

# Development Services Department

## 301 Spruce Street Project No. 1053621

Item # 1

Planning Commission

September 28, 2023

# San Diego Planning Commission Meeting

**PHONE-IN TESTIMONY PERIOD NOW OPEN FOR  
301 SPRUCE STREET – PROJECT 1053621**

**Telephone** - Dial 669-254-5252 or (Toll Free) 833-568-8864.

When prompted, input Webinar ID: **161 221 0047**

## **How to Speak to a Particular Item or During Non-Agenda Public Comment:**

**TO "RAISE YOUR HAND"**: click the button on your computer, tablet, or Smartphone, or by dialing **\*9** on your phone. You will be taken in the order in which you raise your hand. You may only speak once on a particular item.

**TO UNMUTE**: When it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial **\*6** on your phone.

# Project Scope

- Location:** .081-acre site  
301 Spruce Street, Uptown Community Plan  
RM 3-7 and CC 3-8 Zone  
Community Plan Implementation Overlay Zone - A  
Complete Communities Housing Solutions Overlay  
Complete Communities Mobility Choices, Mobility Zone 2 Overlay  
Transit Area Overlay Zone (now referred to as the Sustainable Development Area)  
San Diego International Airport Influence Area  
Federal Aviation Administration Part 77 Noticing Area
- Approvals:** Process Level Two, Neighborhood Development Permit

# Project Scope

**Scope:**

Demolish five existing commercial-use structures on a four-lot parcel

Construct a 400,152-square-foot, mixed-use structure with 262 dwelling units

266 parking stalls

5,631 square-feet of commercial space

17 stories over four levels of subterranean parking

22 affordable housing units

**Historic Significance:**

Determined not to meet designation criteria as a significant historic resource



# Environmental Review

**Consistency Evaluation:** California Environmental Quality Act (CEQA) Guidelines Section 15162

Uptown Community Plan Update Program  
Environmental Impact Report (PEIR)

Complete Communities Housing Solutions (CCHS)  
Final Environmental Impact Report (FEIR)

# Complete Communities Housing Solutions (CCHS)

**Purpose:**

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.

**Waivers:**

Development that is consistent with the CCHS criteria 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).

**Affordable Housing:**

The pre-density bonus for the base zone is 52 affordable housing units. The project will provide 40% of the pre-density bonus, or 22 affordable housing units at the very low-income, low-income, and moderate-income levels.

# Sustainable Development Areas

## Transit Priority Area (TPA)

The area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a major transit stop that is existing or planned.

## Sustainable Development Area (SDA)

Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a major transit stop that is existing or planned, if the planned major transit stop and included within a Mobility Zone.

## Mobility Zone 2

Mobility Zone 2 means any premises located either partially or entirely in a Sustainable Development Area. As defined in Section 113.0103, the defined walking distance is 1.0 mile.

