

RESOLUTION NUMBER R- 305689

DATE OF FINAL PASSAGE MAR 22 2010

A RESOLUTION GRANTING PLANNED DEVELOPMENT PERMIT NO. 648152 AND SITE DEVELOPMENT PERMIT NO. 649661 (AMENDMENT TO PDP NO. 582176 AND SDP NO. 619562) FOR THE TROLLEY RESIDENTIAL PROJECT

WHEREAS, Westside Creek, LLC and Market Creek Partners, LLC, Owners, and Jacobs Center for Neighborhood Innovation, Permittee, filed an application with the City of San Diego for Planned Development Permit [PDP] No. 648152 and Site Development Permit [SDP] No. 649661 (Amendment to PDP No. 582176 and SDP No. 619562) to construct a 52-unit affordable, residential development within multi-story buildings with basement parking known as the Trolley Residential project, located at 4981 Market Street, and legally described as Lot 1 of Brooks Subdivision Map No. 6506 and Parcels 1 and 2 of Parcel Map No. 18812 (and identified in Vesting Tentative Map No. 117302 as Lot 7), Southeastern San Diego Community Plan, Encanto Neighborhoods Planning Area, in the RM-3-7 zone and Community Plan Implementation Overlay Zone Type A; and

WHEREAS, on February 25, 2010, the Planning Commission of the City of San Diego considered PDP No. 648152, and SDP No. 649661 (Amendment to PDP and SDP Nos. 582176 and 619562), and pursuant to Resolution No. 4572-PC voted to recommend City Council approval of the permits; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision,

and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on March 22, 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to PDP No. 648152, and SDP No. 649661 (Amendment to PDP and SDP Nos. 582176 and 619562):

**A. PLANNED DEVELOPMENT PERMIT FINDINGS:**

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

The proposed project site is located within the Southeastern San Diego Community Plan area. The proposed project includes a 52 unit, affordable multi-family residential development with subterranean parking on a 1.84 acre site. It is part of the Village Center at Market Creek. The Village Center at Market Creek continues to transform the previously vacant, untended, and underutilized land along the Market Street and Euclid Avenue corridors into a vibrant community hub. It also provides opportunities for the increased use of public transit, as the Village Center includes the Euclid Avenue Trolley Station, a major bus transit center, along with a park and ride.

The Community Plan designates the subject property for Neighborhood Village at 15 to 44 dwelling units (DUs) per acre. The site would accommodate between 28 and 81 residential DUs, and the proposal to construct 52 DUs implements the recommendations of the Community Plan. The project's proximity to passive and active recreation opportunities, commercial services, job opportunities, public amenities and a major transportation corridor conforms to the Residential Element of the Community Plan and the City's General Plan.

The project will also help satisfy a variety of goals of the applicable land use plans. The project will increase the supply of affordable housing in the community within walking distance of the transit, shopping, and employment opportunities. Development of the property will not conflict with goals of the community plan relative to topography as the project site has been previously developed. Being determined the project is consistent with the General Plan and the Southeastern San Diego Community Plan, the proposed development will not adversely affect the applicable land use plan.

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

The proposed project is a 52 unit, LEED Certified, affordable multi-family residential development with subterranean parking on a 1.84-acre site. As part of the environmental review process, the project required the preparation of a drainage study, biology study, sewer study, geotechnical report and a sight line assessment to determine potential impacts to these issue areas. The project was also reviewed for consistency with the Final Environmental Impact Report (EIR) No.106715 for the Fifth Amendment to the Central Imperial Redevelopment Plan which was certified by the Redevelopment Agency of the City of San Diego in 2009. The EIR adequately addressed the potential environmental impacts associated with the project and no new or additional mitigation measures or alternatives are required. Pursuant to California Environmental Quality Act Section 15162, no additional environmental documentation was required for this subsequent project. The permit prepared for this development includes various conditions and referenced Exhibits of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions of the City's Municipal Code in effect for this site; and that such conditions have been determined by the Decision Maker as necessary to avoid adverse impacts upon the health, safety, and general welfare. These conditions (referenced Exhibits) include limitations upon the extent and amount of site grading activities, minimum parking and landscaping requirements, and required public improvements. Therefore, the proposed project will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.**

