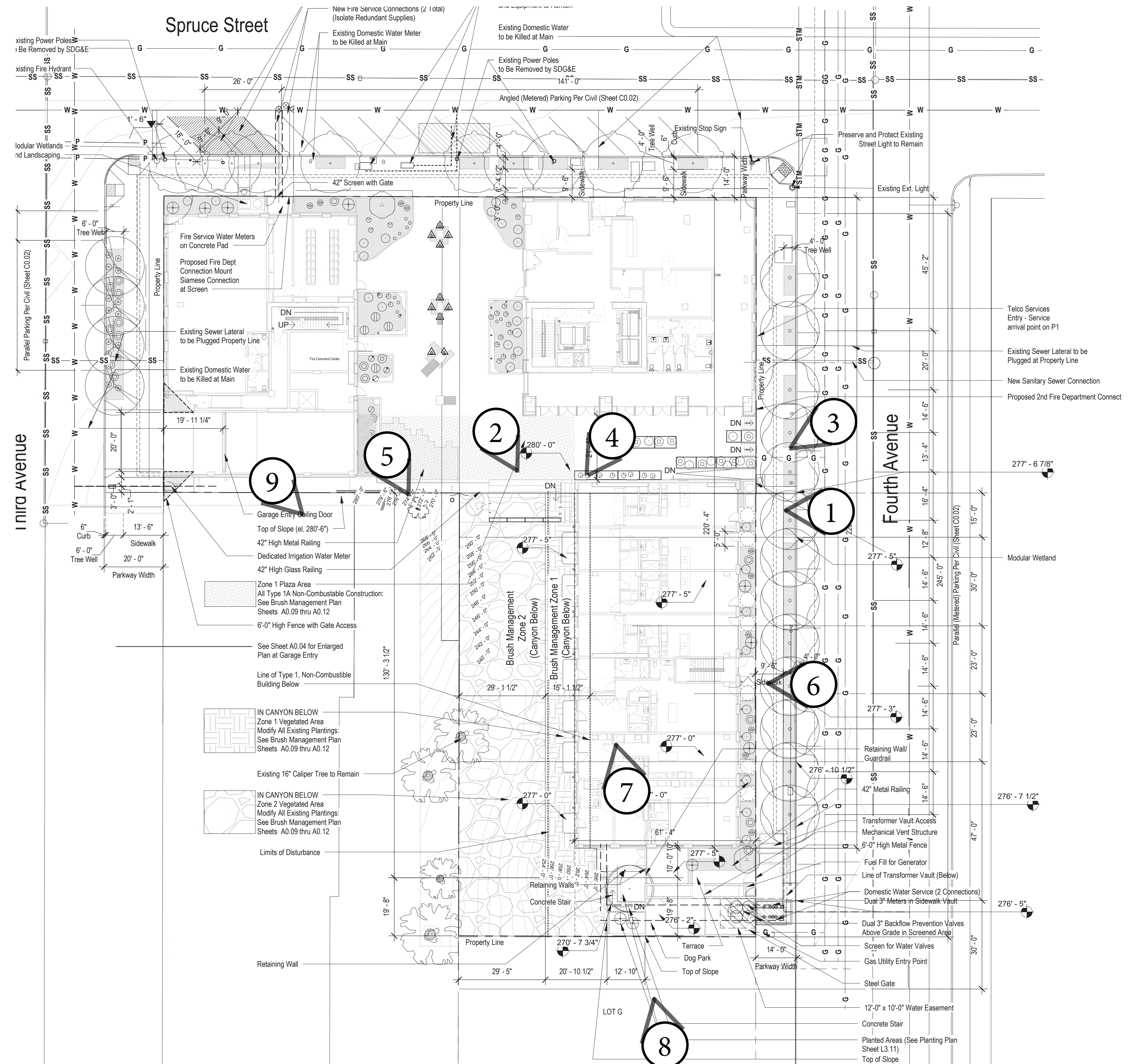
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NOTES:

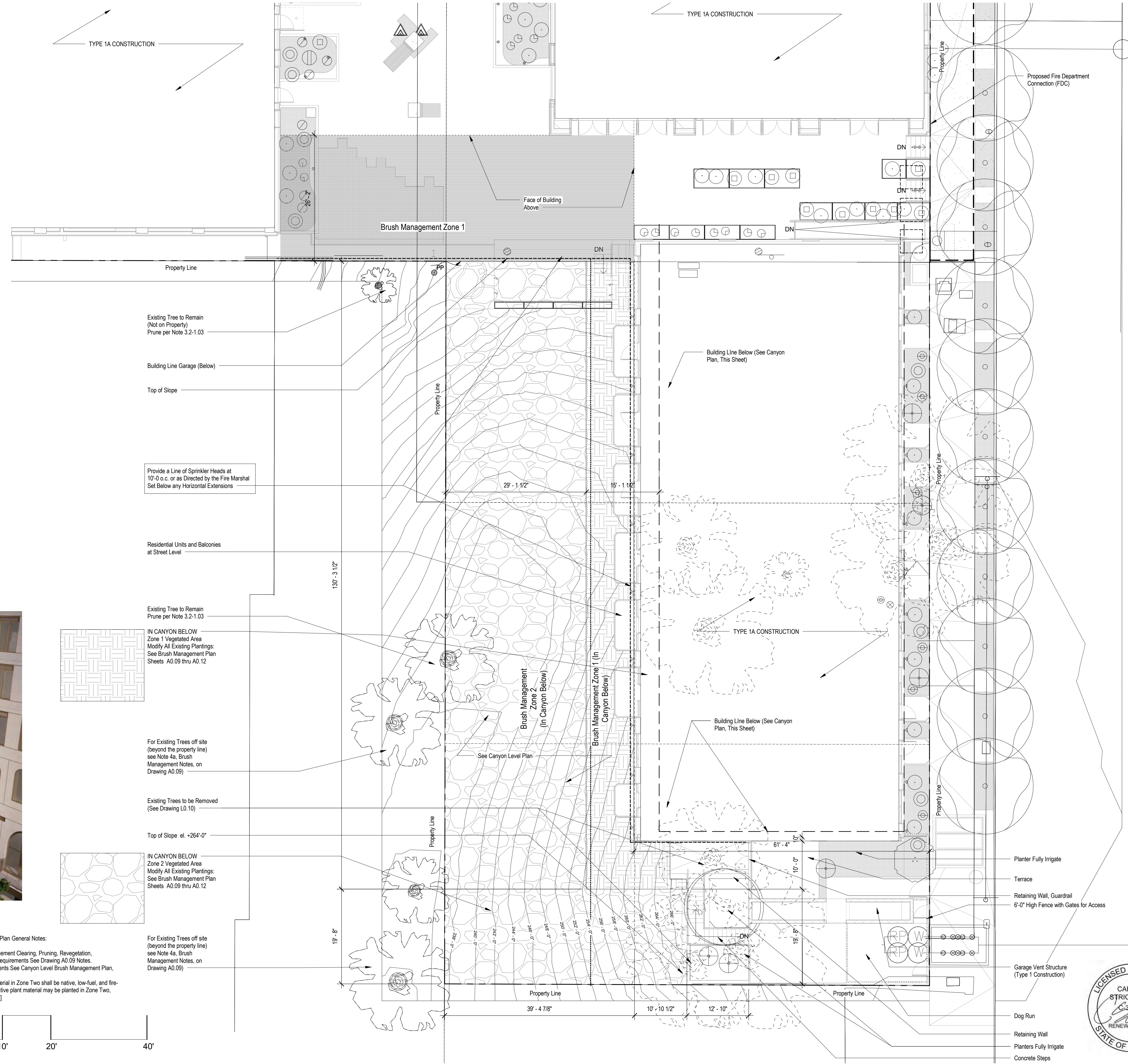
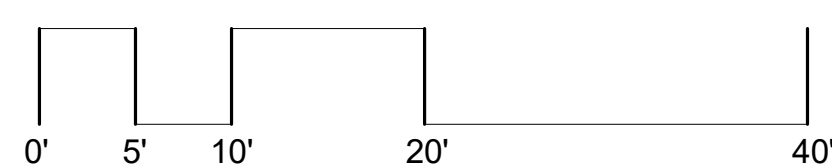
- FULLY IRRIGATE BRUSH MANAGEMENT ZONE 1 PER BRUSH MANAGEMENT NOTES (g)(5 and 6).
- IRRIGATION SYSTEM TO USE POTABLE WATER.
- IRRIGATION SYSTEM TO COMPLY WITH CURRENT CAL GREEN AND CALIFORNIA MODEL WATER LANDSCAPE ORDINANCE PER FOLLOWING:
 - WEATHER BASED HUNTER CONTROLLER WITH INTERNET COMMUNICATION TO ALLOW FOR REMOTE ACCESS, MONITORING, AND AUTOMATIC ADJUSTMENT FOR CURRENT WEATHER CONDITIONS.
 - IRRIGATION SYSTEM TO CONSIST OF HIGH EFFICIENCY DRIP IRRIGATION WITHIN ALL PLANTED AREAS.
 - IRRIGATION SYSTEM ZONES TO BE SEPARATED BY GENERAL PLANT WATER NEEDS AND EXPOSURE.
 - TREES TO BE IRRIGATED WITH SUPPLEMENTAL BUBBLERS FOR ESTABLISHMENT.



RENDERED VIEW OF BUILDING AT STREET LEVEL

Brush Management Plan General Notes:

- For Brush Management Clearing, Pruning, Revegetation, Maintenance, Etc. Requirements See Drawing A0.09 Notes.
- For Irrigation Extents See Canyon Level Brush Management Plan, This Sheet.
- All new plant material in Zone Two shall be native, low-fuel, and fire-resistant. No non-native plant material may be planted in Zone Two, Per [142.0412 (h)(A)]



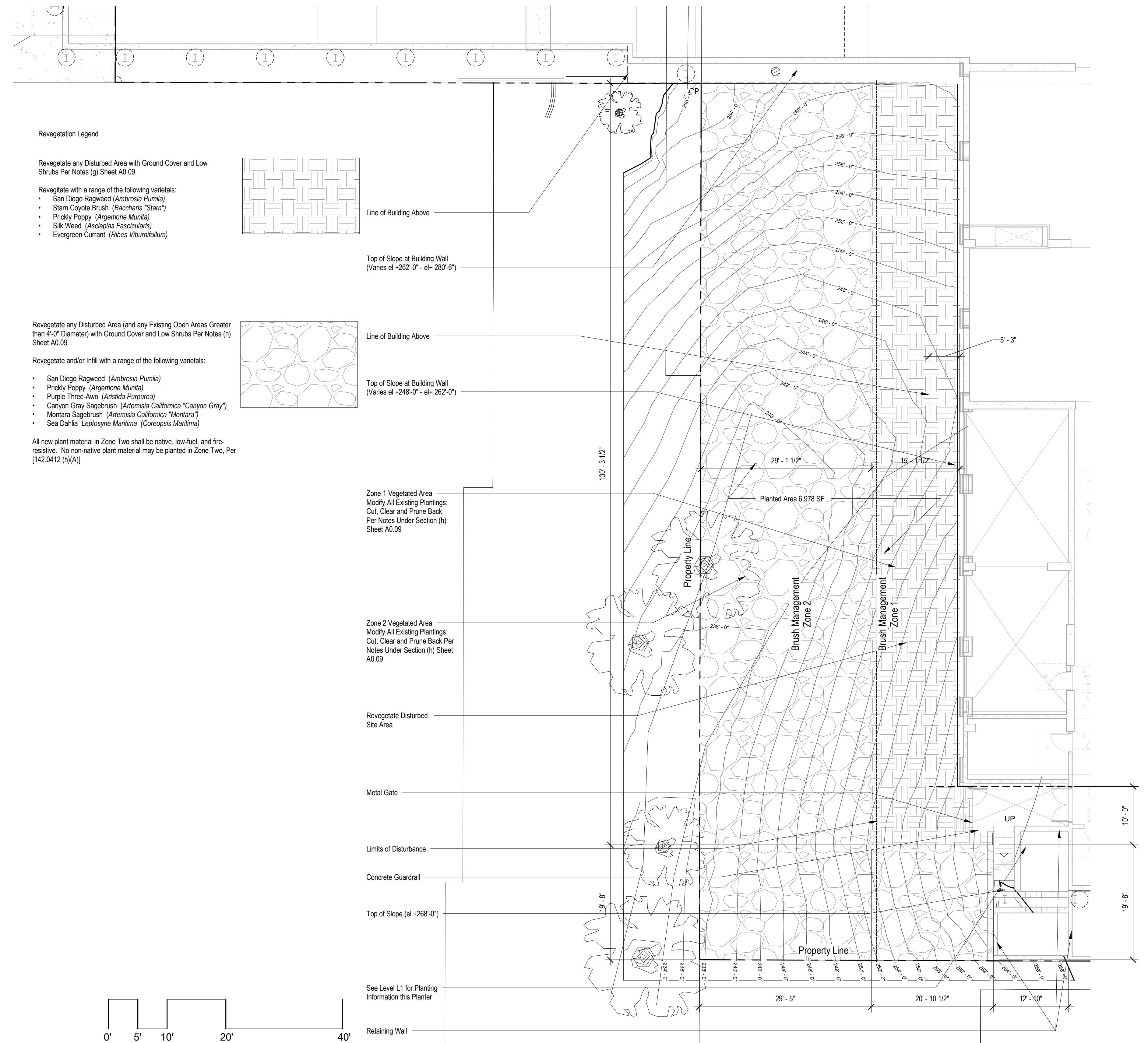
BRUSH MANAGEMENT PLAN - STREET LEVEL

1" = 10' - 0"





RENDERED VIEW OF BUILDING AT CANYON

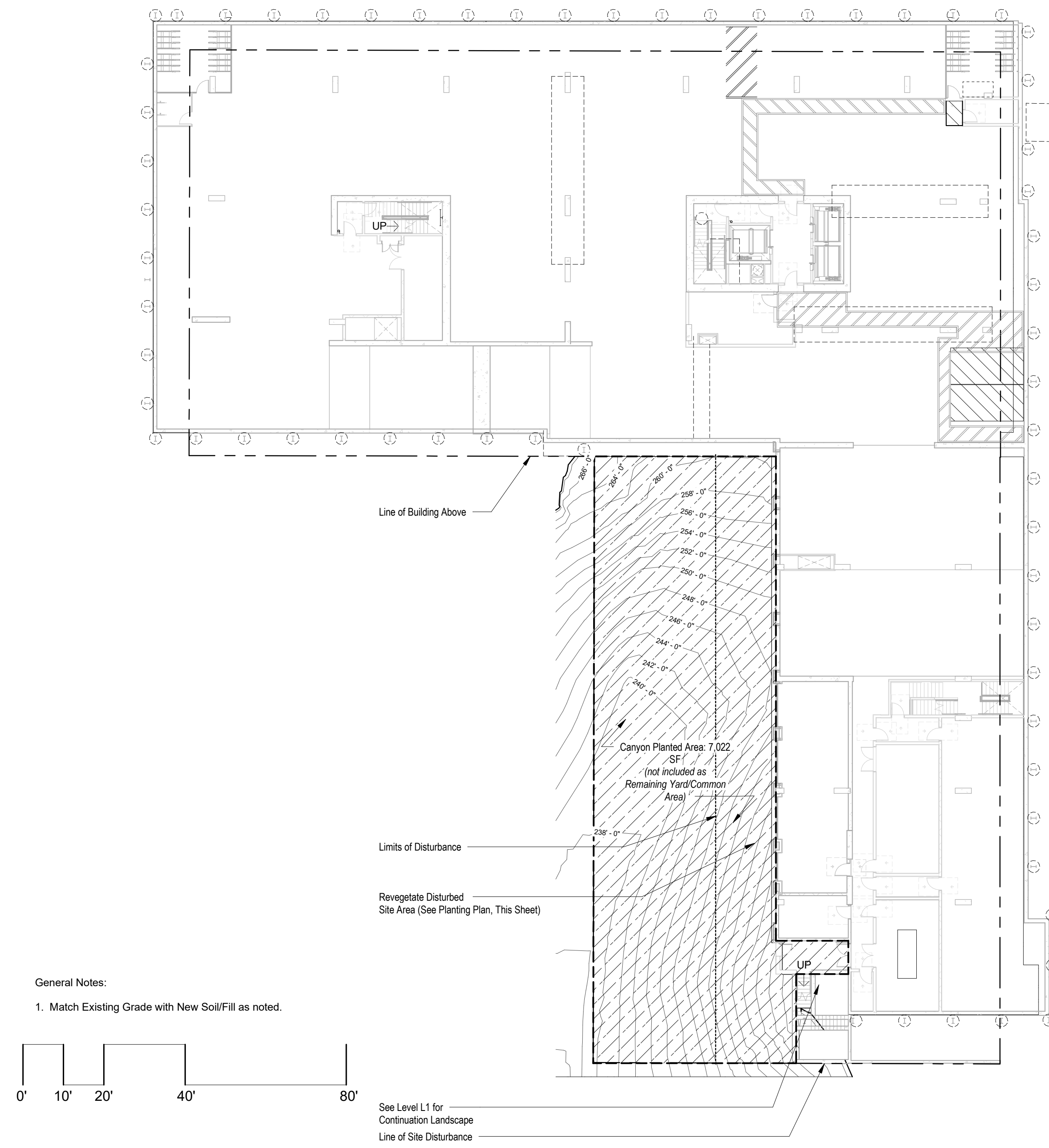


BRUSH MANAGEMENT PLAN - CANYON LEVEL PLANTING PLAN

1" = 10' - 0"