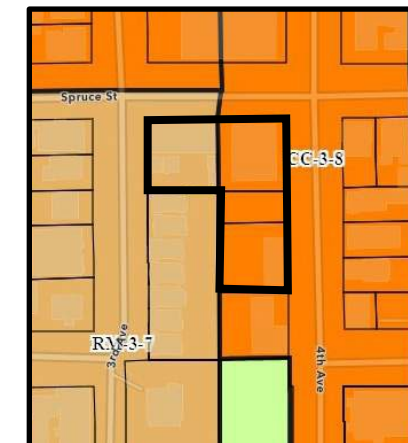
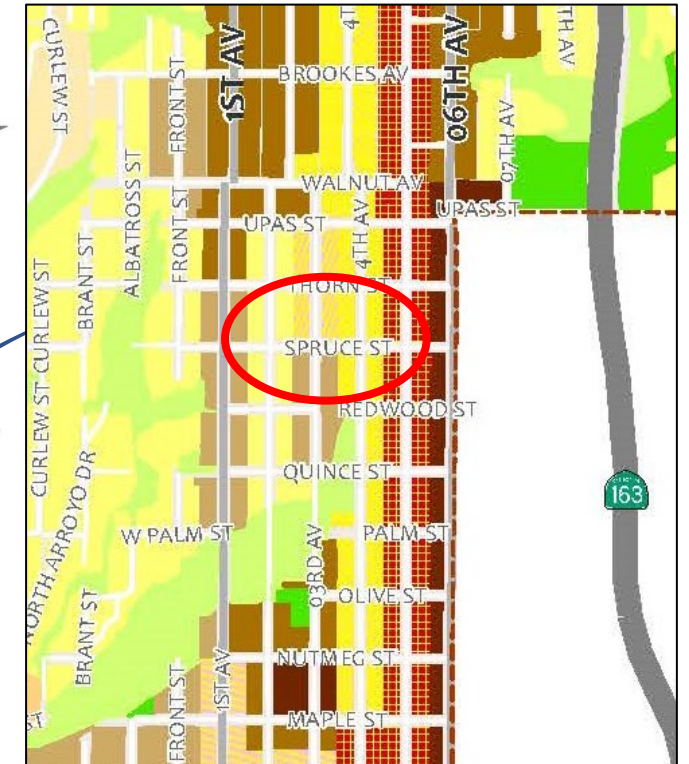
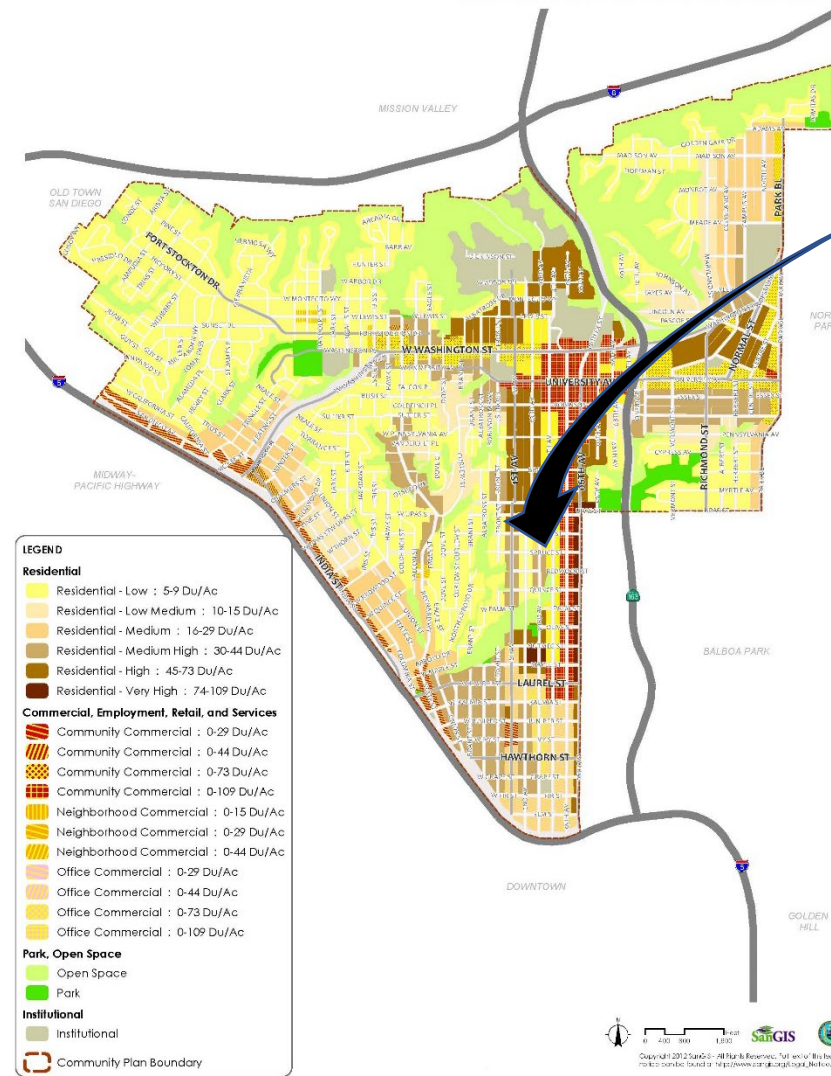


# Zoning/Community Plan

## Base Zone Regulations

- Residential Zone RM 3-7
  - FAR (1.8)
  - Medium High (30-44 (Du/Ac)
  - Height Limit (40 Feet)
  
- Community Commercial Zone CC-3-5
  - FAR (2.0)
  - Community Commercial (0-73 Du/Ac)
  - Height Limit (100 Feet)
  
- CCHS Waivers
  - FAR (8.0)
  - Density (328 Du/Ac)
  - Height (194 feet)

\*not including elevator/mechanical penthouse





# Regional Plans

## **General Plan:**

Transit corridors provide valuable new housing opportunities with fewer impacts to the regional freeway system because of their available transit service.