The proposed project is a 52 unit, LEED Certified, affordable multi-family residential development with subterranean parking on a 1.84-acre site. The project requires a Planned Development Permit (PDP) for three deviations to the building height, parking and the sign regulations as noted below: Deviations to the zone development regulations have been incorporated into the project design as noted below:

1. Building Height: The RM-3-7 zone limits building height to 40'-0" for the plumb measurement and 50'-0" for overall building height. The proposed structures would reach a height of 59'-3" where 40'-0" is allowed and 65'-11" where 50'-0" is allowed;
2. Parking: A total of 94 parking spaces are provided where 98 are required; and
3. Signs: The project proposes to maintain 2, 6'-0" high, 48-square-foot directional signs within the corner visibility area where structures over three feet in height are not allowed.

The purpose of the PDP is to provide flexibility in the application of development regulations for projects where strict application of the base zone regulations would result in a less desirable project. The intent of the regulations is to accommodate to the greatest

extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, community and City benefits. Deviations shall be permitted only if it is shown that similar situations exist within the surrounding neighborhood, or that the deviations to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property.

The property contains site constraints that are not of the making of the applicant. The site is an infill development located adjacent to established developments including commercial, retail and industrial uses within multi-story structures and the San Diego Trolley Line tracks at the rear. The developable area is significantly reduced by approximately one third of the parcel area due to the existence of Market Creek Driveway, a 28-foot wide right of way, and a 37-foot wide sloped embankment adjacent to west of the driveway. A segment of Las Chollas Creek, conserved within an open space easement, traverses the entire site from north to south, further reducing the usable development area, and, creating potential additional site constraints in terms of buffer requirements.

The two buildings proposed for the residential units exceed the allowable height limit. This deviation would allow for loft and chimney areas within the units and, facilitate the development called for in the community plan. The over-height condition would be mitigated by the extensive use of architectural elements including color treatments, building façade offsets, recessed balconies and porches and varied roof lines. Fourteen street trees are proposed along both frontages. These measures serve to provide relief and definition, avoiding a vertical straight line wall effect.

The project would provide a total of 94 parking spaces where 98 are required; however, each unit would be provided with either one tandem space, two side by side standard spaces, or one standard space. The provision of 94 parking spaces allows cars to park underneath the residential structure, which allows for increased security for the resident's vehicles, as well as increased open and common space on site. Requiring the 4 additional spaces would result in either a loss of two affordable housing units, or a reduction in the number of bedrooms.

Staff determined that the two existing directional signs located within the corner visibility areas at the intersection of Market Street and Market Creek Driveway, require deviations. The signs are 6'-0" in height and 48 square feet in area and are similar in copy area ("Joe and Vi, Jacobs Center delivery entrance"). In 2005, the sign located at the west corner was permitted legally pursuant to the approved sign guidelines when the property was zoned commercial. The current residential zone designation renders this sign previously conforming as such signs would not be permitted in a residential zone. Previously conforming signs must be removed 7 years from the date of installation. The second was installed without a permit. The applicant proposes to maintain both signs. Staff can support this deviation to allow maintenance of both signs. The signs alert citizens that Market Creek Driveway is a secondary access street for the Market Creek Plaza development to the south and the primary access to the Joe and Vi Conference Center. The primary entrance to Market Creek Plaza is on Euclid Avenue. Staff required a site

line assessment which verified that visibility is not impaired on a right hand turn onto Market Street due to the placement of the signs. Additionally, the signs are located at a signalized intersection where traffic flow is controlled.