- Revegetation Legend**
- Revegetate any Disturbed Area with Ground Cover and Low Shrubs Per Notes (g) Sheet A0.09.
- Revegetate with a range of the following varieties:
- San Diego Ragweed (*Ambrosia Pumila*)
 - Slam Coyote Brush (*Baccharis "Slam"*)
 - Prickly Poppy (*Argemone Munilla*)
 - Silk Weed (*Asclepias Fascicularis*)
 - Evergreen Currant (*Ribes Viburnifolium*)
- Revegetate any Disturbed Area (and any Existing Open Areas Greater than 4'-0" Diameter) with Ground Cover and Low Shrubs Per Notes (h) Sheet A0.09
- Revegetate and/or Infill with a range of the following varieties:
- San Diego Ragweed (*Ambrosia Pumila*)
 - Prickly Poppy (*Argemone Munilla*)
 - Purple Three-Awn (*Aristida Purpurea*)
 - Canyon Gray Sagebrush (*Artemisia Californica "Canyon Gray"*)
 - Montara Sagebrush (*Artemisia Californica "Montara"*)
 - Sea Dahlia (*Leptosyne Maritima (Coreopsis Maritima)*)
- All new plant material in Zone Two shall be native, low-fuel, and fire-resistant. No non-native plant material may be planted in Zone Two, Per [142.0412 (h)(A)]



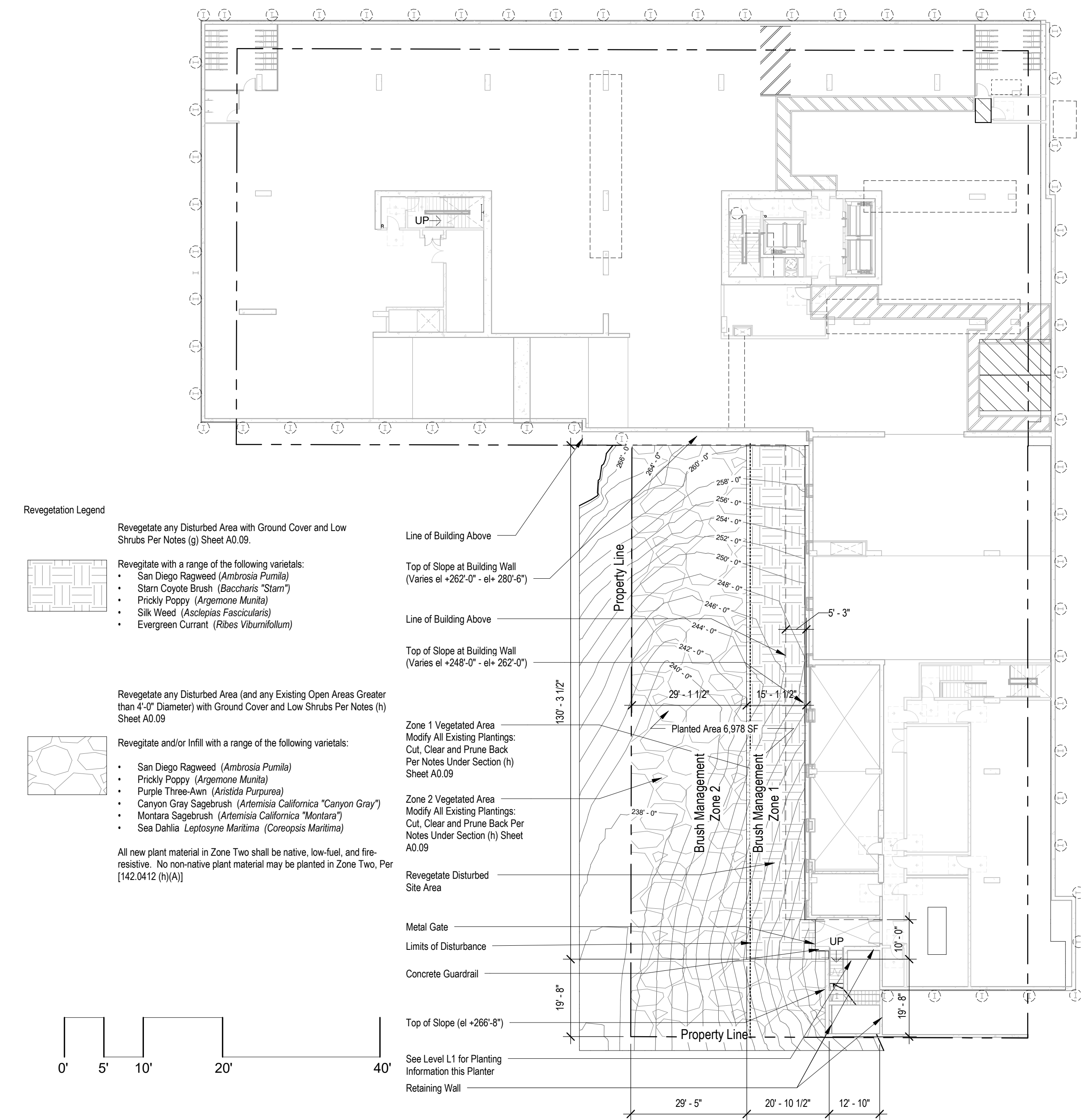


PLANTING CALCULATION - LEVEL B1

1" = 20' - 0"

LANDSCAPE NOTES:

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- ALL GRADED, DISTURBED, OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED OR COVERED BY STRUCTURES SHALL BE PERMANENTLY REVEGETATED AND IRRIGATED AS SHOWN IN TABLE 142-04F AND IN ACCORDANCE WITH THE STANDARDS IN THE LAND DEVELOPMENT MANUAL.
- IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC §142.0403(C) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
NO IRRIGATION RUN-OFF SHALL DRAIN OFFSITE INTO THE PUBLIC RIGHT OF WAY, STREETS, DRIVES, OR ALLYS.
A DEDICATED IRRIGATION METER FOR LANDSCAPING WILL BE PROVIDED
- STREET TREES: PROPOSED STREET TREES SHALL BE SELF-SUPPORTING, WOODY PLANTS WITH AT LEAST ONE WELL DEFINED TRUNK AND ATTAIN A MATURE HEIGHT AND SPREAD OF AT LEAST 15FT. MULTI-TRUNK IS NOT ALLOWED IN PARKWAY.
- MINIMUM DISTANCE TO STREET TREE:
 - TRAFFIC SIGNALS (STOP SIGNS) - 20 FEET
 - UNDERGROUND UTILITY LINES - 5 FEET (10 FEET FOR SEWER)
 - ABOVE GROUND UTILITY STRUCTURES - 10 FEET
 - DRIVEWAY (ENTRIES) - 10 FEET (5 FEET ON RESIDENTIAL STREETS RATES AT 25 MPH OR LOWER)
 - INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET
- A MINIMUM ROOT ZONE OF 40 SQUARE FEET IN AREA SHALL BE PROVIDED FOR ALL TREES, WITH A MINIMUM DIMENSION OF 5 FEET.
- TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENTS OR WHERE PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. THE ROOT BARRIER WILL NOT WRAP AROUND THE ROOT BALL.
- MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS AS SHOWN ON THESE PLANS, INCLUDING IN THE RIGHT-OF-WAY, SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS WITHIN THE PUBLIC ROW SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
- IF ANY REQUIRED LANDSCAPE INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND/OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE.
- ALL TREES IN POTS OR PLANTERS ON STRUCTURAL DECK SHALL HAVE A MINIMUM DIMENSION OF 48" IN EACH DIRECTION.



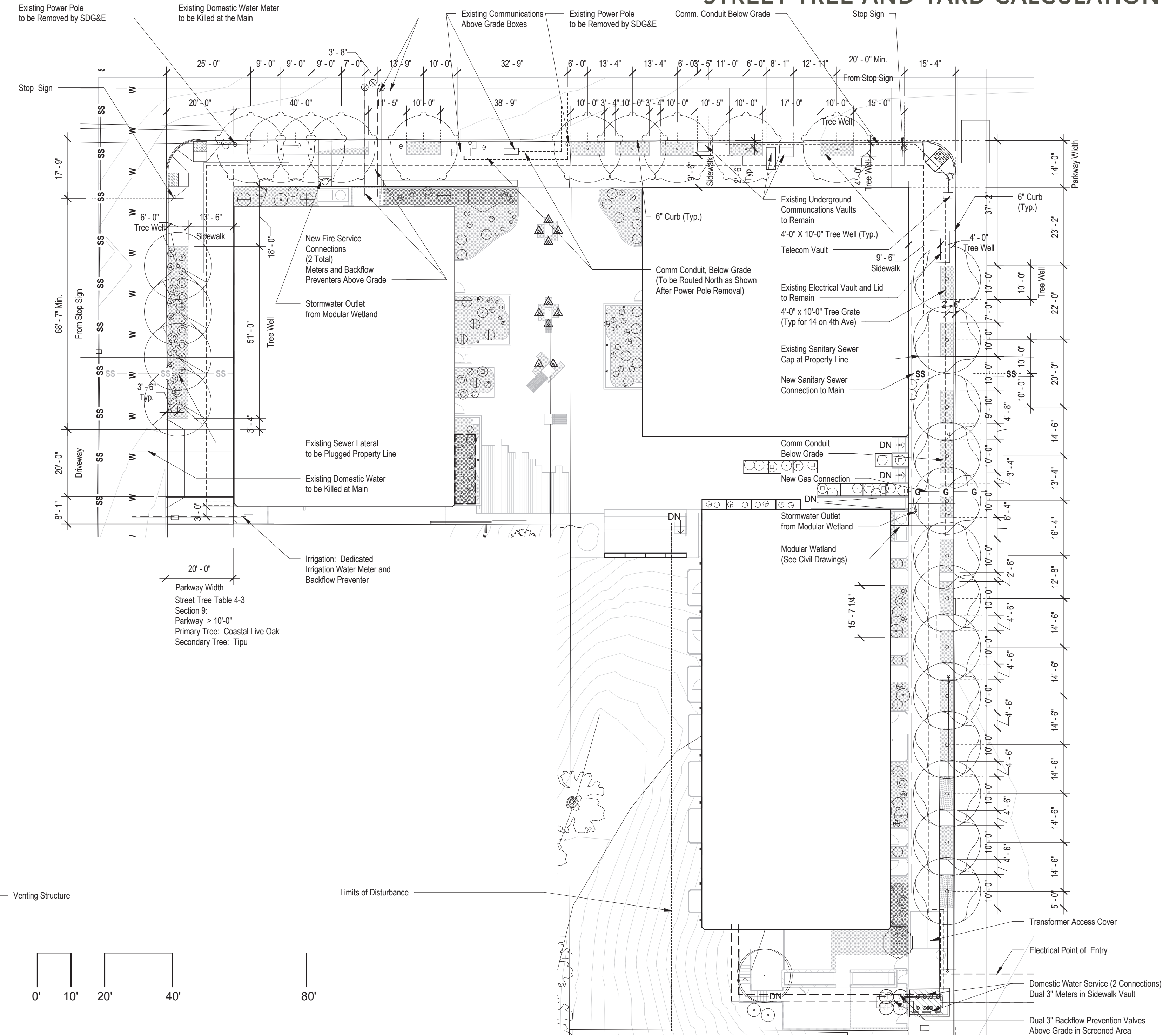
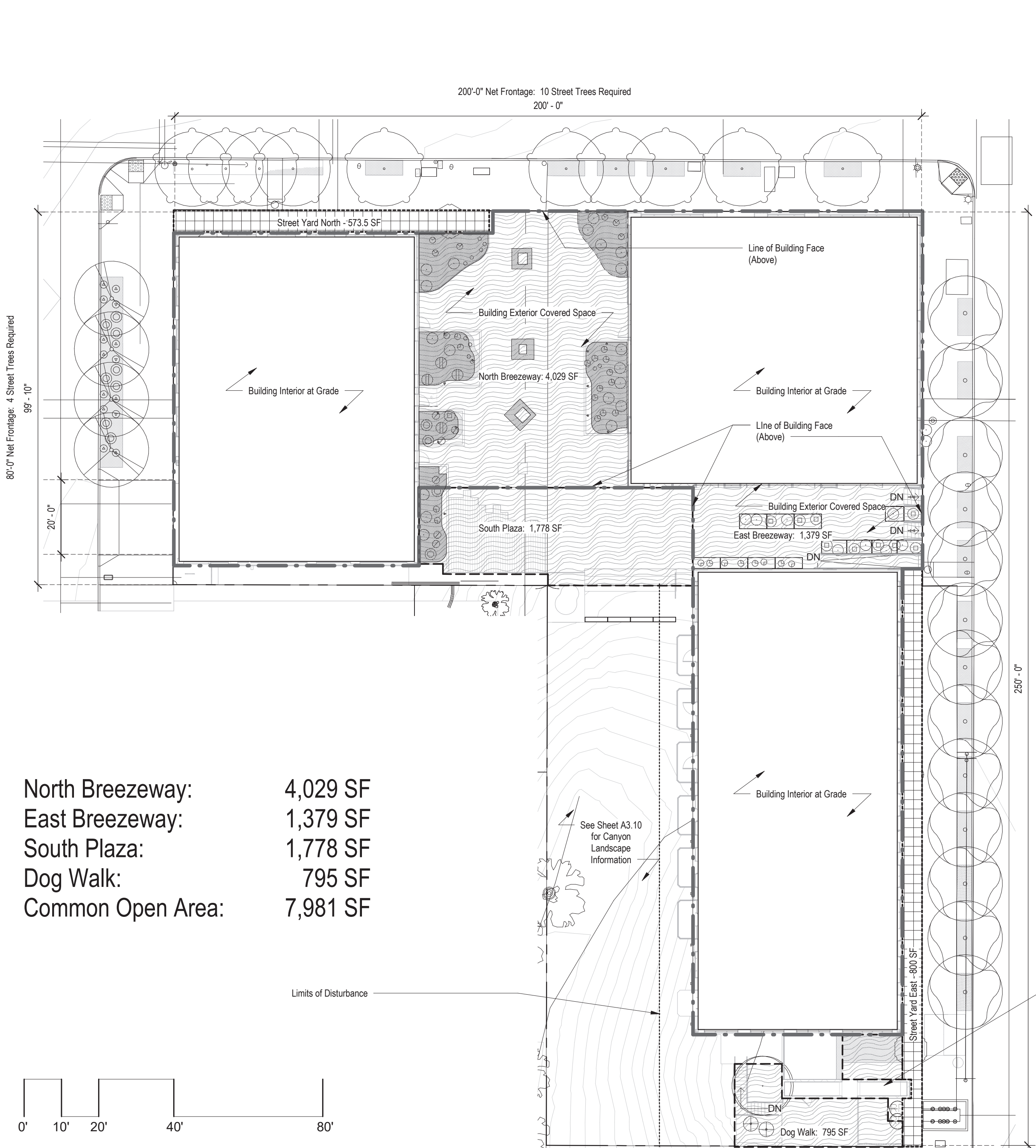
PLANTING PLAN - LEVEL B1

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- IRRIGATION TO BE ON DEDICATED WATER METER. SEE PLANS FOR LOCATION.
- SEE "WATER EFFICIENT LANDSCAPE WORKSHEET" (THIS SHEET) FOR PROPOSED IRRIGATION METHODS.
- LANDSCAPE AND IRRIGATION SYSTEM TO UTILIZE POTABLE WATER. SYSTEM TO COMPLY WITH CURRENT CAL GREEN AND CALIFORNIA MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.
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STREET TREE AND YARD CALCULATION - LEVEL L1



- North Breezeway: 4,029 SF
- East Breezeway: 1,379 SF
- South Plaza: 1,778 SF
- Dog Walk: 795 SF
- Common Open Area: 7,981 SF

YARD CALCULATIONS - LEVEL 1

1" = 20' - 0"

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- ALL TREES IN POTS OR PLANTERS ON STRUCTURAL DECK SHALL HAVE A MINIMUM DIMENSION OF 48" IN EACH DIRECTION.