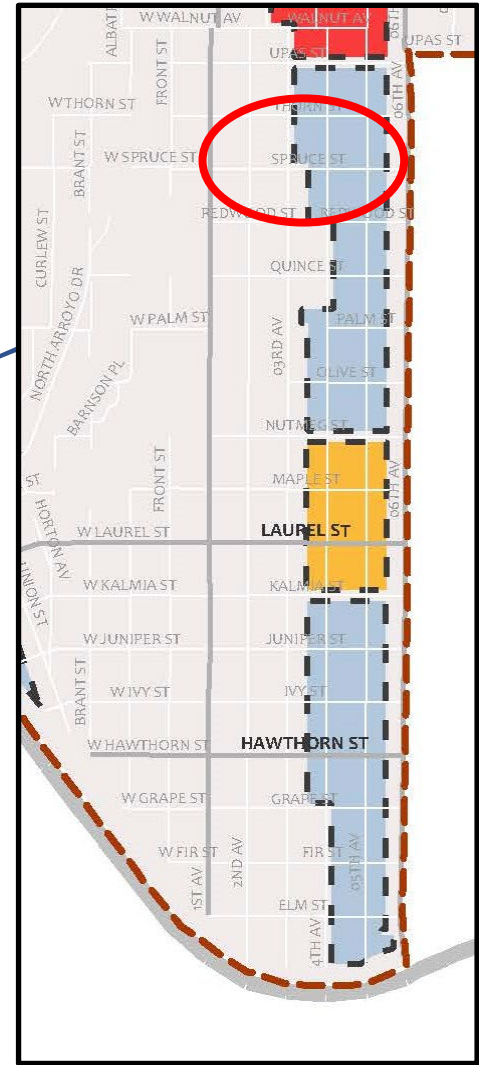
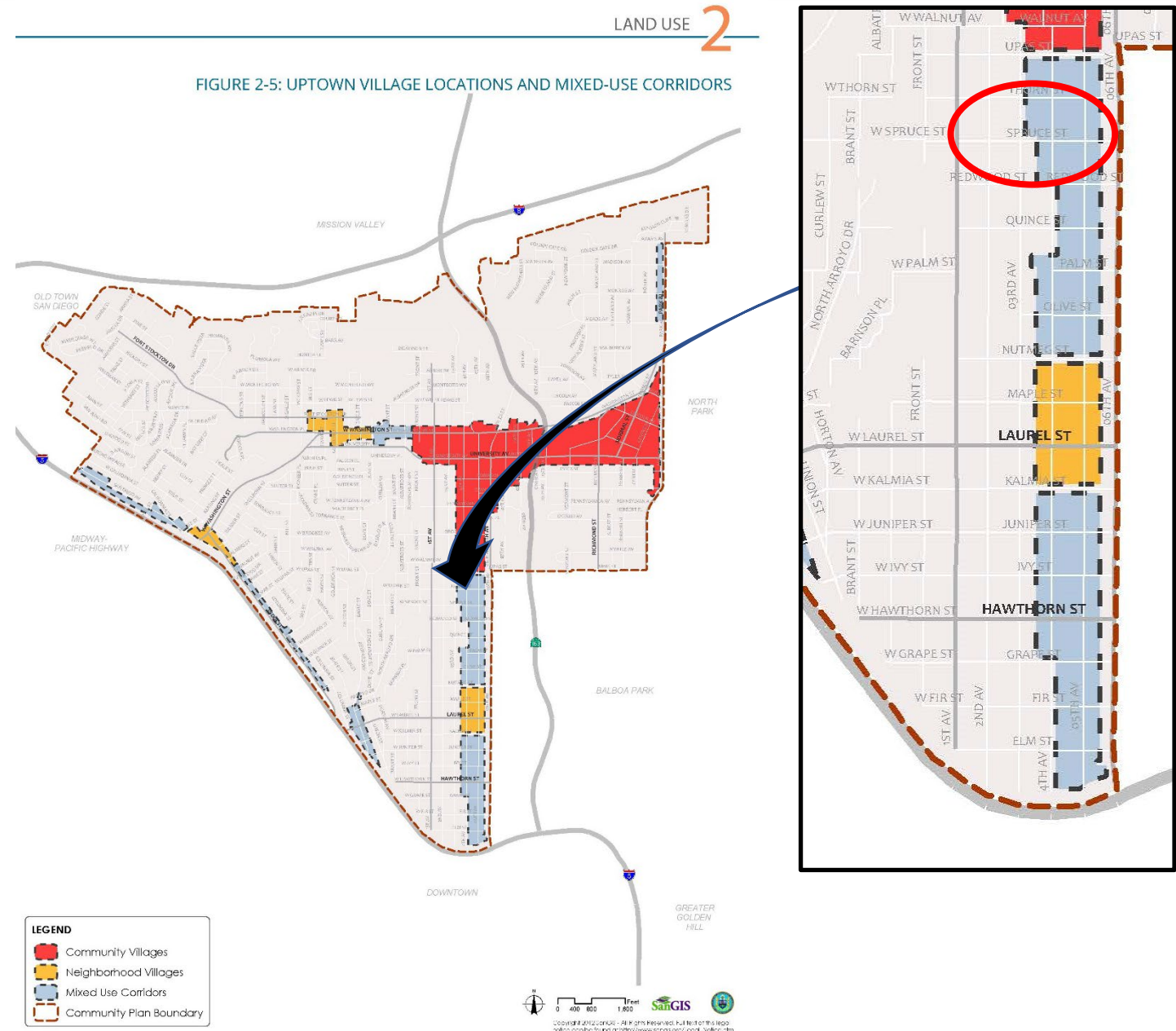
## **City of Villages:**