The Planned Development Permit regulations from San Diego Municipal Code section 143.0110(j) contains criteria for development design to evaluate proposed development in conjunction with the required findings. The project incorporates each of these measures as summarized below:

1. **Development design should be comprehensive and should demonstrate the relationships of the development on site with existing off-site developments.** The overall development design for the Trolley Residential project is comprehensive, taking into mind the bulk, scale and character of neighboring uses and development. The adjacent commercial uses include multi-story buildings. The proposed multi-family development is in close proximity to civic uses including a public library, elementary schools, and the Harriet Tubman community center. The City of Villages Strategy of the General Plan focuses growth into high intensity activity centers that are pedestrian oriented and linked to a regional transit system.
2. **The scale of the project should be consistent with the neighborhood.** The project site is comprised of two multi-story residential buildings and one story community building for the residents. Surrounding developments include the multi-story Jacob's Foundation/Office Building and other multi-story residential developments. The proposed project is the first submitted project that would implement the recently amended Central Imperial-Imperial Redevelopment Plan's goals and recommendations to facilitate village, mixed use and higher density residential developments. Associated rezones accompanied with this endeavor included the subject parcels across the Market Street to the north and along Euclid Avenue north. These sites are slated for mixed use developments at a density and intensity similar to what is envisioned within the Market Creek Plaza development.
3. **The development should be well integrated into, oriented towards, and related to the topographic and natural features of the site.** The existing site contains a segment of Chollas Creek. The remainder of the site consists of a graded pad and a private driveway, Market Creek Place Driveway. The proposed structures have been sited to orient towards Chollas Creek as recommended in the Chollas Creek Enhancement Plan. Active and passive recreation areas are located adjacent to the creek. The natural features of the special flood hazard area would not be disturbed with project implementation. This segment of Chollas Creek is reserved in a flowage easement granted to the City of San Diego per document recorded on 8/3/01, as F/P 2001-0548927.O R.
4. **Developments should avoid repetitious development patterns that are inconsistent with the goals of the applicable land use plan.** The project buildings would avoid monotonous repetition of development patterns through the use of articulated roof lines with varying heights, pitches, and overhangs. Building offsets,

porches, and balconies also serve to break up the building mass and add visual interest and interactivity. Roof and building materials would complement each other. Natural tones would be utilized to blend with the natural environment. The units, outdoor recreation areas and passive overlook areas, have been designed to orient towards Chollas Creek as recommended in the Chollas Creek Enhancement Plan.

5. **Buildings should avoid an overwhelming or dominating appearance compared to adjacent developments. Gradual transitions in building scale should be incorporated.** The project proposed three structures, two, three and four story residential buildings and a one story community building. The one story building is proposed within the interior of the site. Adjacent to the east is a transit center for bus and trolley service. Adjacent to the west is a warehouse development. The Market Creek Plaza development to the south consists of several multi-story buildings including the Jacobs Foundation Office/Conference Center, a multi use commercial building. This structure is approximately 67 feet in height. The project would not present an overwhelming or dominating appearance compared to adjacent developments.
6. **Larger structures should be designed to reduce actual or apparent bulk.** Two of the proposed structures are three and four story buildings. The project proposes several features that serve to reduce bulk and scale. These include the extensive use of architectural elements such as color treatments, building façade offsets, recessed balconies and porches and varied roof lines. Fourteen street trees are proposed along both frontages. These measures serve to provide relief and definition, avoiding a vertical straight line wall effect.
7. **Landscaping should be use to the greatest extent possible to soften the appearance of blank walls and buildings edges.** Landscaped areas are provided to soften the appearance of blank spaces in walls and to screen retaining walls. Streetscape planting would be utilized to provide a buffer from the street and to create a pleasant pedestrian walkway. A significant project feature is the modification of the sidewalk areas along both frontages. The project would provide for an enhanced urban trail with interpretive drought-tolerant urban trail to include artistic elements, landscaping, pedestrian-oriented lighting, and hardscape improvements that reflect the natural and Chollas Creek environments.
8. **Curbside landscaping, varied setbacks and enhanced paving should be used to enhance the visual appearance of the development.** The project requires a public right-of-way dedication along Market Street to widen the curb-to-property line distance and to allow for the future median. Project implementation requires that both sidewalks along Market Street and Market Creek Place Driveway provide for an enhanced urban trail to include artistic elements, pedestrian-oriented lighting, shade producing trees and hardscape improvement that would reflect the naturalized environment of Chollas Creek. These features exceed the standard landscaping and sidewalk improvements.