STREET TREE PLAN - LEVEL 1

1" = 20' - 0"

TREE LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	WUCOLS	NOTES	POINTS PER PLANT	POINTS	
	QUE AGR	QUERCUS AGRIFOLA	COASTAL LIVE OAK	48" BOX 50" H X 40" W	4	M		100	400	
	OLE EUR	OLEA EUROPAEA	NON-FRUITING OLIVE	48" BOX 30" H X 30" W	10	L		100	1000	
	ULM PAR	ULMUS PARVIFOLIA	CHINESE ELM	48" BOX 30" H X 40" W	13	M		100	1300	
PLANT LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS PER PLANT	POINTS
	DIC ARG	DICHONDRA ARGENTEA	DICHONDRA "SILVER"	1 GAL 6" H X 3" W	8	XX	M		1	8
GROUND COVER LEGEND										
	DAL GRE	DALEA GREGGII	TRAILING INDIGO	5 GAL 1" H X 5" W	14	4" O.C.	L		2	28

ROW TREE PLANTING SCHEDULE

Cast - Quince

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SPRUCE - STREET YARD PLANTING SCHEDULE - LEVEL 1

TREE LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY		WUCOLS	NOTES	POINTS EACH	POINTS
	KAL BEH	KALANCHOE BEHARENSIS	VELVET ELEPHANT EAR	24" BOX 10'H X 16'W	1 (3%)		L	STANDARD	20	20
PLANT LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS EACH	POINTS
	AGA BLU	AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE	5 GAL 1.5'H X 3'W	2 (11.6%)	1'-6" O.C.	L		2	4
	DIC ARG	DICHONDRA ARGENTEA	DICHONDRA "SILVER"	1 GAL 6'H X 3'W	4 (75.4%)	XX	M		1	4
	PED MAC	PEDILANTHUS MACROCARPUS	LADY'S SLIPPER	5 GAL 4'H X 4'W	1 (2.4%)	3' O.C.	L		2	2
	RUS EQU	RUSSELLIA EQUISETIFORMIS	CORAL PLANT	5 GAL 4'H X 2'W	4 (2.4%)	4' O.C.	L		2	8

'FOURTH - STREET YARD PLANTING SCHEDULE - LEVEL 1

TREE LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY		WUCOLS	NOTES	POINTS EACH	POINTS
	KAL BEH	KALANCHOE BEHARENSIS	VELVET ELEPHANT EAR	24" BOX 10'H X 16'W	1 (3%)		L	STANDARD	20	20
PLANT LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS EACH	POINTS
	AGA BLU	AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE	5 GAL 1.5'H X 3'W	10 (11.6%)	1'-6" O.C.	L		2	20
	DIC ARG	DICHONDRA ARGENTEA	DICHONDRA "SILVER"	1 GAL 6'H X 3'W	4 (75.4%)	XX	M		1	4
	PED MAC	PEDILANTHUS MACROCARPUS	LADY'S SLIPPER	5 GAL 4'H X 4'W	6 (2.4%)	3' O.C.	L		2	12
	RUS EQU	RUSSELLIA EQUISETIFORMIS	CORAL PLANT	5 GAL 4'H X 2'W	3 (2.4%)	4' O.C.	L		2	6

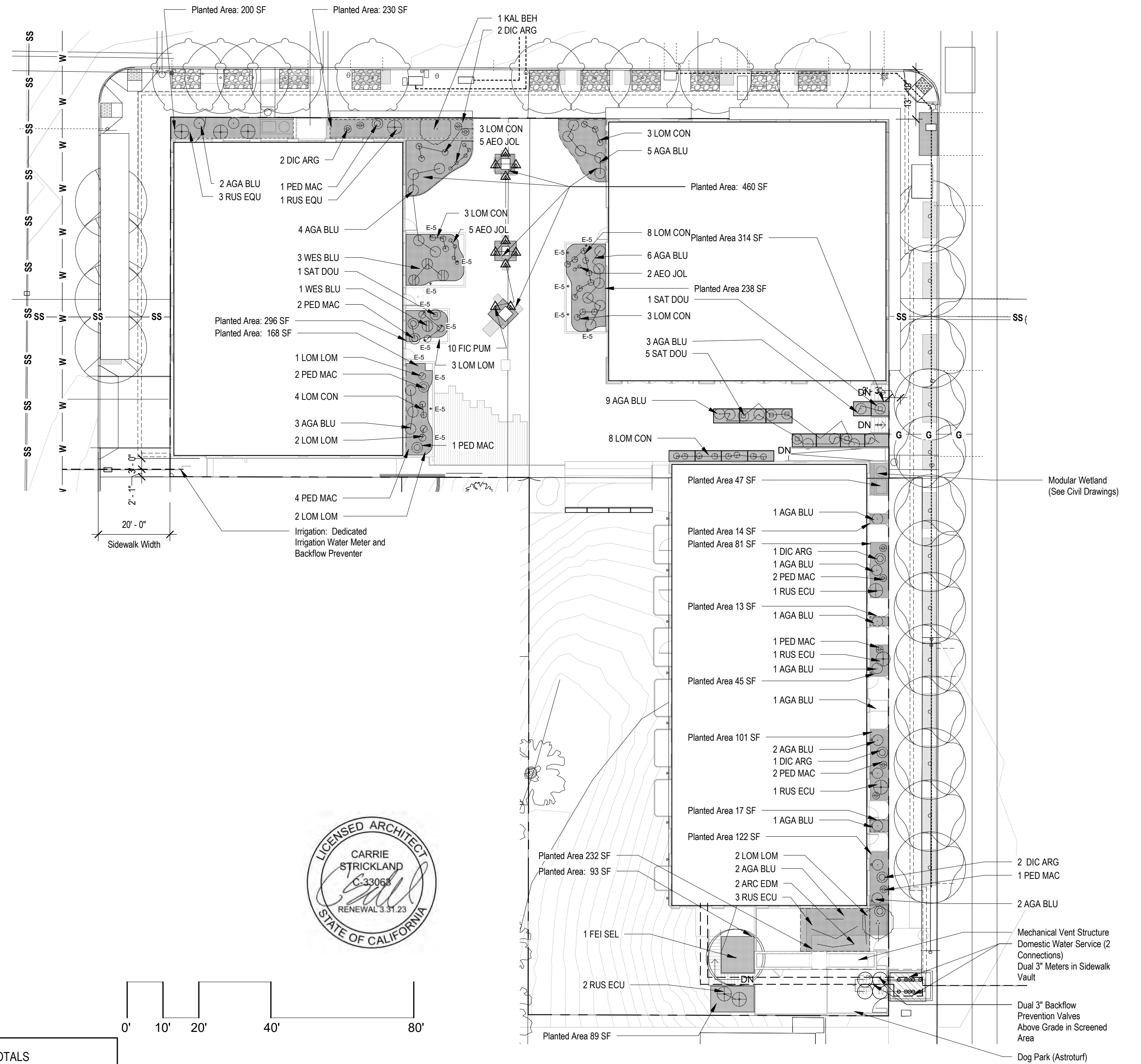
TOTAL 62

COMMON AREA PLANTING SCHEDULE - LEVEL 1

TREE LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	WUCOLS	NOTES	POINTS EACH	POINTS	
	FEI SEL	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	48" BOX 12'H X 12'W	1 (3%)	L	MULTI-TRUNK	100	100	
PLANT LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS EACH	POINTS
	AEO JOL	AEONIUM 'JOLLY GREEN'	JOLLY GREEN AEONIUM	5 GAL <1'H X 1.5'W	8	1' O.C.	L		2	16
	AGA BLU	AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE	5 GAL 1.5'H X 3'W	27	1'-6" O.C.	L		2	54
	ARC EDM	CARMEL SUR MANZANITA		5 GAL 1.5'H X 8'W	2	3' O.C.	L		2	4
	LOM LOM	LOMANDRA HYBRIDA 'LOMLON'	LIME TUFF MAT RUSH	1 GAL 2.5'H X 3'W	8	2' O.C.	L		1	8
	LOM CON	LOMANDRA CONFERTIFOLIA 'SILVER GRACE'	MAT RUSH	1 GAL 1.5'H X 1.5'W	30	1'-6" O.C.	L		1	30
	RUS EQU	RUSSELLIA EQUISETIFORMIS	CORAL PLANT	5 GAL 4'H X 2'W	5	4' O.C.	L		2	10
	PED MAC	PEDILANTHUS MACROCARPUS	LADY'S SLIPPER	5 GAL 4'H X 4'W	4	3' O.C.	L		2	8
	SAT DOU	SATUREJA DOUGLASII	YEBA BUENA	5 GAL 2'H X 6'W	7	3' O.C.	L		2	14
	WES BLU	WESTRINGIA BLUE GEM	BLUE GEM COAST ROSEMARY	5 GAL 4.5'H X 3.5'W	4	3' O.C.	L		2	8
VINE LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS EACH	POINTS
	FIC PUM	FICUS PUMILA	CREEPING FIG	1 GAL 25'H X 3'W	10 (1%)	PER PLAN	L		1	10

TOTAL POINTS 262

STREET YARD AND COMMON AREA PLANTING PLANS AND SCHEDULES



LANDSCAPE COMPLIANCE CALCULATION TOTALS		
REMAINING YARD/Common PLANTED AREA/PLANT POINTS		
LEVEL	PLANTED AREA PROVIDED	PLANT POINTS PROVIDED
LEVEL B1	N/A	N/A
LEVEL L1	1,890 SF	288
LEVEL L2	820 SF	263
LEVEL L3	67 SF	8
LEVEL L4	51 SF	8
LEVEL L10	358 SF	294
LEVEL L11	486 SF	93
TOTALS:	3,630 SF	954

SPRUCE STREET YARD
 TOTAL PLANTED AREA: 430 SF
 TOTAL PLANT POINTS: 38 (29 REQ'D)
 % REQ'D PLANT POINTS BY TREE: 50% = 20

FOURTH AVE STREET YARD
 TOTAL PLANTED AREA: 440 SF
 TOTAL PLANT POINTS: 62 (40 REQ'D)
 % REQ'D PLANT POINTS BY TREE: 50% = 20

LEVEL 1 SUBTOTAL: REMAINING YARD/Common OPEN AREA
 TOTAL PLANTED AREA: 1,890 SF
 TOTAL PLANT POINTS: 288
 TOTAL PLANT POINTS BY TREE: 100

PLANTING PLAN - LEVEL 1

1" = 20' - 0"

IRRIGATION NOTES:

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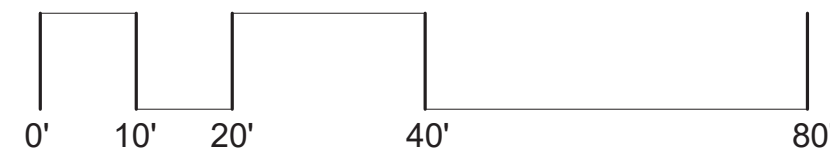
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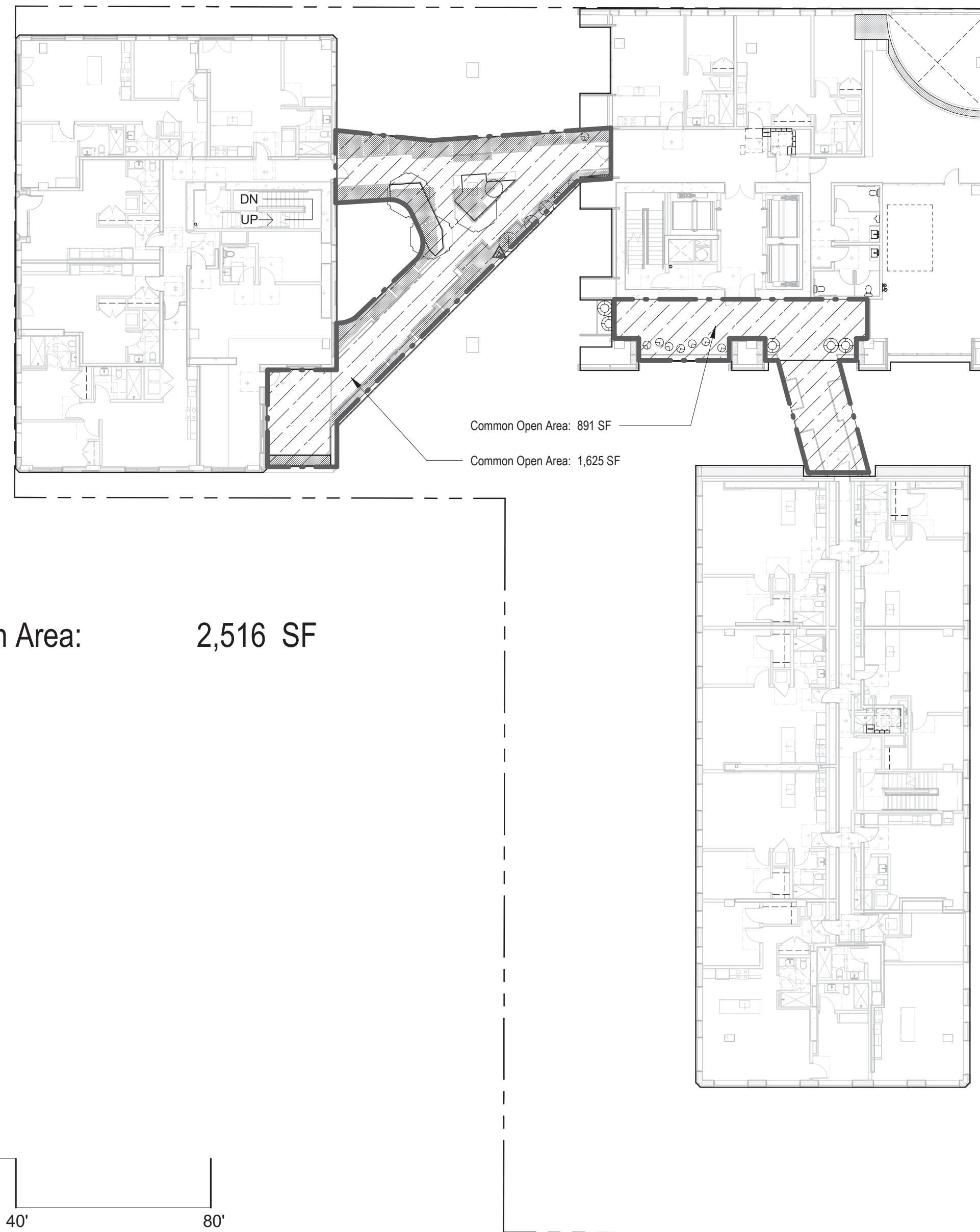
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Common Open Area: 2,516 SF