City of Villages 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.

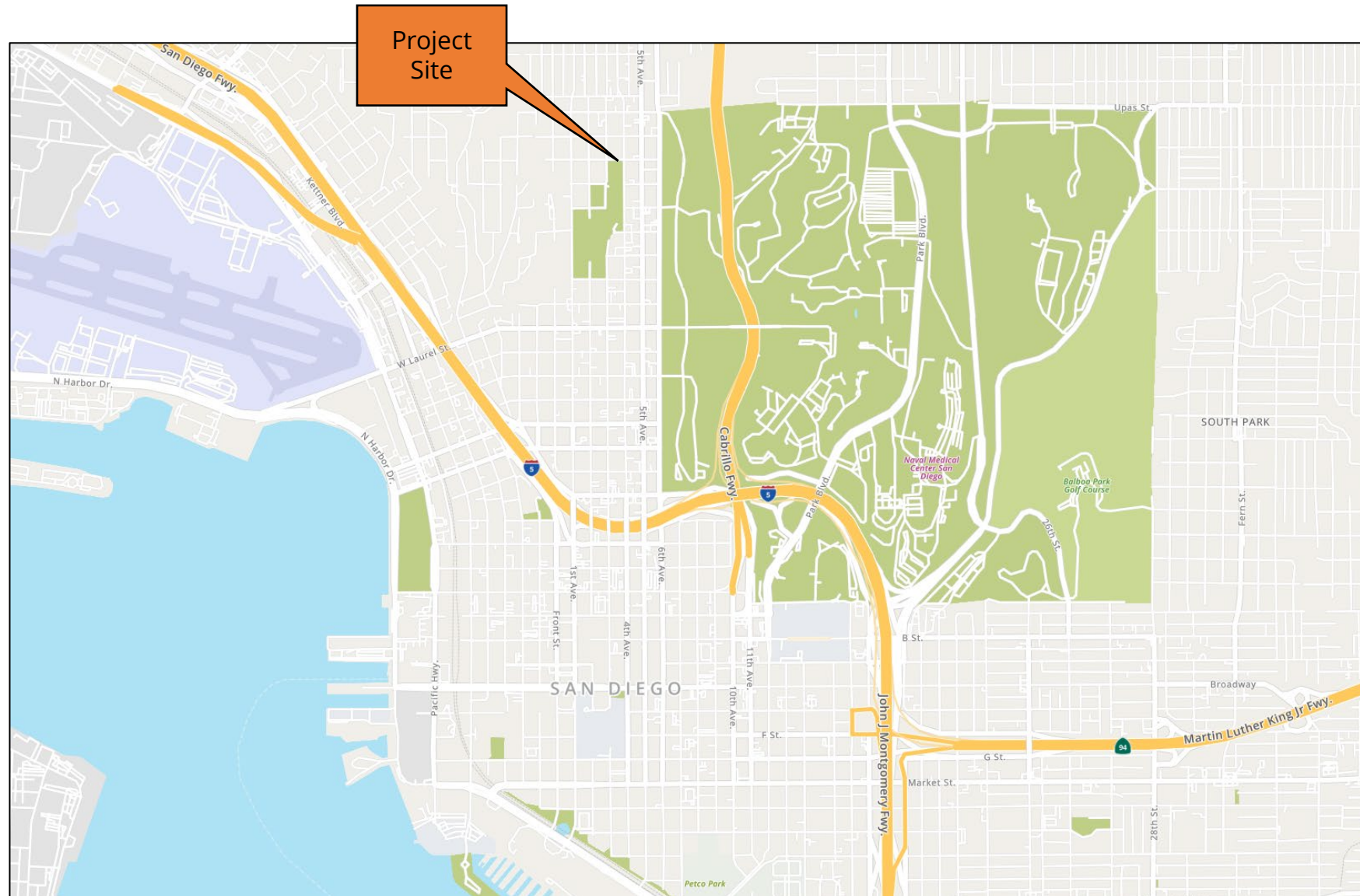
## **Climate Action Plan:**

Outlines focused land use growth and identifies the need for mixed-use development next to transit within the Sustainable Development Areas.