9. **Roof forms should be consistent in material, design and appearance with consistent with structures in the surrounding neighborhood.** The parcel proposed for redevelopment is a part of the Market Creek Plaza center adjacent to the south which consists of structures with varied pitch and circular rooflines, building offsets and roof elements similar in character to that proposed for the residential development. Other developments in the immediate vicinity include the Malcolm X branch of the San Diego Public Library, a transit center and vacant land.
10. **Building material and color palettes should be consistent with the applicant guidelines in the applicable land use plan.** The project site was recently incorporated into the Community Plan Implementation Overlay zone for the Southeastern San Diego Community Plan. The Plan contains several design guidelines and regulations tailored for this community. These include regulations concerning architectural design details such as provisions for stucco sidings, metal railings, and a menu of options with respect to specific color palettes and design standards. The project was found to be consistent with these standards.

In summary, the proposed deviations to the building height, parking and sign regulations are minor in scope. The site contains unique circumstances not of the making of the applicant which impose design constraints. Project implementation requires traffic improvements at the intersection of Euclid Avenue and Interstate 94 and within the public right-of-way. The deviations would facilitate the new affordable, residential development consistent with the currently allowed density range of the community plan, thereby providing additional housing stock for the community in a quality residential development that exceeds the minimum open space requirements, provides for enclosed parking for the residents and project amenities. Project implementation requires the installation of right-of-way improvements including a 4-foot dedication along Market Street to widen the existing sidewalk and to provide for a future median, as well as an enhanced urban trail along both Market Street and Market Creek Place Driveway in lieu of an on-site trail amenity, to fulfill a recommendation of the Chollas Creek Enhancement Plan. The project would also install a traffic signal at the intersection of Euclid Avenue and Interstate 94 on-ramp to facilitate access to the freeway. Staff analysis is that the requested minor deviations are consistent with the PDP regulations and would result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the zone. The project provides amenities, public improvements, and community and City benefits.

4. **The proposed development, when considered as a whole, will be beneficial to the community.**

The proposed 52-unit affordable housing project would be located within the Southeastern San Diego Community Plan, Encanto Neighborhoods Planning Area. The Community Plan designates the subject property for Neighborhood Village at 15 to 44 dwelling units (DUs) per acre. The 1.84-acre site could accommodate between 28 and 81 residential DUs. Therefore, the proposal to construct 52 dwelling units implements the Community Plan's recommended density range. The proposed project is a 100 percent affordable multi-family residential development serving residents earning 30-60 percent

of the Area Median Income (\$66,100 for a family of four, HUD 2009). The site is part of the mixed use Village Center at Market Creek. This first phase of residential development in the Village Center continues the transformation of the previously vacant, untended, and underutilized land along the Market Street and Euclid Avenue corridors into a vibrant community hub. This location also provides opportunities for the increased use of public transit, as the Village Center includes the Euclid Avenue Trolley Station, a major bus transit center, along with a park and ride.

The project as proposed implements the goals and objectives embodied in the Southeastern San Diego Community Plan and the General Plan which places an emphasis on new residential development which contributes to increased walkability and the provision of additional housing opportunities in close proximity to local employment centers as well as along transit corridors. The development complies with the requirements of the underlying zone as allowed with a Planned Development Permit. The project is consistent with all of the requirements of the Community Plan Implementation Overlay Zone. The Trolley Residential development is a part of the Village Center at Market and Euclid project area and the first project subsequent to the City Council approval of the Fifth Amendment to the Central Redevelopment Plan for various sites in the community which included rezones, Land Development Code revisions, and community plan amendments. The proposed project implements the anticipated residential component to the pilot village, facilitating the vision to revitalize the urban mixed-use neighborhood with a strong transit and pedestrian orientation. Therefore, the proposed development, when considered as a whole, will be beneficial to the community.