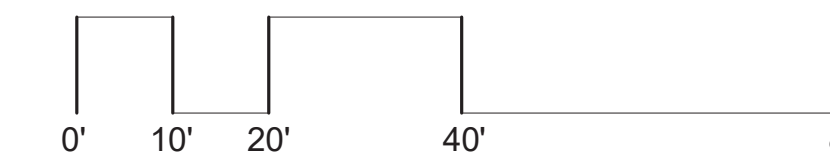
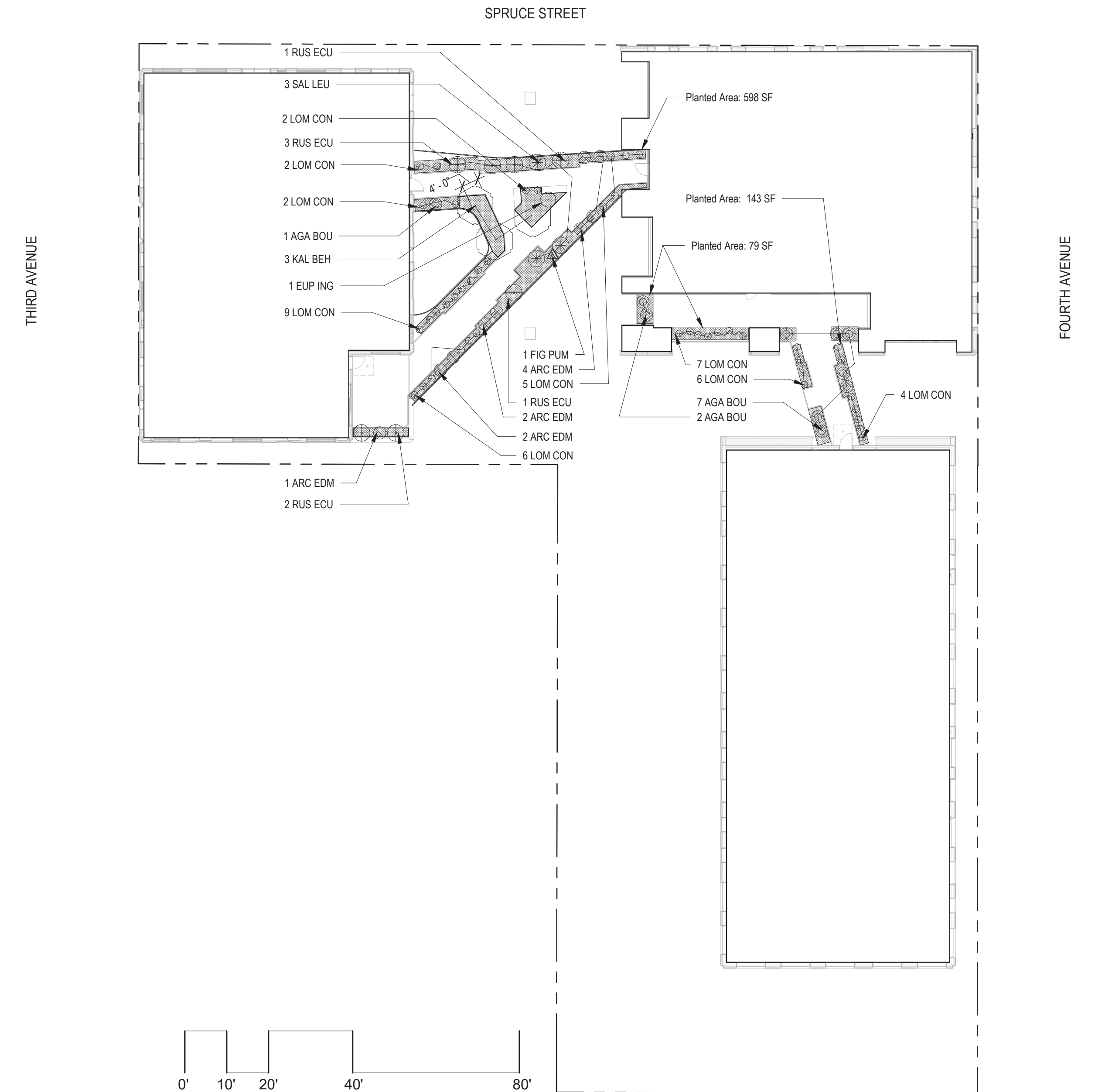


COMMON AREA PLAN - LEVEL 2

1" = 20' - 0"



PLANTING PLAN LEVEL L2



PLANTING PLAN - LEVEL 2

1" = 20' - 0"

TREE LEGEND									
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	WUCOLS	NOTES	POINTS PER PLANT	POINTS
	KAL BEH	KALANCHOE BEHARENSIS	VELVET ELEPHANT EAR	36" BOX 10'H X 16'W	3 (80%)	L	STANDARD	50	150
	EUP PING	EUPHORBIA INGENS	CANDELABRA TREE	15 GAL 25'H X 10'W	1 (20%)	L	STANDARD	10	10

PLANT LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS PER PLANT	POINTS
	AGA BOU	AGAVE ATTENUATA 'BOUTIN BLUE'	BLUE FOX TAIL AGAVE	5 GAL 3'H X 3'W	10	L	3' O.C.		2	20
	ARC EDM	ARCTOSTAPHYLOS EDMUNDI 'CARMEL SUR'	CARMEL SUR MANZANITA	5 GAL 1.5'H X 8'W	9	L	3' O.C.		2	18
	LOM CON	LOMANDRA CONFERTIFOLIA 'SILVER GRACE'	MAT RUSH	1 GAL 1.5'H X 1.5'W	43	L	1'-6" O.C.		1	43
	RUS EQU	RUSSELLIA EQUISETIFORMIS	CORAL PLANT	5 GAL 4'H X 2'W	7 (7%)	L	4' O.C.		2	14
	SAL LEU	SALVIA LEUCOPHYLLA BEE'S BLISS	BEE'S BLISS PURPLE SAGE	5 GAL 1'H X 4'W	3 (5%)	L	4' O.C.		2	6

PLANTING SCHEDULE - LEVEL 2

REMAINING YARD/Common OPEN AREA
 TOTAL PLANTED AREA: 820 SF
 TOTAL PLANT POINTS: 263
 TOTAL PLANT POINTS BY TREE: 160

REMAINING YARD/Common OPEN AREA
LANDSCAPE COMPLIANCE CALCULATION

Level	Planted Area Provided	Plant Points Provided
Level B1	N/A	N/A
Level L1	1,874 SF	262
Level L2	820 SF	263
Level L3	33 SF	8
Level L4	33 SF	8
Level L10	323 SF	294
Level L11	482 SF	93
Totals:	3,584 SF	928

VINE LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS PER PLANT	POINTS
	FIC PUM	FICUS PUMILA	CREeping FIG	1 GAL 25'H X 3'W	2 (2%)	PER PLAN	L		1	2

PLANTING SCHEDULE - LEVEL 2 (CONT.)

TOTAL 263



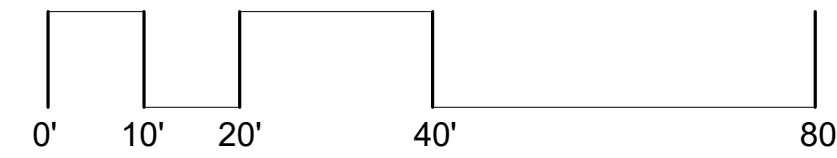
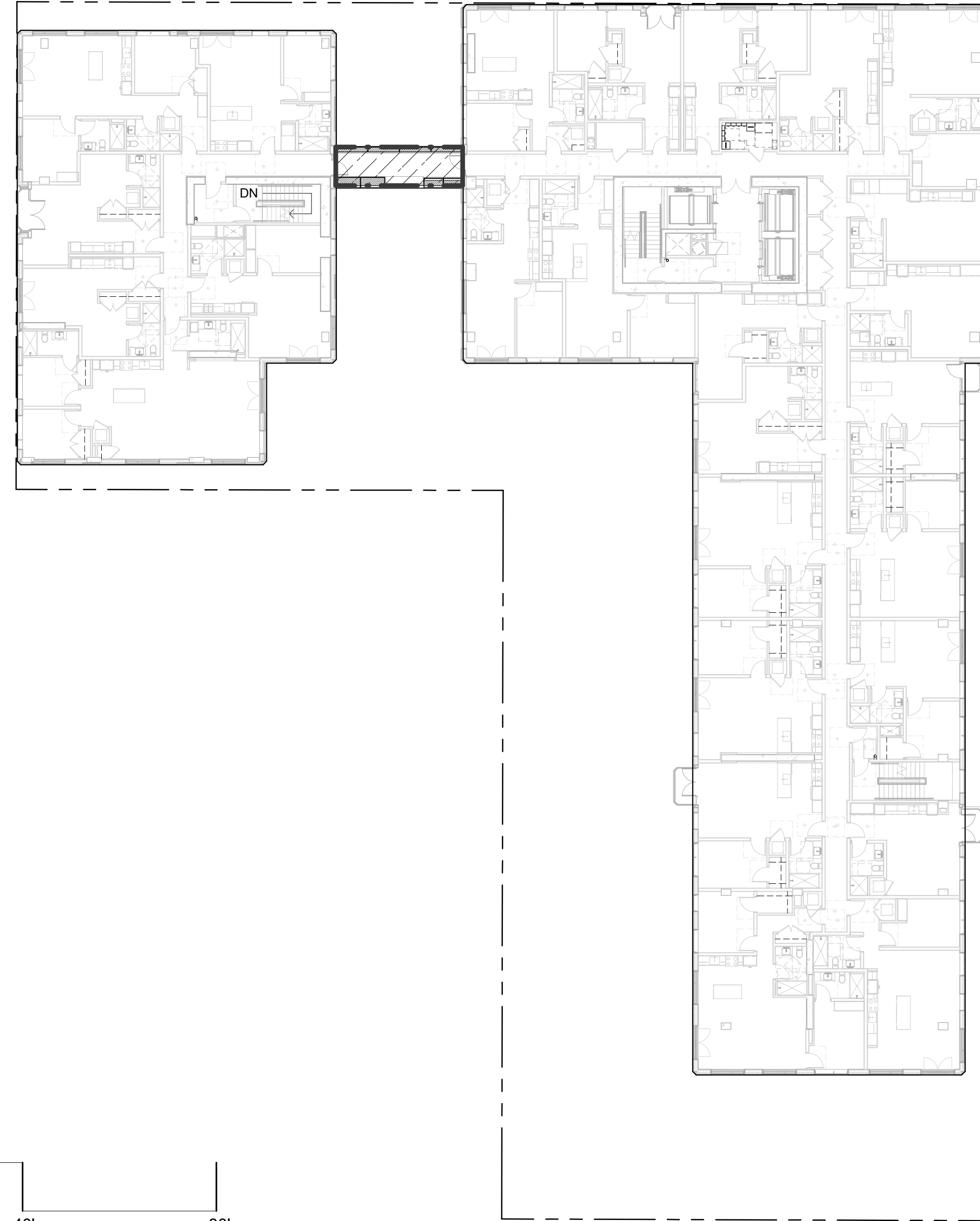
PLANTING PLAN LEVEL L3

LANDSCAPE NOTES:

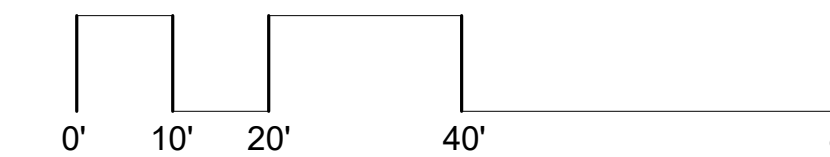
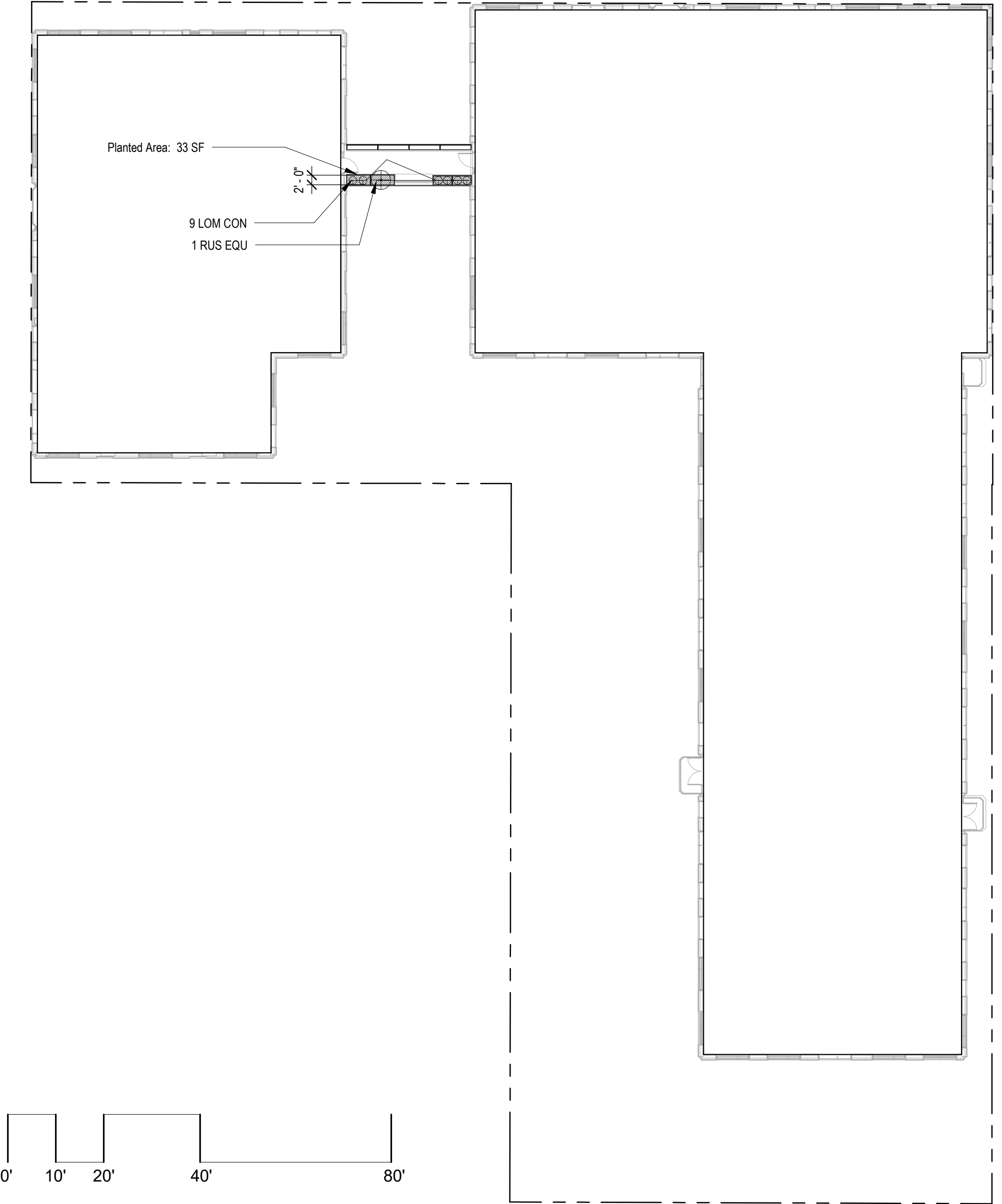
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COMMON AREA - LEVEL 3
1" = 20' - 0"