# Transit Corridor



# Map Location



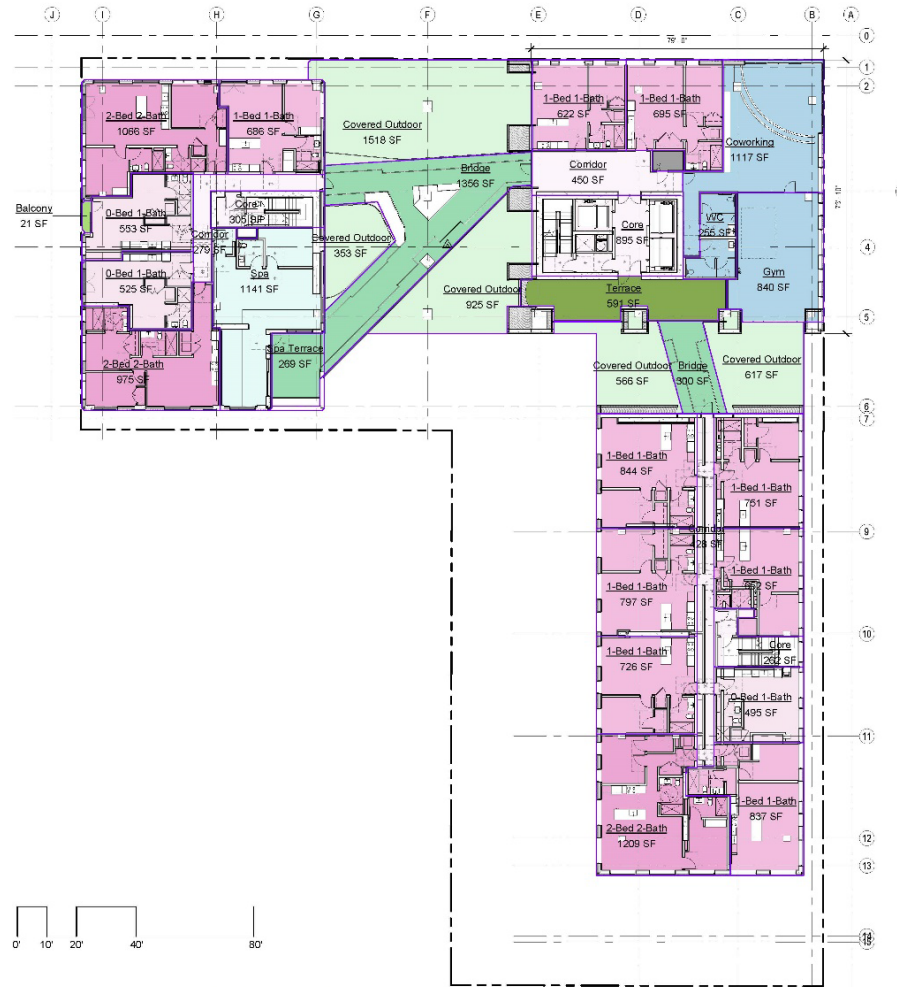
# Aerial Photograph



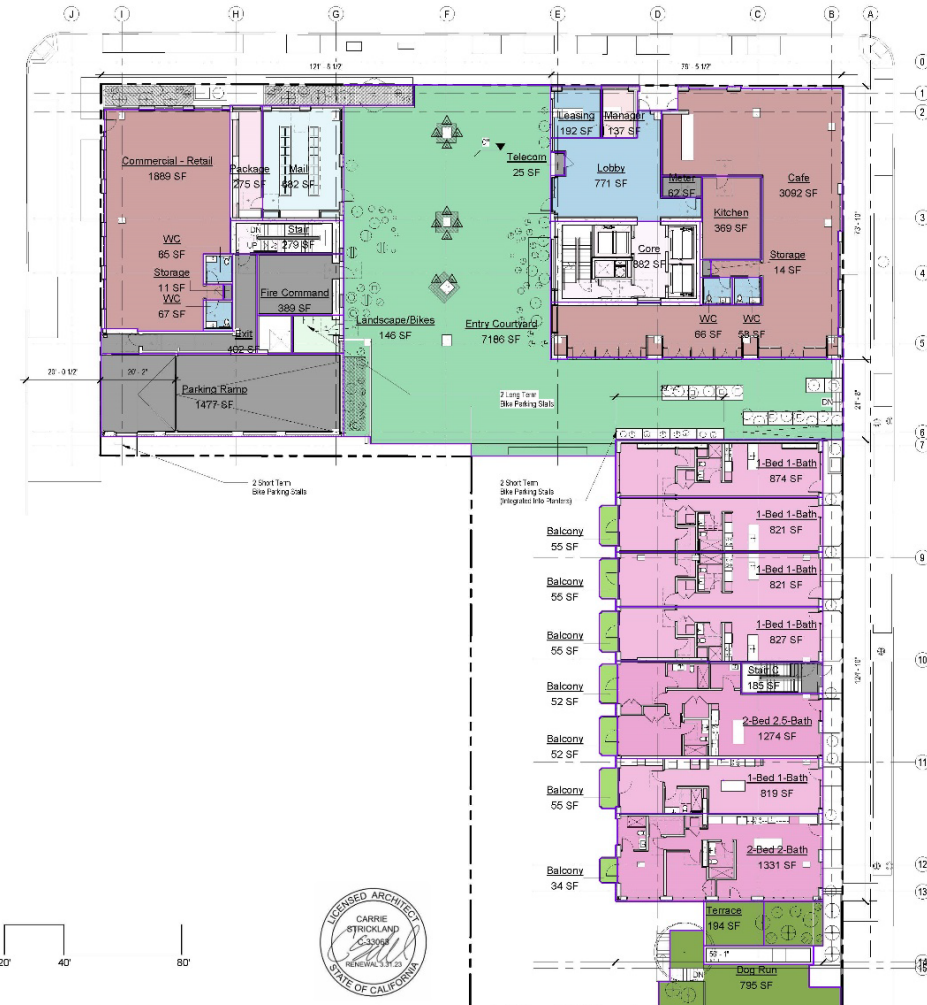




