



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: September 27, 2023

TO: Planning Commission

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

SUBJECT: Item 1- 301 Spruce Street, Project No. 1053621

City staff has amended the permit resolution for the 301 Spruce Street submitted as Item 1 on the September 28, 2023, Planning Commission agenda.

Minor revisions to the permit resolution are included to clarify the Supplemental Findings - Environmentally Sensitive Lands (Section 2 a, b, and c, only) related to the development on and off-site as indicated in the strikeout/underline below. A clean version of the permit resolution (Attachment 5) is provided as an attachment to this memo.

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 west~~ of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the ~~west south~~ of the project site. Maple Canyon is separated from the project site by sloping land and a developed parcel that extends into Maple Canyon.

The proposed project would ~~result in grading disturb~~ the entire 0.81-acre project site, as well as 0.23-acre located off-site within the public right-of-way. 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.~~ Development, which will occur within the project limits and outside the currently disturbed footprint, will encompass a small area of southern

slopes onsite, but not within steep hillsides. 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~~ onsite 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 west~~ of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the ~~west south~~ of the project site. Maple Canyon is separated from the project site by sloping land and a developed parcel that extends into Maple Canyon. The proposed project would disturb ~~result in grading~~ the entire 0.81-acre project site, as well as 0.23-acre located off-site within the public right-of-way. 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 ~~west south~~ of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the ~~south west~~ of the project site. Maple Canyon is separated from the project site by sloping land and a developed parcel that extends into Maple Canyon. The proposed project would disturb result in grading the entire 0.81-acre project site, as well as 0.23-acre located off-site within the public right-of-way.

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. Development, which will occur within the project

limits and outside the currently disturbed footprint, will encompass a small area of southern slopes onsite, but not within steep hillsides. 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 small onsite slope area 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 disturbance grading (0.23 acre) would occur outside the current development footprint (within the public right-of-way) 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.

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 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 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

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.

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 west of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the south of the project site. Maple Canyon is separated from the project site by sloping land and a developed parcel.

The proposed project would disturb the entire 0.81-acre project site, as well as 0.23-acre located off-site within the public right-of-way. 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. Development, which will occur within the project limits and outside the currently disturbed footprint, will encompass a small area of southern slopes onsite, but not within steep hillsides. 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 onsite 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 west of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the south of the project site. Maple Canyon is separated from the project site by sloping land and a developed parcel. The proposed project would disturb the entire 0.81-acre project site, as well as 0.23-acre located off-site within the public right-of-way. 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 west of the project site is also fully developed. Maple Canyon, an urban canyon within the Uptown Community Plan area, is located to the south of the project site. Maple Canyon is separated from the project site by sloping land and a developed parcel. The proposed project would disturb the entire 0.81-acre project site, as well as 0.23-acre located off-site within the public right-of-way.

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. Development, which will occur within the project limits and outside the currently disturbed footprint, will encompass a small area of southern slopes onsite, but not within steep hillsides. 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 onsite slope area.

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 disturbance (0.23 acre) would occur outside the current development footprint (within the public right-of-way) 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 28, 2023.

DRAFT