PLANTING PLAN - LEVEL 3
1" = 20' - 0"

TOTAL PLANTED AREA: 33 SF
 TOTAL PLANT POINTS: 8
 TOTAL PLANT POINTS BY TREE: 0

PLANT LEGEND										
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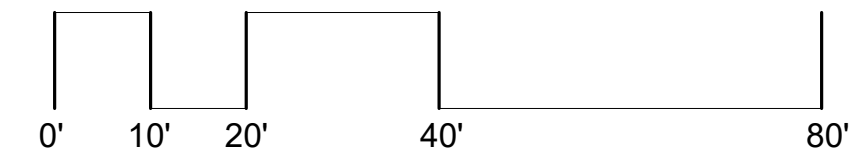
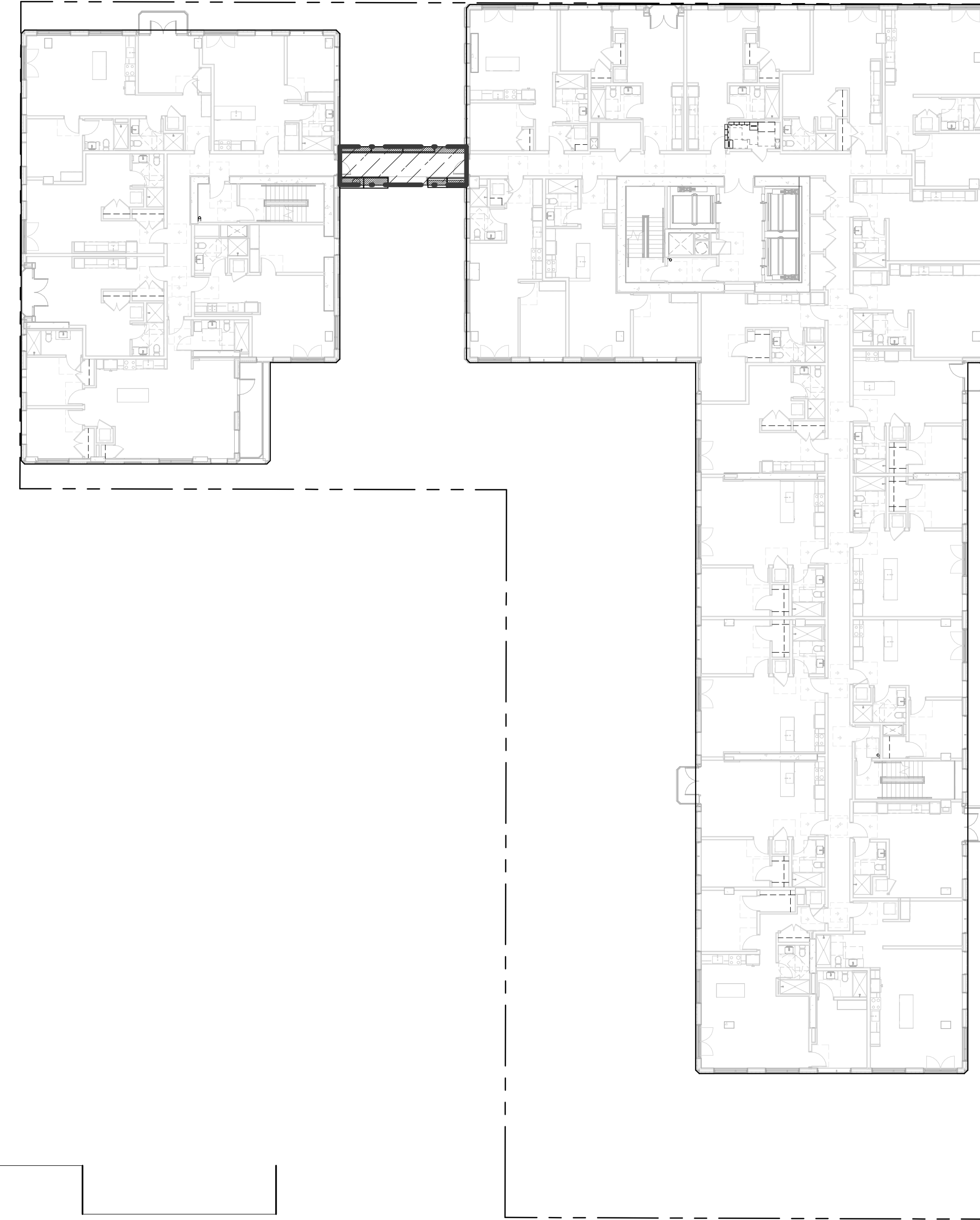


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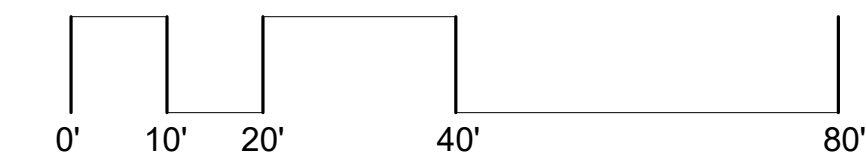
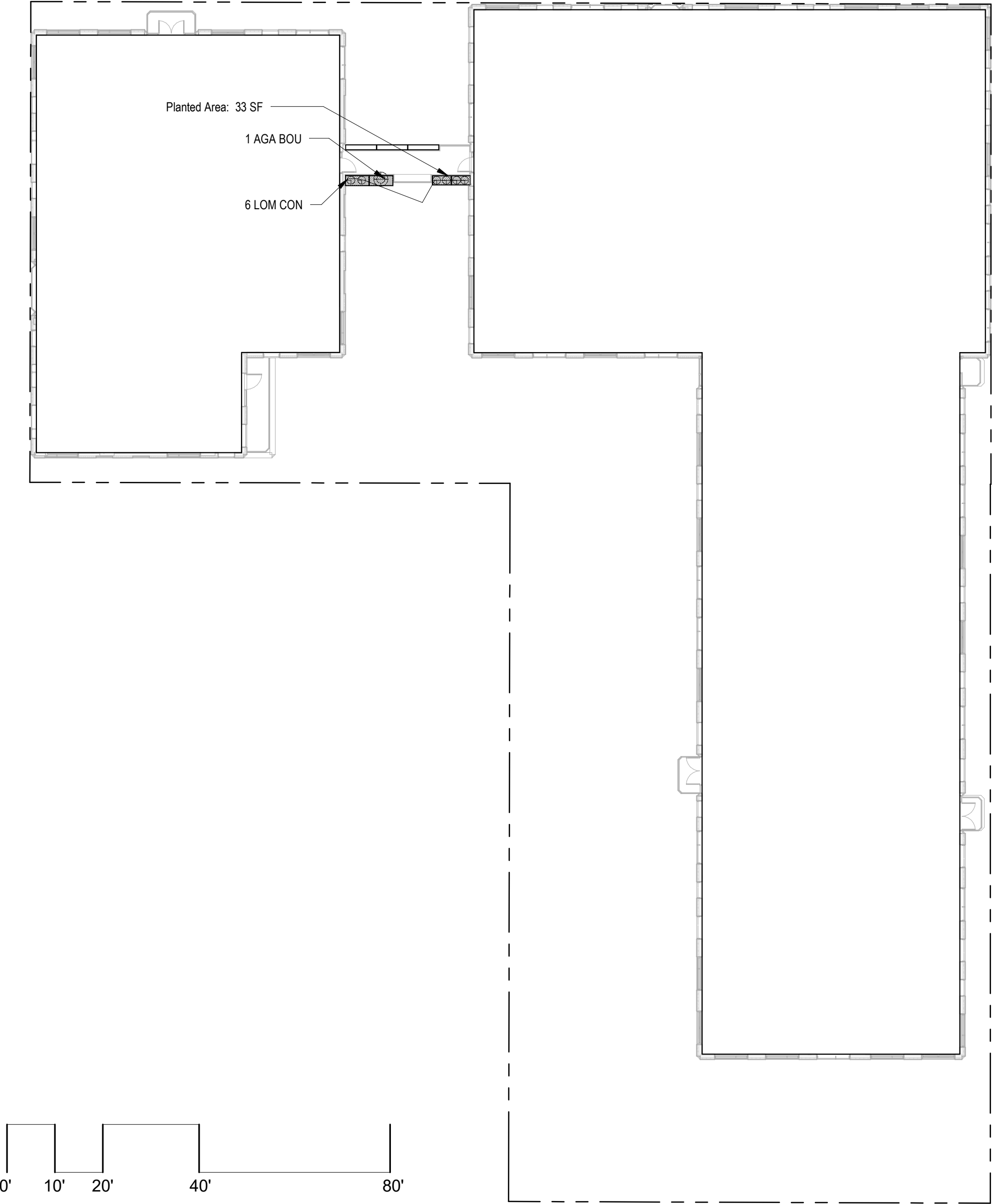
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PLANTING PLAN - LEVEL 4
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⊕	RUS EQU	RUSSELLIA EQUISETIFORMIS	CORAL PLANT	5 GAL 3'H X 4'W	1	4' O.C.	L		2	2

TOTAL 8

REMAINING YARD/Common OPEN AREA
 TOTAL PLANTED AREA: 33 SF
 TOTAL PLANT POINTS: 8
 TOTAL PLANT POINTS BY TREE: 0

REMAINING YARD/Common OPEN AREA LANDSCAPE COMPLIANCE CALCULATION		
Level	Planted Area Provided	Plant Points Provided
Level B1	N/A	N/A
Level L1	1,874 SF	262
Level L2	820 SF	263
Level L3	33 SF	8
Level L4	33 SF	8
Level L10	323 SF	294
Level L11	482 SF	93
Totals:	3,584 SF	928

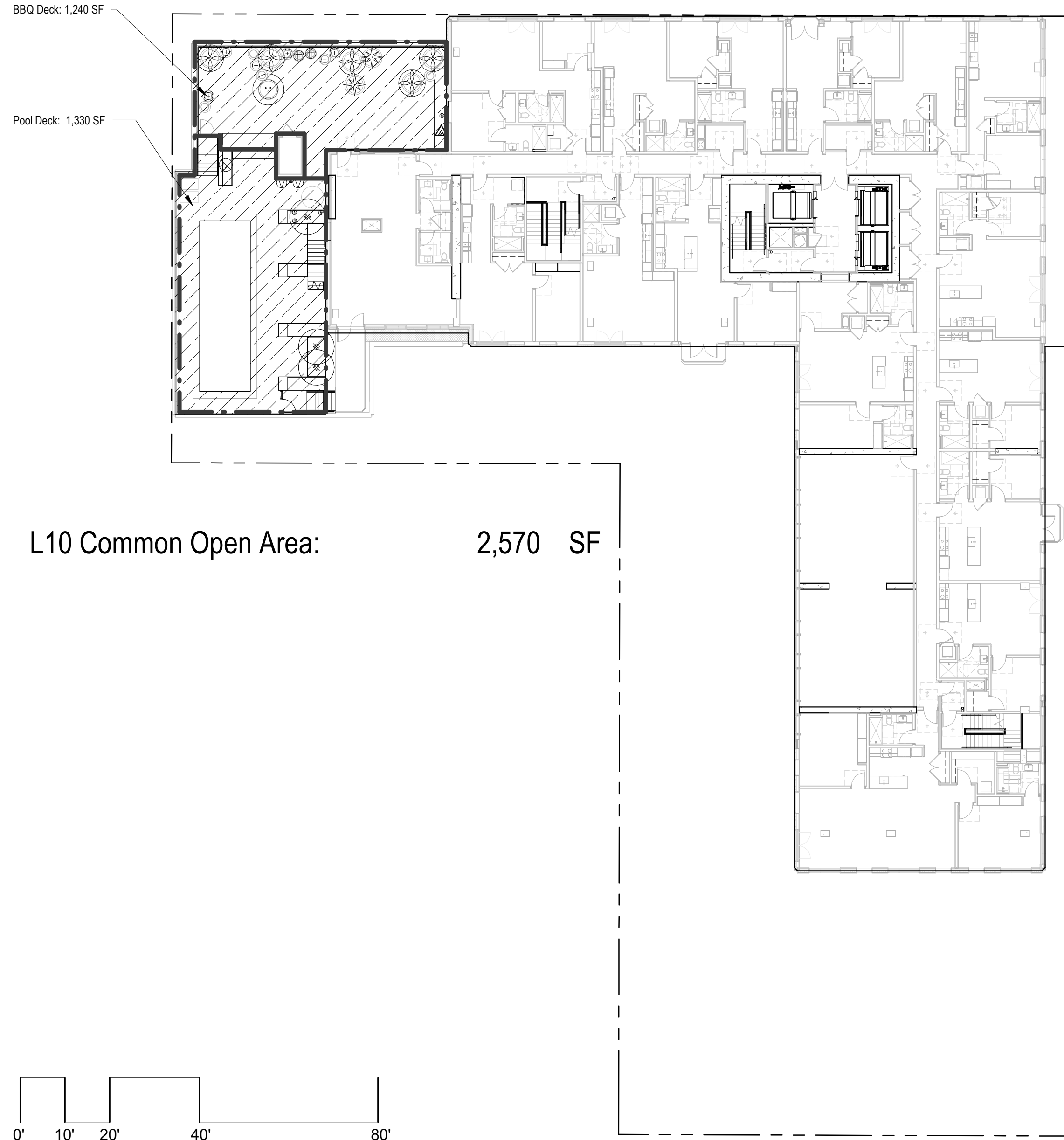


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- ALL TREES IN POTS OR PLANTERS ON STRUCTURAL DECK SHALL HAVE A MINIMUM DIMENSION OF 48" IN EACH DIRECTION.