# Site Plan



FLOOR PLAN - LEVEL 2  
1/16" = 1' - 0"



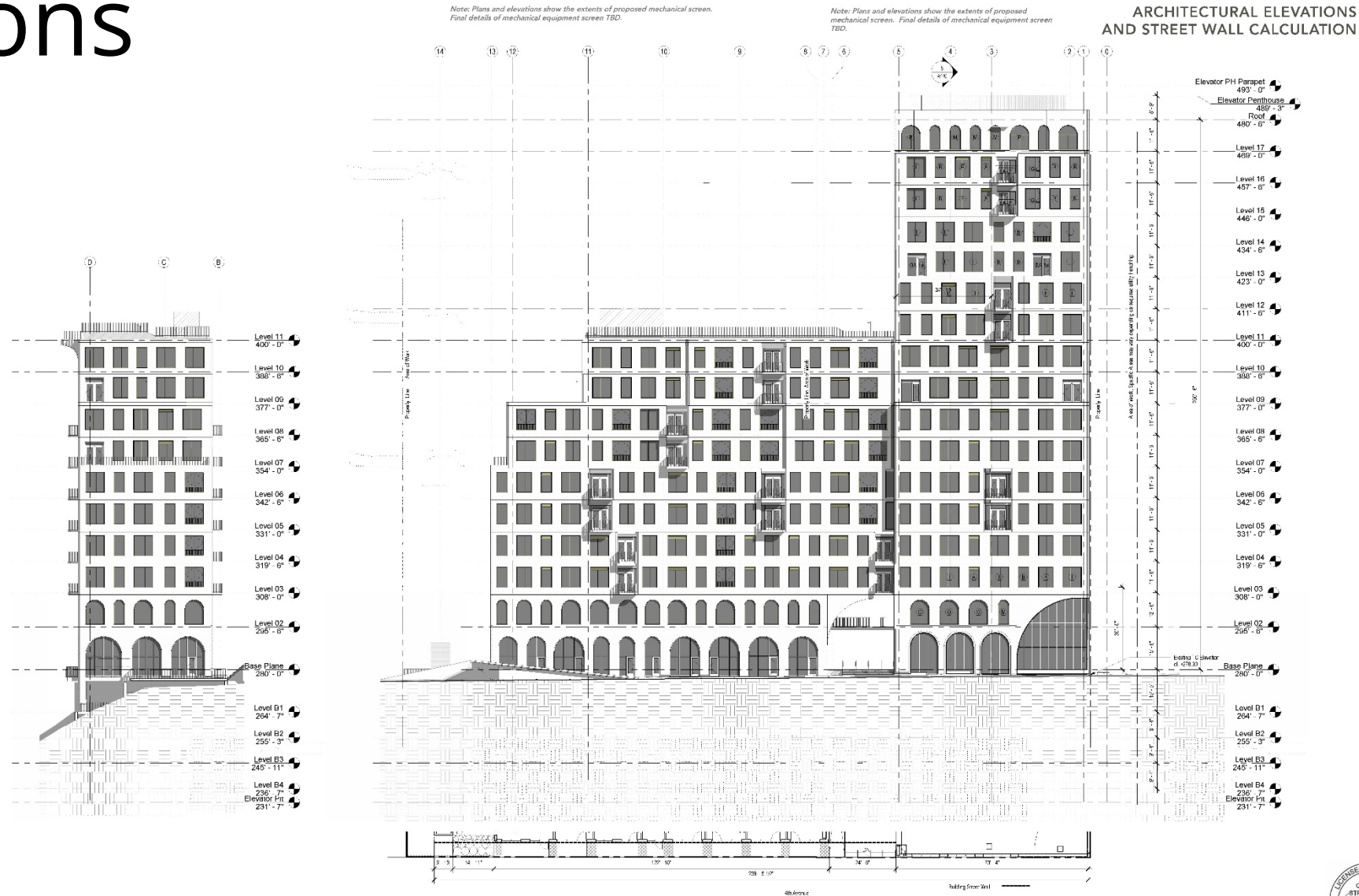
FLOOR PLAN - LEVEL 1  
1/16" = 1' - 0"

**Area Plan Legend**

<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> 1-Bed	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> 2-Bed	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> 3-Bed	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> 4-Bed	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> 5-Bed	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Studio	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Common	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Residential	<span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Commercial	<span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Covered Outdoor Space < 60'-0"	<span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Private Outdoor Space < 60'-0"	<span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Private Outdoor Space > 60'-0"	<span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Common Outdoor Space	<span style="background-color: #d3d3d3; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Building Service/Parking	<span style="background-color: #d3d3d3; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Bike Parking	<span style="background-color: #d3d3d3; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Waste Management	<span style="background-color: #d3d3d3; border: 1px solid black; display: inline-block; width: 10px; height: 10px;"></span> Indoor Amenity
---	---	---	---	---	--	--	---	--	--	--	--	--	--	--	--	--



# Elevations





# Elevations

## ARCHITECTURAL ELEVATIONS AND STREET WALL CALCULATION







# Community Planning Group

**Date:**

February 21, 2023

Uptown Planners

-Voted 8-2, with one abstention to deny the project.

# Project Approval

**Date:** July 7, 2023

**Approval:** Staff approved NDP No. 3146496  
Findings could be made for the NDP per Section 126.0404(a).

**Note:** No Findings for Environmentally Sensitive Lands per Section 126.0404(b) were included in the original project approval.

**PC Memo:** Provided September 27, 2023, as revisions to Supplemental Findings for Environmentally Sensitive Lands, Section 2 a, b, and c only

# Appeals

**Date:** July 18, 2023

**Appellant:** Uptown Planners

**Appeal:** Presented Five appeal items

Presented various communications from Community Input

**Date:** July 21, 2023

**Appellant:** Citizens Committed to Preserving Maple Canyon

**Appeals:** Presented Six appeal items

# Appeal Item 1 - Uptown Planners

**Date:** July 18, 2023

**Appeal:** 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), for all Neighborhood Development Permits.

# Staff Response

**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 Uptown Community Plan. Staff determined all the necessary findings can be made and has provided Findings, as presented in Attachment 5 of the Report to the Planning Commission, that adequately respond to requirements for the project's conformance to the NDP approval.

# Appeal Item 2 Uptown Planners

**Appeal:** Fails to meet the requirements under Section 126.0404 (b)(1), (2), (3), (4), and (5), specifically for Environmentally Sensitive Lands

# Staff Response

- Response:** The project would impact 0.02 acres of non-native grassland and the property qualifies as ESL pursuant to SDMC Section 113.0103.
- Staff agrees with Uptown Planners that the ESL Findings included in SDMC Section 126.0404 (b)(1-5) are needed to meet the NDP requirements.
- Staff determined all the necessary findings can be made and has provided Findings, as presented in Attachment 5 of the Report to the Planning Commission, that adequately respond to requirements for the project's conformance to the NDP approval.
- Staff recommends that the Planning Commission grant the Uptown Planners appeal on this item and adopt the modified NDP resolution with supplemental findings for Environmentally Sensitive Lands, as presented in Attachment 5 of the Report to the Planning Commission.