**5. The proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

The proposed project is a 52 unit, LEED Certified, affordable multi-family residential development with subterranean parking on a 1.84-acre site. The proposed deviations to the building height, parking and sign regulations are minor in scope. Project implementation requires traffic improvements at the intersection of Euclid Avenue and Interstate 94 and within the public right-of-way. The deviations would facilitate the new affordable, residential development consistent with the currently allowed density range of the community plan, thereby providing additional housing stock for the community in a quality residential development that exceeds the minimum open space requirements, provides for enclosed parking for the residents and project amenities.

The increase in building height provides for larger units, accommodates stairwells, elevators and loft areas. A reduction in building height, consistent with the underlying zone, would result in fewer units rendering the project inconsistent with what is envisioned in the community plan. The deviation to allow 94 parking spaces were 98 is appropriate and also results in a more desirable project because requiring the four additional spaces could result in either a reduction in the number of bedrooms, or a reduction in two affordable housing units. Finally, the project includes a minor deviation



to allow two signs within the visibility areas. Granting of this deviation facilitates vehicular and pedestrian access to the existing Market Creek Plaza center to the south.

Project implementation requires the installation of right-of-way improvements including a 4-foot dedication along Market Street to widen the existing sidewalk and to provide for a future median, as well as an enhanced urban trail along both Market Street and Market Creek Place Driveway in lieu of an on-site trail amenity, to fulfill a recommendation of the Chollas Creek Enhancement Plan. The project would also install a traffic signal at the intersection of Euclid Avenue and Interstate 94 on-ramp to facilitate access to the freeway. Excess open space areas would be provided for the residences within private balconies and porches, and within active and passive open spaces dispersed throughout the site (16,304 square feet where 9880 square feet is required). The development includes a leasing facility with a computer room, and a community building for the residents. The project provides amenities, public improvements, and community and City benefits. Staff analysis is that the requested minor deviations are consistent with the PDP regulations and would result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the zone.

**B. SITE DEVELOPMENT PERMIT FINDINGS:**

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

The proposed project site is located within the Southeastern San Diego Community Plan area. The proposed project includes a 52 unit, affordable multi-family residential development with subterranean parking on a 1.84 acre site. It is part of the Village Center at Market Creek. The Village Center at Market Creek continues to transform the previously vacant, untended, and underutilized land along the Market Street and Euclid Avenue corridors into a vibrant community hub. It also provides opportunities for the increased use of public transit, as the Village Center includes the Euclid Avenue Trolley Station, a major bus transit center, along with a park and ride.

The Community Plan designates the subject property for Neighborhood Village at 15 to 44 dwelling units (DUs) per acre. The site would accommodate between 28 and 81 residential DUs, and the proposal to construct 52 DUs implements the recommendations of the Community Plan. The project's proximity to passive and active recreation opportunities, commercial services, job opportunities, public amenities and a major transportation corridor conforms to the Residential Element of the Community Plan and the City's General Plan.

The project will also help satisfy a variety of goals of the applicable land use plans. The project will increase the supply of affordable housing in the community within walking distance of the transit, shopping, and employment opportunities. Development of the property will not conflict with goals of the community plan relative to topography as the project site has been previously developed. Being determined the project is consistent with the General Plan and the Southeastern San Diego Community Plan, the proposed development will not adversely affect the applicable land use plan.