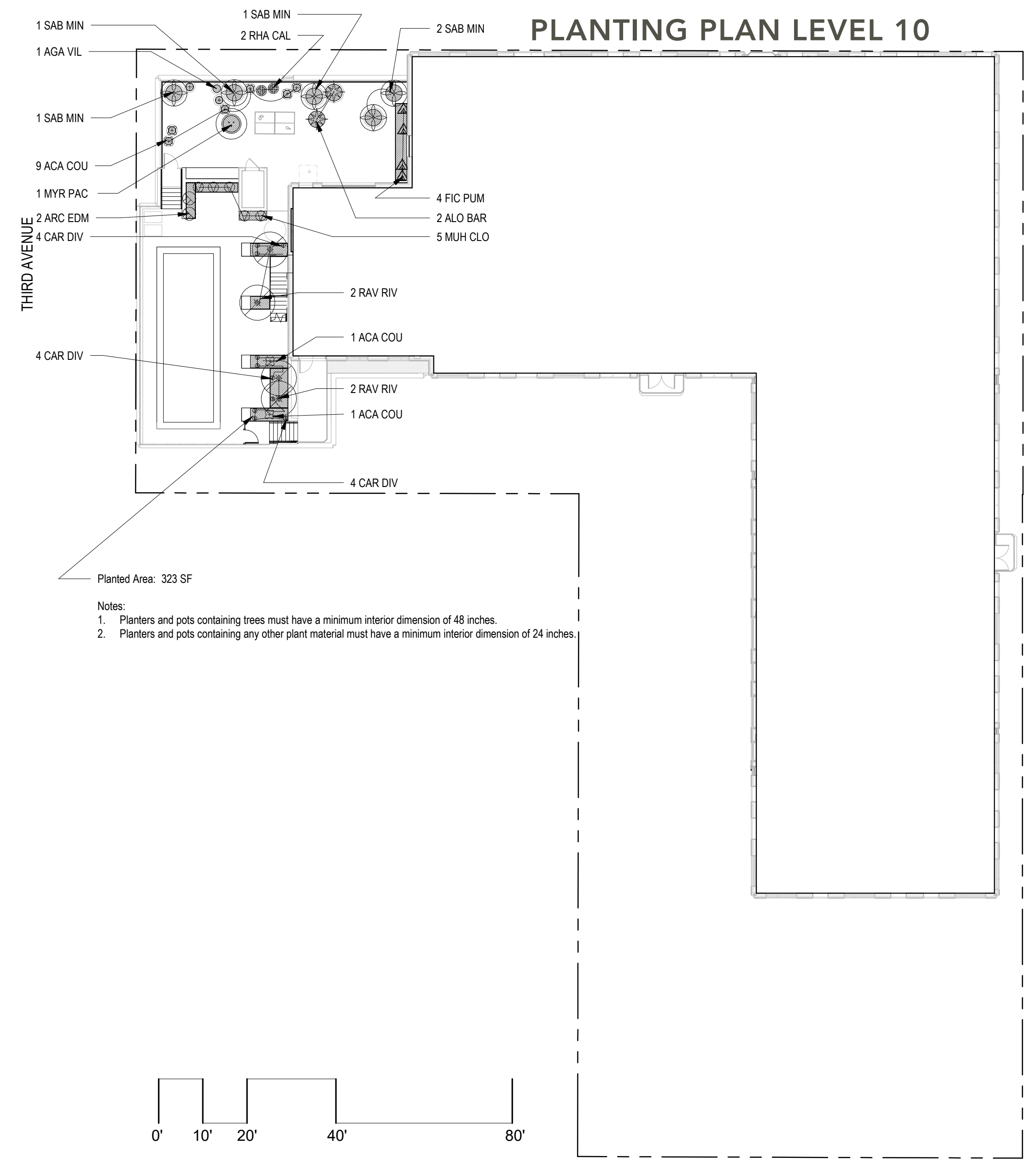
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- TREES TO BE IRRIGATED WITH SUPPLEMENTAL BUBBLERS FOR ESTABLISHMENT.



COMMON AREA PLAN - LEVEL 10

1" = 20' - 0"



PLANTING PLAN - LEVEL 10

1" = 20' - 0"

REMAINING YARD/Common OPEN AREA
TOTAL PLANTED AREA: 323 SF
TOTAL PLANT POINTS: 294
TOTAL PLANT POINTS BY TREE: 220

LANDSCAPE COMPLIANCE CALCULATION

Level	Planted Area Provided	Plant Points Provided
Level B1	N/A	N/A
Level L1	1,874 SF	262
Level L2	820 SF	263
Level L3	33 SF	8
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Level L10	323 SF	294
Level L11	452 SF	93
Totals:	3,584 SF	928

TREE LEGEND									
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	WUCOLS	NOTES	POINTS PER PLANT	POINTS
	ALO BAR	ALOE BARBERAE / BAINESII	ALOE TREE	24" BOX	2 (3.8%)	L		20	40
	MYR PAC	MYRICA CA	PACIFIC WAX MYRTLE	24" BOX	1 (1.8%)	L		20	20
	RAV RIV	RAVENEAE RIVULARIS	MAJESTY PALM	10'H	4 (7.6%)	L		15	60
	SAB MIN	DRACAENA DRACO	DRAGON TREE	24" BOX	5 (9.4%)	L		20	100
SUBTOTAL:									220

PLANT LEGEND											
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS PER PLANT	POINTS	
	ACA COU	ACACIA 'COUSIN ITT'	COUSIN ITT ACACIA	5 GAL	11 (17.3%)	48"	L		2	22	
	ARC EDM	ARCTOSTAPHYLOS EDMUNDSII 'CARMEL SUR'	CARMEL SUR MANZANITA	5 GAL 1.5'H X 8'W	2 (3.8%)	36"	L		2	4	
	CAR DIV	CAREX DIVULSA	BERKLEY SEDGE	1 GAL	14 (30.2%)	24"	M		1	14	
	MUH CLO	MUHLENBERGIA SERICEA 'WHITE CLOUD'	WHITE AWN MUHLY	5 GAL	5 (9.4%)	36"	L		2	10	
	RHA CAL	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	15 GAL	2 (9.4%)	48"	L		10	20	
VINE LEGEND											
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS PER PLANT	POINTS	
	FIC PUM	FICUS PUMILA	CREEPING FIG	1 GAL 25'H X 3'W	4 (7.5%)	PER PLAN	L		1	4	
SUBTOTAL:										74	

TOTAL: 294

L3.16



PLANTING PLAN LEVEL 11

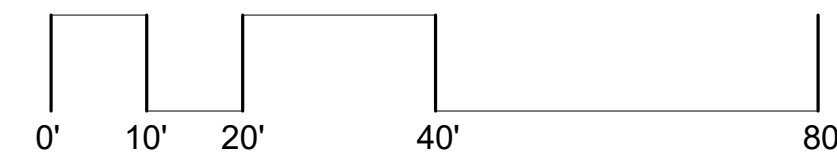
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L11 Common Open Area: 4,650 SF



PLANTING CALCULATION - LEVEL 11

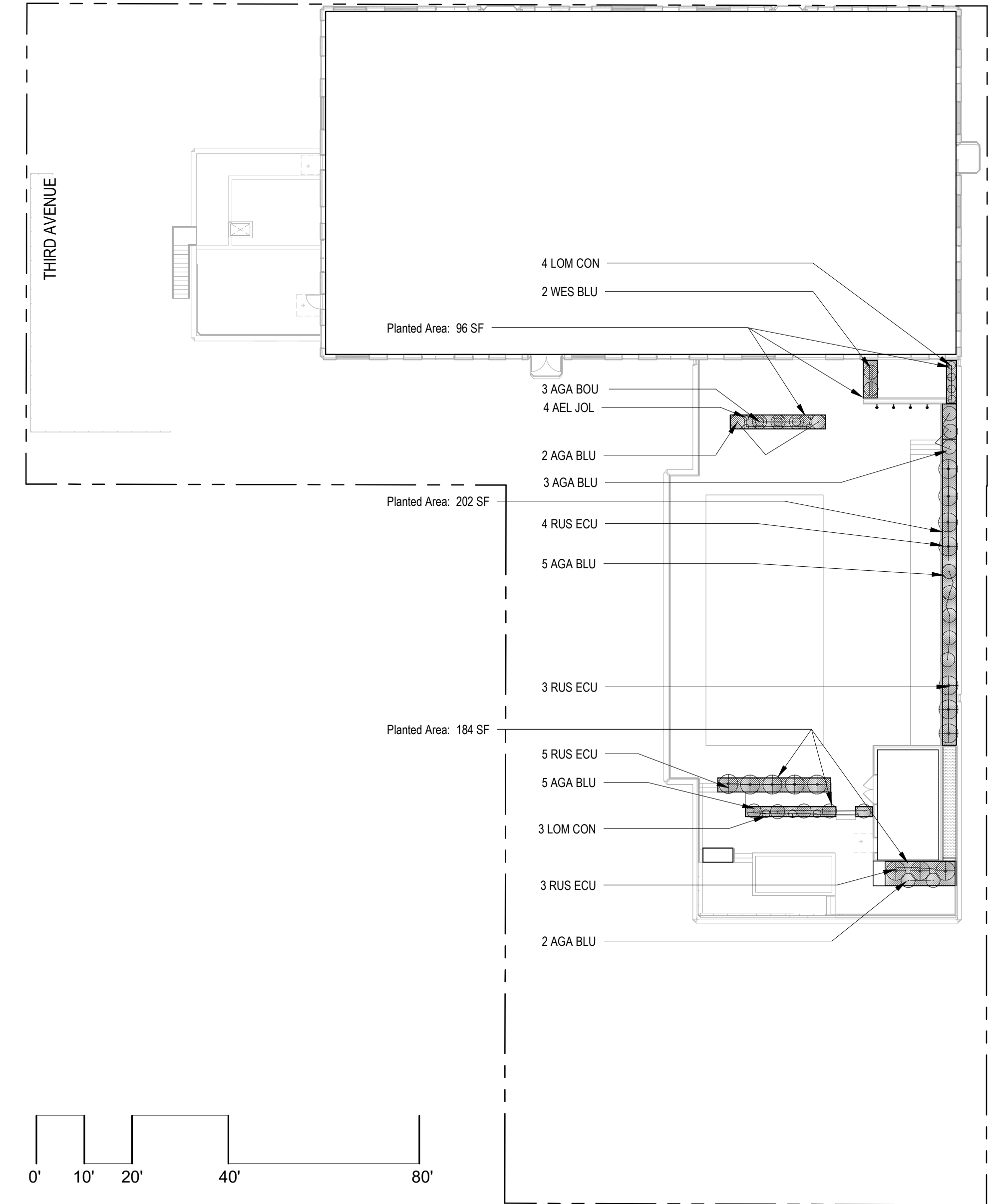
1" = 20' - 0"

Totals: 3,584 SF 928

PLANT LEGEND										
SYMBOL	ABBR	BOTANICAL NAME	COMMON NAME	SIZE / MATURE GROWTH	QUANTITY	SPACING	WUCOLS	NOTES	POINTS PER PLANT	POINTS
	AEO JOL	AEONIUM 'JOLLY GREEN'	JOLLY GREEN AEONIUM	5 GAL <1'H X 1.5'W	4 (10.7%)	1' O.C.	L		2	8
	AGA BLU	AGAVE 'BLUE GLOW'	BLUE GLOW AGAVE	5 GAL 1.5'H X 3'W	17 (30.3%)	1'-6" O.C.	L		2	34
	AGA BOU	AGAVE ATTENUATA 'BOUTIN BLUE'	BLUE FOX TAIL AGAVE	5 GAL 3'H X 3'W	3 (5.4%)	3' O.C.	L		2	6
	LOM CON	LOMANDRA CONFERTIFOLIA 'SILVER GRACE'	MAT RUSH	1 GAL 1.5'H X 1.5'W	11 (23.2%)	1'-6" O.C.	L		1	11
	RUS EQU	RUSSELLIA EQUISETIFORMIS	CORAL PLANT	5 GAL 4'H X 2'W	15 (26.8%)	4' O.C.	L		2	30
	WES BLU	WESTRINGIA BLUE GEM	BLUE GEM COAST ROSEMARY	5 GAL 4.5'H X 3.5'W	2 (3.6%)	3' O.C.	L		2	4

TOTAL 93

THIRD AVENUE



PLANTING PLAN - LEVEL 11

1" = 20' - 0"

REMAINING YARD/Common OPEN AREA
TOTAL PLANTED AREA: 482 SF
TOTAL PLANT POINTS: 93
TOTAL PLANT POINTS BY TREE: 0

REMAINING YARD/Common OPEN AREA LANDSCAPE COMPLIANCE CALCULATION

Level	Planted Area Provided	Plant Points Provided
Level B1	N/A	N/A
Level L1	1,874 SF	262
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Leighton and Associates, Inc.

A Leighton Group Company

July 25, 2023

Project No. 12976.003

Cast Dev, LLC
3037 Redwood Street
San Diego, California 92104

Attention: Mr. Lawrence Howard

Subject: Additional Geotechnical Comments (PRJ-1053621)
Quince Apartments
301 Spruce Street
San Diego, California

References: Leighton & Associates, Inc., 2022, Geotechnical Investigation, The Quince Residential Development, 4th Avenue & Spruce Street, San Diego, California, Project Number 12976.002, revised October 5, 2022.

Leighton & Associates, Inc., 2023, Geotechnical Response to City Review Comments (PRJ-1053621), Quince Apartments, Project Number 12976.003, January 5, 2023.

Nasland, 2022, Grading and Improvement Plans For: Quince Apartments, Dated November 7, 2022.

Shoring Design Group, 2022, Temporary Shoring Design Submittal, The Quince, San Diego, California, Dated November 4, 2022.

In accordance with your request, we have prepared a discussion addressing Uptown Planners review committee comments regarding the Quince Apartment development at 301 Spruce Street in San Diego, California. We are providing additional geotechnical engineering comments to reiterate our conclusions and findings from the above-referenced reports (Leighton, 2022 and 2023).

Our firm prepared a geotechnical investigation report dated October 5, 2022 for the proposed Quince Apartment development project at 301 Spruce Street. As part of that

work, we performed subsurface exploration consisting of the excavating, logging, and sampling of three (3) geotechnical borings and one (1) hand excavated boring; laboratory testing of representative soils samples obtained from that subsurface exploration program; and performing analyses of the geotechnical data obtained from the field investigation and laboratory testing. Our report provided the conclusions and geotechnical recommendations with respect to the proposed geotechnical design and general construction considerations.

Based on our experience as licensed professional geologists, the results of our previous geotechnical investigation (Leighton, 2022) of the site and our experience with similar projects in the area, the proposed development is feasible from a geotechnical standpoint. The conclusions and recommendations found in that report would be incorporated into the project plans and specifications, and all construction would adhere to City and State geotechnical construction standards.

The geologic setting and stability of the proposed project were evaluated. Based on our field observations, subsurface exploration, and our review of site topographic and geologic maps, the site is underlain by favorably oriented geologic structure consisting of surficial artificial fill anticipated to be removed overlying the generally massive, near horizontal, dense to very dense, silty to clayey sandstone identified as Quaternary-age Very Old Paralic Deposits and San Diego Formation. In addition, according to City of San Diego Seismic Safety Study, the site is mapped within Hazard Category 52 which is defined as “Other level areas, gently sloping to steep terrain, favorable geologic structure, Low risk”.

No landslides or indications of deep-seated landsliding were indicated at the site during our field exploration or our review of available geologic literature, topographic maps, and stereoscopic aerial photographs. Furthermore, our field explorations and local geologic maps indicate the site is generally underlain by favorable oriented geologic structure, consisting of massively bedded sandstone. Therefore, the potential for significant landslides or large-scale slope instability at the site is considered low.

The temporary shoring plans prepared by Shoring Design Group (2022) were reviewed. Shoring piles will be utilized to support the off-side grades and adjacent offsite improvements. This type of shoring system is commonly used for similar projects. Based on review of the referenced shoring plans and previous global stability calculations, the proposed construction/grading will not destabilize or result in

settlement of adjacent property or Right-of-Way. Further, based on the favorable underlying geology and required standard construction methods, there is no indication that adjacent properties will be negatively affected by the proposed project.

If you have any questions regarding our letter, please do not hesitate to contact this office. We appreciate this opportunity to be of continued service.

Respectfully submitted,
LEIGHTON & ASSOCIATES, INC.



Steven Norton, PG 9875
Project Geologist



Nicholas Tracy, GE 3058
Associate Engineer



Robert Stroh, CEG 2099
Associate Engineering Geologist



Distribution: (1) Addressee via email



T (858) 292-7770
F (858) 571-3241
4740 Ruffner Street
San Diego, CA 92111
nasland.com

MEMORANDUM

September 19, 2023
NE No.120-193.2

To: Cast Development LLC, via email

From: Cory Schrack, PE

RE: Quince Apartments PRJ-1076254, Entitlement Appeal Response

The following responses are based on the comment letter dated July 20, 2023 from Uptown United and the letter dated July 21, 2023 from Chatten-Brown Law Group. Responses provided are related to Civil Engineering items under our expertise.

Uptown United - July 20, 2023:

Item 2. – Refer to further discussion below, related to Steep Slopes.
Item 13. - Refer to further discussion below, related to Steep Slopes.

Chatten-Brown Law Group - July 21, 2023:

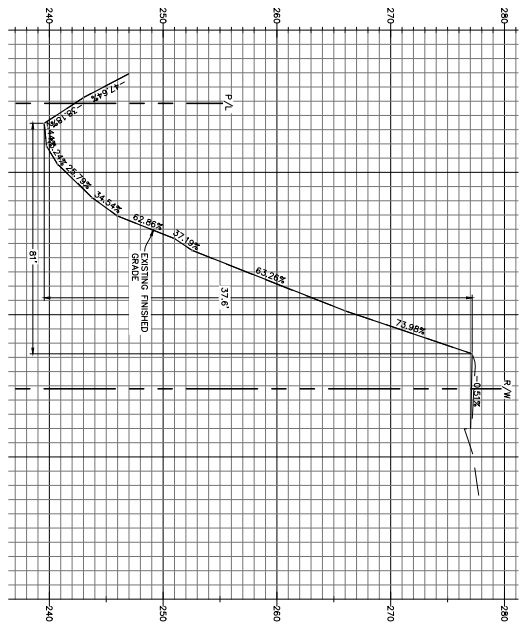
- I. The project is not subject to the City of San Diego Steep Hillside Guidelines (Guidelines). This has been proven and agreed to by the City of San Diego. Further discussion is provided for clarity.
 - a. There are no proposed slopes greater than 2:1 (50% slope). The preliminary grading/improvement plan indicates 2:1 as the maximum proposed gradient for any new slopes associated with the construction of the project. Limits of grading will be confined to the minimum required for construction of the project.
 - b. The existing site conditions do not fall under the Steep Hillside Guidelines. The slope analysis prepared by our office (attached) indicates that there are no slopes on the project site that are over 25% gradient and exceed the 50 foot vertical measurement as defined in the Guidelines Section I (A) 143.0110, and Diagram I-1. This is depicted in cross sections A-A through F-F of the attached slope analysis. Sections D-D and E-E indicate that the off-site analysis of adjacent properties (slope continuing beyond the property line) was conducted as required by the Steep Hillside Guidelines, Section I (B) 143.0113 (third paragraph), with the toe of slope being off-site. The off-site analysis indicates that the 50-foot elevation difference is still not reached and the site is not part of a steep hillside system. The maximum vertical height of the slope is 40.9 ft. This complies with Diagram I-2 (page 4) of the guidelines. Section F-F also depicts that the project site does not meet the 50 ft vertical measurement for “average gradient”

based on the Guidelines Section Section I (B) 143.0113 Diagram I-3 (page 5). Section F-F depicts the limits of 25% “average gradient”, which also takes into account the flatter sections of the canyon below the toe of slope for sections above 25% gradient. The maximum vertical height of slope is 42.3 ft, when extending the analysis to the limit of the 25% average gradient.

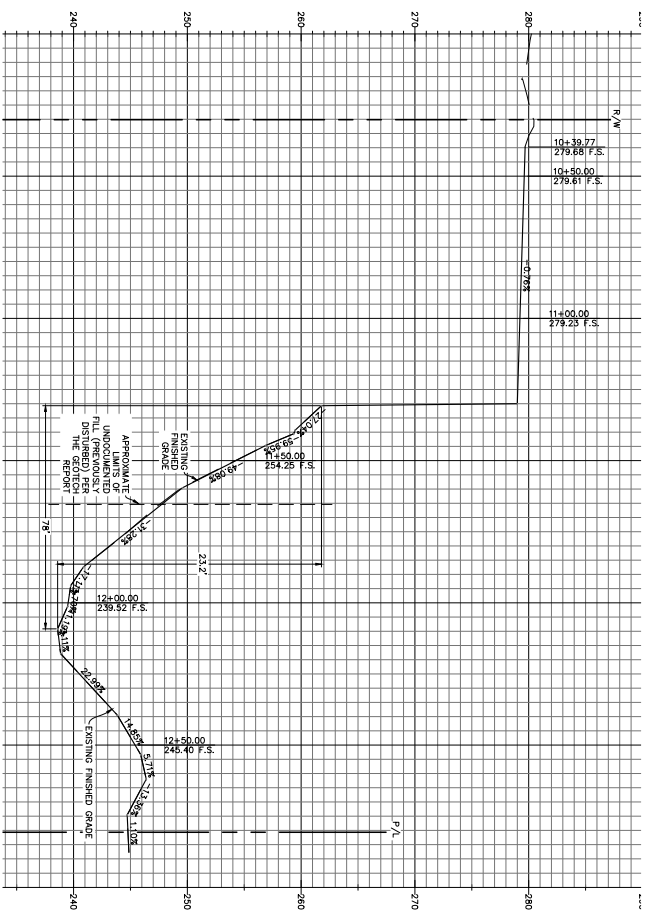
- c. The topographic information utilized in the slope analysis is based on a field topographic survey by our office with one-foot contour intervals, which is more accurate than any topography available through SanGIS or other sources.
 - d. Vertical measurements of slope do not apply to the entire canyon system. Measurements for Steep Hillside Guidelines are from top of slope to toe of slope for which the slope is over 25% as depicted in the Steep Hillside Guidelines Section I (A) 143.0110.
 - e. Retaining walls: As discussed above, the Steep Hillside guidelines are not applicable to the project. Additionally, there are no freestanding retaining walls on the project site. Any walls are included within the structure of the building.
- II. Drainage from the project will not negatively impact Maple Canyon or efforts of the Maple Canyon Restoration Plan.

The draft Drainage Study Dated March 10, 2023 indicates that the project is reducing the runoff rates compared to the existing conditions (ie, no impact downstream). The study has been reviewed and approved by the City of San Diego through the Neighborhood Development Permit process. The Storm Water Quality Management Plan (SWQMP) dated March 27, 2023 indicates that stormwater runoff from the proposed project is being treated per City Storm Water Standard Manual. In addition, the project is meeting the City hydromodification (retention) requirement by using a series of cisterns to retain stormwater and Modular Wetland systems to treat stormwater, prior to being released to the street with flows that meet the City Storm Water Standards Manual requirements. Stormwater from the project will ultimately make its way into the City stormdrain system and then get discharged into Maple Canyon through the existing pipes. Per the Maple Canyon Restoration Plan, the proposed stormdrain systems all have energy dissipation structures, so runoff will not cause further erosion in the Canyon. In addition, the project is not discharging stormwater directly to the Canyon within the property boundary. Discharges will be made to the adjacent curb & gutter as approved by the City.

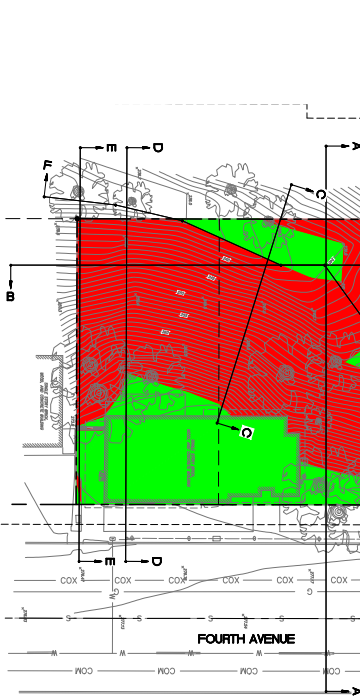
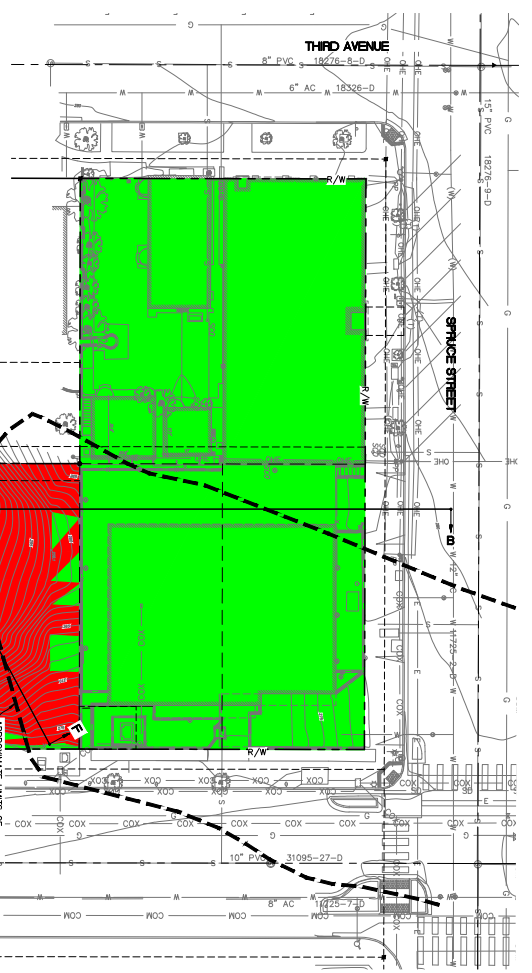
Regarding infiltration of stormwater, the no-infiltration letter prepared by Leighton & Associates is a requirement of the City and was prepared per City Stormwater Standards, appendix C. Since the letter indicated a no infiltration condition, the project drainage design does not include infiltration facilities, but instead treats, detains and then discharges to the street. Drainage from there would enter the City stormdrain system. Infiltration from the project would not impact Maple Canyon.



SECTION A-A
SCALE: HORIZ. 1" = 20'
VERT. 1" = 5'



SECTION B-B
SCALE: HORIZ. 1" = 20'
VERT. 1" = 5'



Slopes Table

Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	25.00%	2444.13	Green
2	25.00%	200.00%	10716.83	Red

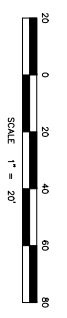
NOTE: WHILE THE SITE DOES CONTAIN SLOPES OVER 25%, THOSE DO NOT MEET THE CITY'S DEFINITION OF STEEP HILLSIDES, SPECIFICALLY, AS DEFINED BELOW:

STEPPED HILLSIDE GUIDELINE CRITERIA:

a. SECTION 14.010 OF THE STEPPED HILLSIDE GUIDELINE AND A. VERTICAL ELEVATION OF AT LEAST 50' DOES NOT APPLY; THE MAX VERTICAL DISTANCE FOR SECTION A-A IS 37.6', FOR SECTION B-B IS 40.0', FOR SECTION E-E IS 40.9', AND FOR SECTION F-F IS 37.7'. AT LEAST 200 PERCENT AND A VERTICAL ELEVATION OF AT LEAST 10' DOES NOT APPLY; THE SECTION 14.010'S OF THE STEPPED HILLSIDE GUIDELINE.

b. OFF-SITE ANALYSIS OF AT LEAST A 50' STEEP HILLSIDE DOES NOT APPLY; THE SECTION 14.010'S OF THE STEPPED HILLSIDE GUIDELINE DOES NOT APPLY; THE AVERAGE SLOPE GRADIENT OF 25% SHOWN IN SECTION E-E IS 40.9'.

b.2. THE AVERAGE SLOPE GRADIENT OF 25% SHOWN IN SECTION F-F IS 42.3'.



SLOPE ANALYSIS

PROCESS II APPLICATION
01.06.2023



1111 East Oak Street, Suite 210
Oshkosh, WI 54901
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Quince

301 Spruce Street
Oshkosh, WI 54901
Number: 341

• 2024 Wis. Program
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July 25, 2023

Ms. Karen Ruggles
KLR Planning
P.O. Box 882676
San Diego, CA 92168

Subject: Responses to comments on the Quince Apartments Project

Dear Ms. Ruggles:

Alden Environmental, Inc. prepared a Biological Letter Report (BLR) for the Quince Apartments project (Alden Environmental, Inc. 2023) which clearly evaluates the potential impacts of the project on sensitive biological resources. The BLR concluded that the project is not within or adjacent to the City's designated Multi-Habitat Planning Area (MHPA) and would not result in significant impacts to sensitive biological resources. There are no potential jurisdictional features on site, and no sensitive plant or animal species were observed, nor are any expected to occur. Therefore, there would be no impacts to these biological resources from project development.

This letter addresses specific comments on biological and jurisdictional resource impacts identified in the appeal submitted to the City of San Diego.

Responses to Chatten-Brown Law Group Comments

The "Maple Canyon Restoration Project" referred to in the comments is a storm drain replacement project that would replace and extend 16 existing storm drains that are either failing or prone to failure and add a new storm for a total of 17 new storm drain systems (Tierra Data, Inc. 2020). As shown in their report, the limits of this project are not within or adjacent to the Quince Apartments project site. As such, the Quince project would not alter or impair the Maple Canyon storm drain replacement project.

The Maple Canyon storm drain replacement project, itself, is not a habitat restoration effort, nor is it required to "rehabilitate" existing native species. Rather, the storm drain project would revegetate a total of 3.95 acres of temporarily impacted upland habitats (e.g., eucalyptus woodland, ornamental) in distinct locations throughout the canyon (south of the Quince Apartments project site). These areas would be planted with Diegan coastal sage scrub species with the intent of meeting erosion control requirements in the City's Landscape Standards. While the planted sage scrub vegetation would be of higher habitat value than the vegetation impacted, the Biological Technical Report Addendum (Tierra Data, Inc. 2020) indicates that, overall, Maple Canyon "has little natural remaining habitat."

The Quince Apartments project, like the storm drain project, would impact non-native grassland, a Tier IIB habitat. Per the City's Biology Guidelines (City 2018), formulated to aid in the implementation and interpretation of the Environmentally Sensitive Lands Regulations, impacts to Tier I through Tier IIIB habitats that total less than 0.1 acre are not considered significant and do not require mitigation. The Quince Apartments project would impact 0.02 acre of Tier IIIB non-

native grassland, so no mitigation would be required. Direct impacts to Tier IV habitats (ornamental and disturbed land) from the Quince Apartments project that are not considered sensitive by the City are also not considered significant and do not require mitigation. Therefore, the Quince Apartments project would not “inflict significant impacts” on natural vegetation. Indirect impacts from shade would be also would not be considered significant, given the lack of sensitive habitat within and adjacent to the Quince Apartments project footprint.

Sensitive Species

A focused survey for special status species is conducted for sites with potential to support threatened or endangered species and/or the highly sensitive burrowing owl. Because of the small size of the Quince Apartments project site, its largely developed or non-native condition, and its location in an urban setting, a focused survey was not warranted. As stated in the Quince Apartments Project Biological Letter Report (Alden Environmental, Inc. 2023), however, the project must comply with the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code to avoid/minimize impacts to nesting birds, as required by those regulations. This would include conducting focused surveys for nesting bird species, should construction be proposed during the bird breeding season.

General adjacent noise impacts to bird species are not an issue unless certain species (i.e., California gnatcatcher, least Bell’s vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird, western snowy plover, or burrowing owl) are present during their breeding season(s) and depending upon the location of the habitat (i.e., within or adjacent to the Multi-habitat Planning Area [MHPA], which is the City’s habitat preserve; City 2018). None of these species is present, and the Quince Apartments project site is not within or adjacent to the MHPA. Glare also is not a biological resource issue.

As for the Cooper’s hawk, the Biological Technical Report for the storm drain project (AECOM 2018) correctly notes that the species mainly breeds in oak and willow riparian woodlands but also in eucalyptus trees (Unitt 2004 *in* AECOM 2018). The Cooper’s hawk has not been observed on site (including in the larger Maple Canyon area) but it has been reported from Balboa Park approximately 1,000 feet to the east. This species, if present, could use the Quince Apartments project site to forage (it mainly eats medium-sized birds; The Cornell Lab 2023), but impacts to any on-site foraging would be covered under the City’s Multiple Species Conservation Program (MSCP) Subarea Plan Incidental Take Authorization from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for this MSCP-Covered Species. This hawk also could potentially nest in some of the trees on or adjacent to the site; however, no hawk nests were observed during the fieldwork.

If pre-construction avian surveys identify nesting birds (including the Cooper’s hawk) on or adjacent to the site then additional avoidance measures may be required, depending on the species and its nest location. It could be required, for example, that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS. The City’s MSCP

Subarea Plan also includes a specific condition to implement a 300-foot impact avoidance area around an active Cooper's hawk nest (should any be observed), which would satisfy the wildlife agency requirements.

Jurisdictional Features

The project would not impact any existing jurisdictional features on site. The site was visually assessed for these features, and none was found. The National Hydrography Dataset (NHD) map shows stream/river on the southern portion of the Quince Apartments project site, but NHD mapping is at a scale of 1:24,000 and represents generalized information from topographic modeling and not site specific surveys. The visual assessment included searching for evidence of features that could be considered wetlands or non-wetland waters under the jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, and/or the City. This evidence includes, for example, bed and bank topography, sediment deposits, drift, litter, and/or hydrophytic vegetation. A visual assessment and even a formal jurisdictional delineation may be conducted at any time of year.

The appeal letter (Chatten-Brown, July 23, 2023) called out a U.S. Army Corps of Engineers (Corps) and California Department of Fish & Wildlife (CDFW) jurisdictional streambed and noted that it has "extreme proximity between the Project, a massive development, and existing wetlands and jurisdictional waters." It should first be noted that the figure in the letter does not even show the Quince Apartments project. In actuality, the mapped streambed feature is more than 200 feet south of the Quince Apartment project site, and does not have "extreme proximity" with the Quince Apartments project (see attached figure).

It is worth noting that the referenced jurisdictional delineation shows the streambed as being an unvegetated Waters of the State/U.S., and not an actual wetland feature, as suggested in the appeal letter. Furthermore, the Biological Technical Report-Addendum for the Maple Canyon storm drain replacement and repair project shows (report figure 4a) a portion of their construction activities as occurring north of the northern limit of the mapped streambed, and south of the Quince Apartment project footprint. From their figure and analysis, it is clear that no impacts to jurisdictional resources were assessed upstream from the mapped streambed limit. Finally, the limits of disturbance for the Quince Apartments project occur above the topographic bottom of the canyon where streambed/drainage features could be expected to occur.

In addition to the above, the Quince Apartments project would not affect any existing jurisdictional features further downstream of the site via uncontrolled stormwater flows. The CEQA Section 15162 – Subsequent Environmental Impact Reports and Negative Declarations consistency evaluation for the Quince Apartments project (City 2023) states the following:

As mentioned in the SWQMP (Appendix H), there is only one point of compliance for flow control for hydromodification management for the project and it is located at the southeast corner of the project site. All of the project stormwater would drain through this single point of compliance. Runoff from the project would treat pollutants by utilizing a Modular Wetland System and discharge to point of connection gutter flow down Fourth Avenue to an existing curb inlet at the intersection of Redwood Street and Fourth Avenue. This curb inlet then drains to Maple Canyon before entering the storm drain system and outletting into San Diego Bay. The project would not result in any significant alteration of water quality or violate any water quality standards. No impact would result. No mitigation measures are required.

The post construction site would have minimal risks of erosion given proper plant establishment, and transport of sediments downstream would be significantly reduced by means of pretreatment and proposed on-site detention basins with no off-site discharge location (Appendix H). Adherence with the City of San Diego Stormwater standards would preclude a cumulatively considerable contribution to erosion of siltation on- or off-site.

Response to Comment from Carol Emerick

The trees identified by the commentor are non-native ornamental species in an urban/landscaped condition. As such, they are not considered a City of San Diego ESL vegetation community and are not a significant biological resource.

Response to Comment from Rhea Kuhlman

The Quince Apartments project would not have significant direct or indirect impacts on Maple Canyon as explain in the responses to Chatten-Brown Law Group comments.

Response to Comment (2.c.) from Uptown United

The Quince Apartments project would not have significant direct or indirect impacts on biological resources including trees, plants, and wildlife as explained in the responses to comments from Chatten-Brown Law Group and Carol Emerick.

Response to Comments from Wendy Johnson

The pine trees on the project site are non-native and ornamental in nature; therefore, they are not considered a significant biological resource by the City.

As noted above and stated in the Quince Apartments Project Biological Letter Report (Alden Environmental, Inc. 2023), the Quince Apartments project must comply with the MBTA and Fish and Game Code to avoid/minimize impacts to nesting birds, as required by those regulations.

The Quince Apartments project would not have significant direct or indirect impacts on Maple Canyon as explain in the response to Chatten-Brown Law Group comments.

That concludes the responses to comments. Please contact me if you have any questions.

Sincerely,



Greg Mason
Senior Biologist

Attachments:

Maple Canyon Streambed Location Figure

References:

AECOM. 2018. Biological Technical Report Maple Canyon Storm Drain Project. May. Revised September 2016 and March 2018.

https://www.sandiego.gov/sites/default/files/dsd_biological_technical_report.pdf

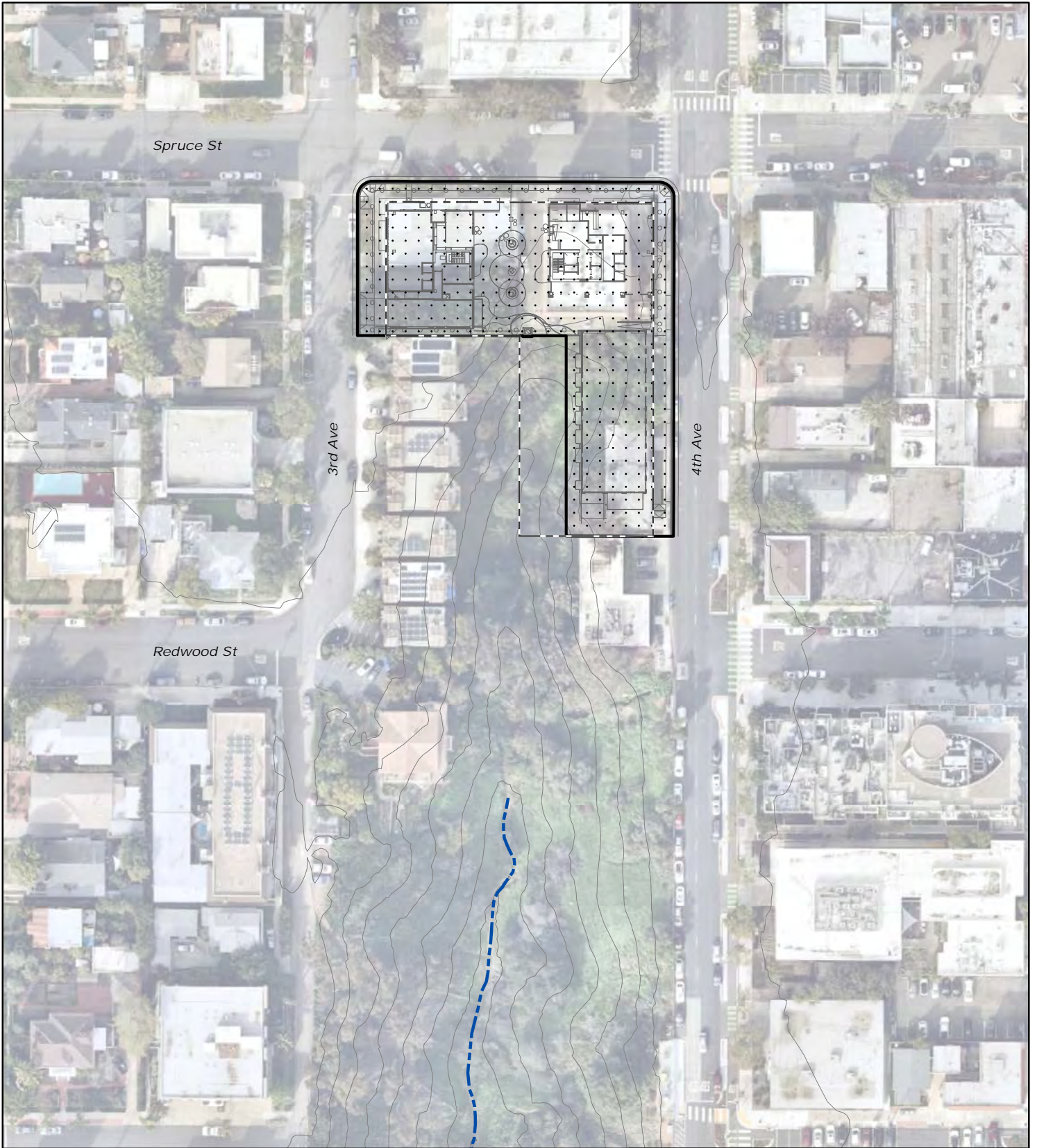
Alden Environmental, Inc. 2023. Quince Apartments Project Biological Letter Report to Ms. Karen Ruggles, KLR Planning. April 6.


City of San Diego. 2023. Memorandum – Quince Apartments (Project No. 1053621) California Environmental Quality Act – Section 15162 Evaluation. July 7.

2018. San Diego Municipal Code, Land Development Code Biology Guidelines. Adopted September 28, 1999; last amended February 1, 2018 by Resolution No. R-311507

Tierra Data, Inc. 2020. Biological Technical Report Addendum Maple Canyon – Restoration Phase 1 (H176828) Site Development Permit. March.

https://www.sandiego.gov/sites/default/files/dsd_biological_technical_report_addendum_0.pdf

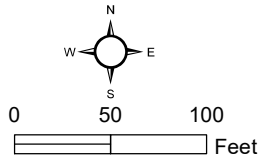


 Property Boundary

 Project Impacts

 Streambed¹

¹ Mapped Corps and CDFW streambed
(BTR-Addendum, Tierra Data Inc., March 2020)



Maple Canyon Streambed Location

301 SPRUCE STREET
QUINCE APARTMENT PROJECT

SHORING DESIGN GROUP

July 27, 2023

Mr. Lawrence Howard
Cast Development
3037 Redwood Street
San Diego, CA 92104

Phone (858) 822-9235

**Re: Quince
San Diego, California**

JOB #22-137

Subject: Temporary Shoring Lateral Support of Adjacent Improvements

Dear Mr. Howard:

Temporary shoring for the proposed Quince project, has been designed in accordance with the geological recommendations for lateral support and stability according to the approved geotechnical report (Leighton & Associates).

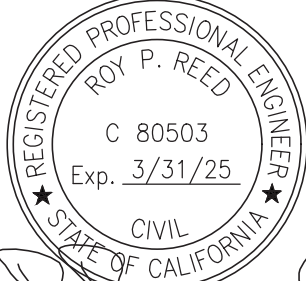
Furthermore, existing site survey/conditions for the adjacent right-of-way and southerly canyon, as demonstrated in the current 6-20-2023 shoring plans, are properly shown & accounted for within the design that includes acceptable safety factors against global stability.

This method of construction and design is the most widely used shoring system in the city of San Diego and will not destabilize the adjacent canyon or public right-of-way during construction.

Should you have any additional questions or comments regarding this matter, please advise.

Sincerely,

SHORING DESIGN GROUP,



Roy P. Reed, P.E.
Project Engineer



MEMORANDUM

To:	Mr. Lawrence Howard Cast Development	Date:	July 25, 2023
From:	Amelia Giacalone LLG, Engineers	LLG Ref:	3-22-3598
Subject:	Quince Apartments – Response to Appeal Comments		

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Mr. Howard:

The following response is provided to address Appeal Comment IV submitted by Chatten-Brown Law Group in response to City Staff’s approval of the 301 Spruce Street Quince Apartments Project. The comments are dated July 21, 2023.

As noted in the reviewer’s comment, 3rd Avenue between Spruce Street and the Project Driveway is considered an unclassified “Local Street” per the Uptown Community Plan. Per City of San Diego’s 1998 Traffic Impact Study Manual (TIS) and 2022 Transportation Study Manual (TSM), levels of service (LOS) are not typically evaluated on local streets since their primary purpose is to serve abutting lots, not carry through traffic (see Table 2 of the TIS and Appendix F of the TSM). LOS applies to roads carrying through traffic between major trip generators and attractors.

The Project’s use of 3rd Avenue will only be to serve abutting lots (i.e., the Project site). Project trips will only use the approximately 70’ of 3rd Avenue between Spruce Street and the Project driveway for ingress and egress. Project trips are not expected to travel along 3rd Avenue south of the Project driveway, primarily due to the lack of connectivity.

It is acknowledged that, with the addition of Project trips, the ADT on 3rd Avenue will exceed the LOS C threshold for a local street. However, contrary to the reviewer’s assertion, the local street LOS C capacity exceedance does not result in a significant impact to 3rd Avenue based on the City’s significance criteria since the established thresholds only apply to facilities that operate at LOS E or F with the addition of project trips, as shown in **Table 1**, which is taken from the City of San Diego’s *Significance Determination Thresholds* dated July 2016. Where, as here, the local street’s operations are reported only as exceeding the LOS C threshold, and not as LOS E or F based on the comparison of ADT to the City of San Diego *Roadway Segment LOS by Average Daily Traffic (ADT)* table. Therefore, 3rd Avenue is not significantly impacted with the addition of Project trips.

The intersections of Spruce Street / 3rd Avenue and 3rd Avenue / Project Driveway are calculated to operate acceptably at LOS B or better without any identified queuing issues with the addition of Project trips. Therefore, the approximately 70' segment of 3rd Avenue between Spruce Street and the Project Driveway is expected to operate acceptably.

**TABLE 1
CITY OF SAN DIEGO
TRAFFIC IMPACT SIGNIFICANCE THRESHOLDS**

Level of Service with Project ^b	Allowable Increase Due to Project Impacts ^a					
	Freeways		Roadway Segments		Intersections	Ramp Metering ^c
	V/C	Speed (mph)	V/C	Speed (mph)	Delay (sec.)	Delay (min.)
E	0.010	1.0	0.02	1.0	2.0	2.0
F	0.005	0.5	0.01	0.5	1.0	1.0

Footnotes:

- a. If a proposed project's traffic causes the values shown in the table to be exceeded, the impacts are determined to be significant. The project applicant shall then identify feasible improvements (within the Traffic Impact Study) that will restore/and maintain the traffic facility at an acceptable LOS. If the LOS with the proposed project becomes unacceptable (see note b), or if the project adds a significant amount of peak-hour trips to cause any traffic queues to exceed on- or off-ramp storage capacities, the project applicant shall be responsible for mitigating the project's direct significant and/or cumulatively considerable traffic impacts.
- b. All LOS measurements are based upon Highway Capacity Manual procedures for peak-hour conditions. However, V/C ratios for roadway segments are estimated on an ADT/24-hour traffic volume basis (using Table 2 of the City's Traffic Impact Study Manual). The acceptable LOS for freeways, roadways, and intersections is generally "D" ("C" for undeveloped locations), and "E" for Downtown San Diego. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.
- c. The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS E is 2 minutes. The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS F is 1 minute.

General Notes:

1. Delay = Average control delay per vehicle measured in seconds for intersections or minutes for ramp meters
2. LOS = Level of Service
3. V/C = Volume to Capacity ratio
4. Speed = Arterial speed measured in miles per hour

Thank you,



Amelia Giacalone
Senior Transportation Planner

cc: File