# Appeal Item 3 Uptown Planners

**Appeal:** Fails to meet the requirements under Section 126.0404 (c)(1) and (c)(2), for Environmentally Sensitive Lands Deviation

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



# Appeal Item 4 Uptown Planners

**Appeal:** 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) for Important Archaeological Sites and Traditional Cultural Properties.

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

# Appeal Item 5 Uptown Planners

**Appeal:**

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 for Affordable Housing, In-Fill Projects, or Sustainable Buildings Deviation.

# Staff Response

**Response:** The project has been found to meet all the necessary requirements of the CCHS Regulations pursuant to SDMC 143.1002. The findings established by SDMC Section 126.0404(f) are not required for the proposed project as it is a qualified CCHS project, and the project is not subject to State Density Bonus Law.

# Community Comments within the Uptown Planners Appeal

**Appeal Items:** Tree canopies and Climate Action Plan

**Response:** Thirty trees will be removed and Forty-Seven will be added. The tree canopy increase will be a net of Seventeen Trees.

The project is in compliance with all CAP regulations including those supporting carbon sequestration and enhancement of air quality and the urban tree canopy.

# Community Comments within the Uptown Planners Appeal

**Appeal Items:** Complete Communities Housing Solutions and the Uptown Community Plan in regard to density, height and FAR.

**Response:** Project meets goals and policies of both the Uptown Community Plan and the City of San Diego General Plan.

# Community Comments within the Uptown Planners Appeal

**Appeal Items:** Historic Designation of 301 Spruce Street.

**Response:** Staff evaluation of submitted reports found no evidence for designation under any HRB Criteria.

# Appeal Item 1 - Citizens Committed to Preserving Maple Canyon

**Date:** July 21, 2023

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

**Response:** The project is not subject to the City's Steep Hillside Guidelines as no steep hillsides exist on the site.

# Appeal Item 2 - Citizens Committed to Preserving Maple Canyon

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

**Response:** The project site is located outside the Restoration Project site boundaries

The project would have no indirect impacts (such as drainage and erosion) to Maple Canyon or the Restoration Project.

The project is not discharging stormwater directly to the canyon on or off the project site.



# Appeal Item 3 - Citizens Committed to Preserving Maple Canyon

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

**Response:** CCHS Tier 2 projects carry an 8.0 FAR. The project qualifies for TIER 2.

FAR Tier 2 applies premises as the identifying language for a project site.

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. Under the above, the premises as a whole, lies within FAR Tier 2.

# Appeal Item 4 - Citizens Committed to Preserving Maple Canyon

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

Appeal specifies construction-related impacts to transportation.

**Response:** 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.

# Appeal Item 5 - Citizens Committed to Preserving Maple Canyon

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

**Response:** Staff conducted a 15162 Evaluation that adequately demonstrates the project will not result in significant impacts beyond those disclosed within the previously certified environmental documents.

# Appeal Item 6 - Citizens Committed to Preserving Maple Canyon

**Appeal:** The Project Does Not Qualify for a Neighborhood Development Permit.

**Response:** The proposed project meets the criteria of a NDP under the CCHS Regulations SDMC Section 143.1001, to construct a structure greater than 95 feet in height pursuant to SDMC Section 143.1025(c)(1) and pursuant to the updated Resolution presented in Attachment 5 of the Report to the Planning Commission, staff 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.

# Staff Recommendation

**Deny**

Citizens Committed to Preserving Maple Canyon appeal

**Grant**

Uptown Planners appeal in part and modify the staff decision by approving the project pursuant to the draft resolution included in the Memo to the Planning Commission, which includes modified findings for NDP No. 3146496.

# San Diego Planning Commission Meeting

**PHONE-IN TESTIMONY PERIOD NOW OPEN FOR  
301 SPRUCE STREET – PROJECT 1053621**

**Telephone** - Dial 669-254-5252 or (Toll Free) 833-568-8864.

When prompted, input Webinar ID: **161 221 0047**

## **How to Speak to a Particular Item or During Non-Agenda Public Comment:**

**TO "RAISE YOUR HAND"**: click the button on your computer, tablet, or Smartphone, or by dialing **\*9** on your phone. You will be taken in the order in which you raise your hand. You may only speak once on a particular item.

**TO UNMUTE**: When it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial **\*6** on your phone.