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

The proposed project is a 52 unit, LEED Certified, affordable multi-family residential development with subterranean parking on a 1.84-acre site. As part of the environmental review process, the project required the preparation of a drainage study, biology study, sewer study, geotechnical report and a sight line assessment to determine potential impacts to these issue areas. These reports concluded that the project would not impact environmentally sensitive lands or create geotechnical, flood or visibility hazards. The project was also reviewed for consistency with the Final Environmental Impact Report (EIR) No. 106715 for the Fifth Amendment to the Central Imperial Redevelopment Plan which was certified by the Redevelopment Agency of the City of San Diego in 2009. The EIR adequately addressed the potential environmental impacts associated with the project and no new or additional mitigation measures or alternatives are required. Pursuant to California Environmental Quality Act Section 15162, no additional environmental documentation was required for this subsequent project. The permit prepared for this development includes various conditions and referenced Exhibits of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions of the City's Municipal Code in effect for this site; and that such conditions have been determined by the Decision Maker as necessary to avoid adverse impacts upon the health, safety, and general welfare. These conditions (referenced Exhibits) include limitations upon the extent and amount of site grading activities, minimum parking and landscaping requirements, and required public improvements. Therefore, the proposed project will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The proposed project is a 52 unit, affordable multi-family residential development with subterranean parking on a 1.84-acre site. The project is consistent with all of the underlying zone regulations with the exception of building height, parking and signage. The deviations to the zone development regulations have been incorporated into the project design as noted below:

1. Building Height: The RM-3-7 zone limits building height to 40'-0" for the plumb measurement and 50'-0" for overall building height. The proposed structures would reach a height of 59'-3" where 40'-0" is allowed and 65'-11" where 50'-0" is allowed;
2. Parking: A total of 94 parking spaces are provided where 98 are required; and
3. Signs: The project proposes to maintain 2, 6'-0" high, 48-square-foot directional signs within the corner visibility area where structures over three feet in height are not allowed.

The property contains site constraints that are not of the making of the applicant. The site is an infill development located adjacent to established developments including commercial, retail and industrial uses within multi-story structures and the San Diego Trolley Line tracks at the rear. The developable area is significantly reduced by approximately one third of the parcel area due to the existence of Market Creek Driveway, a 28-foot wide right of way, and a 37-foot wide sloped embankment adjacent to west of the driveway. A segment of Las Chollas Creek, conserved within an open space easement, traverses the entire site from north to south, further reducing the usable development area, and, creating potential additional site constraints in terms of buffer requirements. The development has been designed to comply with all of the Community Plan Implementation Zone and Planned Development Permit regulations and design standards as well as the Chollas Creek Enhancement Plan. As such, the development complies with the applicable regulations of the Land Development Code.

**C. SITE DEVELOPMENT PERMIT FINDINGS: SUPPLEMENTAL FINDINGS- 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 Trolley Residential Project consists of 52 affordable dwelling units on a 1.84-acre site developed with a commercial building and surface parking lot which would be demolished for the proposed construction. The site, Lot 7, is a part of the previously approved *Market Creek Plaza Project* (Project No. 99-0156), a 20-acre parcel consisting of 7 lots currently developed with commercial, retail, civic and office uses. The original development required a Resource Protection Ordinance Permit for potential impacts to a Special Flood Hazard Area as a segment of Chollas Creek traverses the site from north to south. The channel has been restored and enhanced in accordance with previous mitigation measures which required the placement of natural cobble bottom and natural slopes, hydroseeded with native species to retain the natural appearance of drainage areas to the greatest extent feasible.

The biological survey conducted by REC Consultants (January 2010) for the Trolley Residential Project assessed the impacts associated with development of Lot 7 for the 52-unit residential structure. One sensitive habitat was found to occur onsite; southern riparian scrub (0.37 acres), a wetland habitat. No sensitive plant or animal species were observed onsite. The project will impact 1.3 acres of developed and landscaped Tier IV land onsite. No mitigation for impacts to developed and landscaped land will be required. The biological survey concluded that the placement of the proposed structure would not impede within the existing 30-foot buffer adjacent to the waterway, established pursuant to the previous mitigation measures.

No development is proposed within the special flood hazard area that is located on the premises. The development does not adversely impact the floodway nor the flood fringe. All runoff is proposed to be captured in appropriate storm drain conveyances and runoff velocities are proposed to be sufficiently attenuated to avoid erosion. Therefore, the site

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

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

The Trolley Residential Project consists of 52 affordable dwelling units on a 1.84-acre site developed with a commercial building and surface parking lot which would be demolished for the proposed construction. The site, Lot 7, is a part of the previously approved *Market Creek Plaza Project* (Project No. 99-0156), a 20-acre parcel consisting of 7 lots currently developed with commercial, retail, civic and office uses and a restored segment of Chollas Creek. All proposed development is proposed to be located outside a 100-year floodplain and 100-year floodway. A Geotechnical Investigation (Geosyntec, December 2008) has been prepared which found no known (mapped) "active" faults located crossing or in the immediate vicinity of the project site. The closest regional fault considered capable of producing earthquakes of magnitude 4 or greater (Petersen et al., 1996) the Rose Canyon fault zone, located 4.5 km to northwest. The site is not located within a fault rupture hazard zone as defined by the Fault Rupture Hazard Zones in California study and the potential for fault ground rupture at the project site is considered to be low.

The geotechnical report found the probability of soil liquefaction at the project site to be very low. Due to the proposed installation of the basement walls and or/retaining walls, the potential for slope instability at the site was found to be negligible. Based on the physiographic setting of this site, the distance to the ocean, and the elevation of the site above Chollas Creek, the potential for flooding from the river channel and seismically-induced seiches and tsunamis was found to be very low. All runoff is proposed to be captured in appropriate storm drain conveyances and runoff velocities are proposed to be sufficiently attenuated to avoid erosion. Any additional drainage, fire safety, and grading/geologic conditions for the development will be incorporated into the design of the proposed project and conditions prior to construction permit issuance. Therefore, 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.**

The subject one 1.84-acre lot, Lot 7, is proposed for redevelopment for the construction of a 52-unit residential development. The one 1.84-acre lot is within a 20-acre parcel that was previously developed. While there are wetlands on-site, which are considered environmentally sensitive lands, the wetlands are located within a buffer area that will not be developed or impacted by this project. Therefore, the proposed redevelopment of the 1.84-acre lot adjacent to Market Street will not impact environmentally sensitive lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The subject one 1.84-acre lot, Lot 7, is proposed for redevelopment for the construction of a 52-unit residential development. The site is within the City's Multiple Species Conservation Program (MSCP) Subarea Plan, but not within the Multiple Habitat Planning Area. The proposed development will not impact any environmentally sensitive lands on or off site. As such, the proposed development will be consistent with the MSCP.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The subject 1.84-acre lot, Lot 7, is proposed for redevelopment for the construction of a 52-unit residential development. The site is located within the Southeastern San Diego Community Planning Area. The project site is located more than 5 miles inland from a public beach or local shoreline, therefore, the proposed development will not contribute to the erosion of public beaches or adversely affect local shoreline sand supply.


**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.**

The subject 1.84-acre lot, Lot 7, is proposed for redevelopment for the construction of a 52-unit residential development. The 1.84-acre lot is within a 20-acre parcel that was previously developed. The 20-acre site was previously developed pursuant to entitlements granted for Project Nos. 99-0156 and 117302 for which Mitigated Negative Declaration Nos. 99-0156 and 42-0672 were certified. Lot 7, is proposed for redevelopment for the construction of a 52-unit residential development. On April 28, 2009, Environmental Impact Report (EIR) No. 106715 for the Fifth Amendment to the Central Imperial Redevelopment Plan was certified by the Redevelopment Agency of the City of San Diego, which analyzed the redevelopment of Lot 7 for residential use. The EIR adequately addressed the potential environmental impacts associated with the project and no new or additional mitigation measures or alternatives are required. The project must comply with the applicable mitigation measures identified in these documents. Therefore, 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.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained and PDP No. 648152 and SDP No. 649661 (Amendment to PDP and SDP Nos. 582176 and 619562) are granted to Westside Creek, LLC and Market Creek Partners, LLC,

Owners, and Jacobs Center for Neighborhood Innovation, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Nina M. Fain  
Deputy City Attorney

NMF:js  
03/04/2010  
Or.Dept:DSD  
R-2010-629

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 22 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor