

RESOLUTION NUMBER R- 313007

DATE OF FINAL PASSAGE MAY 12 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE BAYVIEW MIXED-USE/TRANSIT ORIENTED DEVELOPMENT PROJECT (PROJECT NO. 641250) IS A TRANSIT PRIORITY PROJECT THAT MEETS THE CRITERIA TO BE DECLARED A SUSTAINABLE COMMUNITIES PROJECT AND IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21155.1 (SUSTAINABLE COMMUNITIES PROJECT EXEMPTION).

WHEREAS, PROTEA BAYVIEW, LLC, a California Limited Liability Company, filed an application with the City of San Diego for a Neighborhood Development Permit and Easement Vacation for the Bayview Mixed-Use Transit Oriented Development (Project) located at 2565 Clairemont Drive, and legally described as Parcel 2 of Parcel Map No. 21028, in the City of San Diego, County of San Diego, State of California, as per Map thereof recorded February 1, 2013, in the Office of the County Recorder of said County, as Instr.#2013-0072287, of Official Records, in the Clairemont Mesa Community Plan Area; and

WHEREAS, the Project is a transit-oriented mixed-use infill development consisting of 156 residential units (16 affordable) and approximately 40,000 square feet of neighborhood serving commercial uses including co-work space, a market, restaurants, a fitness area, a terrace on the podium level open to the public, and a total of 399 parking spaces for residents, visitors, and transit users; and

WHEREAS, the California Environmental Quality Act (CEQA) under Public Resources Code (PRC) sections 21000 et seq. exempts transit priority projects from CEQA that meet a detailed set of exemption criteria; and

WHEREAS, if the Project qualifies as a transit priority project, as defined under PRC section 21155, and the City Council makes a finding, after conducting a public hearing, that the Project meets all the exemption criteria set forth in PRC section 21155.1, the Project is declared to be a sustainable communities project and shall be exempt from CEQA; and

WHEREAS, the Environmental Analysis Section (EAS) of the Development Services Department has established that the Project is a transit priority project, as defined in PRC section 21155, and meets the detailed set of exemption criteria set forth in PRC section 21155.1; and

WHEREAS, in accordance with PRC section 21155(a), the Project is consistent with the general use designations, density, building intensity, and applicable policies specified for the Project area in the Regional Transportation Plan/Sustainable Communities Strategy prepared by the San Diego Association of Governments; and

WHEREAS, in accordance with PRC section 21155(b), the Project contains 55 percent residential use and 45 percent non-residential uses with a floor area ratio greater than 0.75; provides a minimum net density greater than 20 units an acre; and is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan; and

WHEREAS, in accordance with PRC section 21155.1, the Project meets the detailed list of environmental and land use criteria, and at least one of the three criteria related to affordable housing; and

WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the Project; and

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

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

WHEREAS, on May 12, 2020, the Council of the City of San Diego held a duly noticed public meeting and considered the written record for the Project's exemption (Attachment A) as well as any public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has declared that the Project will not have a significant effect on the environment because the Project qualifies as a transit priority project pursuant to PRC section 21155 and meets the criteria set forth in PRC section 21155.1 to be declared a Sustainable Communities Project; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego determines, based on the written record and after conducting a public hearing, that the Project is a transit priority project that meets the criteria to be declared a Sustainable Communities Project and is statutorily exempt from CEQA pursuant to PRC section 21155.1.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
04/23/2020
Or.Dept:DSD
Doc. No.: 2371458

Enclosure: Attachment A

ATTACHMENT A



THE CITY OF SAN DIEGO

CEQA Section 21155 Sustainable Communities Project CEQA Exemption Checklist

Project No. 641250

PROJECT NAME: Bayview Mixed-Use/TOD

PROJECT APPLICANT: Protea Bayview LLC; Malick Infill Development

PROJECT LOCATION

The project is located at 2565 Clairemont Drive, San Diego, CA 92117 (APN 430-030-59-00). The project site is a single 3.55-acre parcel, bound by Ingulf Street to the south, Morena Boulevard to the west, Clairemont Drive to the north, with existing development and Denver Street to the east. The project is zoned CC-1-3 and is within the Clairemont Mesa community planning area, Council District 2.

DISCRETIONARY APPROVAL(S) REQUIRED

The project requires a Process 2 Neighborhood Development Permit (NDP) per the Community Plan Implementation Overlay Zone, CPIOZ-B, and an Easement Vacation to vacate a portion of an existing drainage easement to reroute a public storm drain.

The actions include rescinding the existing permits (Planned Development Permit No. 525776 and Site Development Permit No. 525777). Per Section 126.0110(b), the rescission can be approved if the project meets the rescission criteria in Section 126.0110(b)(1). The rescission request will be processed with the NDP.

PROJECT DESCRIPTION

The project is a transit-oriented mixed-use infill development consisting of 156 residential rental units (16 affordable) and approximately 40,000 SF of neighborhood serving commercial uses including co-work space, a market, restaurants, a fitness area, a terrace on the podium level open to the public, and a total of 399 parking spaces for residents, visitors, and transit users.

The project site is adjacent to the new Blue Line trolley station at Clairemont Drive and Morena Boulevard. The project is designed as a mixed-use transit-oriented development integrating transit-supporting design with residential and commercial uses. Site design and improvements to serve pedestrian mobility include enhanced pedestrian connections around and through the site; designated bike parking; a mobility hub to support transit ridership (including charging stations for bikes and e-scooters); and designated ride share drop-off/pick-up area.

The development is designed as two multi-story buildings over podium parking, with the buildings oriented around a central terrace providing both public and private open space. The two buildings are connected via the two parking levels. The buildings are designed to maximize bay views as well as to provide public views to the bay from Clairemont Drive and from the public open space on the terrace level. The buildings step down as it approaches Morena Boulevard to provide a pedestrian scale across from the trolley station. Commercial spaces at this level open to the street, activating the area. The entrance to the plaza at Clairemont Drive will serve as an entry for residents and visitors with a ride share drop off area.



THE CITY OF SAN DIEGO

CEQA Section 21155 Sustainable Communities Project CEQA Exemption Checklist

The project proposes 399 total parking spaces, including two levels of structured parking and surface parking. Parking will be accessed from Morena Boulevard (Right In/Right Out) and Ingulf Street (full access). The property is subject to an agreement with SANDAG to provide 150 parking spaces for trolley riders. A Transportation Demand Management Plan will be provided as part of the project. The project proposes transit-friendly amenities, including a designated rideshare drop-off area, real-time transit information displays, a mobility hub with charging stations for micro-mobility scooters and bikes, and bike parking for the public/trolley riders as well as for residents.

Per San Diego Municipal Code Affordable Housing Regulations, the project is requesting Affordable Housing Waivers and Incentives. The following waivers are requested: 1) Waiver of Clairemont Mesa Height Limit Overlay Zone 30 ft. height limit; 2) Waiver of CC-1-3, 45 ft height limit; and 3) Waiver to reduce required commercial parking. The following incentives are identified as part of the project: 1) Reduced storage; and 2) Reduced private exterior open space.

The Sustainable Communities Project statutory exemption per the California Environmental Quality Act (CEQA) is provided for a special class of Transit Priority Project (TPP) determined to be a Sustainable Communities Project (SCP) by the legislative body of the local jurisdiction. (Public Resources Code (PRC) Section 21155.1)

If the project qualifies as a TPP, as defined under PRC Section 21155, and is determined by the City Council, after conducting a public hearing, to be a SCP that meets the exemption criteria under PRC Section 21155.1, the project shall be exempt from CEQA.

To qualify for the exemption, the project must meet the criteria indicated on this checklist. Additional pages of support are attached.

21155(a) SUSTAINABLE COMMUNITIES STRATEGY CRITERIA		
	YES	NO
Is the proposed project a residential or mixed use residential project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the approved SANDAG's Sustainable Communities Strategy (SCS) or an Alternative Planning Strategy (APS)? (PRC Section 21155(a) and 21159.28(a))	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project is consistent with the SANDAG RTP/SCS and the Community Plan. Please refer to Project Consistency Analysis attached as Exhibit A1 and SANDAG SCS Consistency Letter attached as Exhibit A2.		
If you answered " No " to the above question, the project does not qualify for CEQA Exemption or Streamlining under the Sustainable Communities Strategy. STOP		



THE CITY OF SAN DIEGO

**CEQA Section 21155
Sustainable Communities Project
CEQA Exemption Checklist**

21155(b) TRANSIT PRIORITY PROJECT DEFINITION CRITERIA		
To meet the definition of a Transit Priority Project (TPP), as defined by Public Resource Code (PRC) Section 21155(b), the proposed project must meet all of the following criteria:	YES	NO
(1) Based on total building square footage, the proposed project contains at least 50 percent residential use and, if the project contains between 26 percent and 50 percent of non-residential uses, would the Floor Area Ratio be greater than 0.75?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project complies: Project # of units 156 Project Total Floor Area: 297,084 sq. ft. Project Residential Area: 174,844 sq. ft. (59%) Project Non-Residential Area: 122,240 sq. ft. (41%) Project Lot Size 154,533 sf / 3.55 acre Non-residential FAR: .79		
(2) Is the project at least 20 units/acre?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project complies with a density of 44 dwelling units per acre. Density: 156 dwelling units/Site area: 3.55 acres = 44 du/acre		
(3) Is the project site located within one-half mile of either of the following which have been included in a Regional Transportation Plan (RTP)? (a) a major transit stop that contains an existing rail station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during peak commute periods (also includes major transit stops that are included in the applicable RTP); or, (b) a high-quality transit corridor that has fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project meets criteria (a). The project is located within one-half mile of a trolley station (Blue Line – Clairemont Drive Station) which has been identified in an RTP, and is within one-half mile of bus service. Please see SANDAG Map Exhibit B.		
If answered " No " to any of the above questions, the project does not meet the definition of a Transit Priority Project and does not qualify for a full CEQA exemption under PRC Section 21155.1. STOP		



THE CITY OF SAN DIEGO

**CEQA Section 21155
Sustainable Communities Project
CEQA Exemption Checklist**

21155.1a SUSTAINABLE COMMUNITIES PROJECT CRITERIA		
To be considered a Sustainable Communities Project, the Transit Priority Project (TPP) must comply with <u>all</u> of the following environmental criteria, as defined by PRC Section 21155.1(a):	YES	NO
Criteria (1) The TPP and other projects approved prior to the approval of the TPP but not yet built can be adequately served by existing utilities and the project sponsor has paid, or has committed to pay, all applicable development fees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The vacant project site is located within an urban developed area where utilities are currently provided. The site is adequately served by existing utilities as follows: Gas and Electricity – SDG&E; Potable Water Source – City of San Diego Public Utilities, Water Department; Wastewater Conveyance -- City of San Diego Public Utilities, Wastewater Department. The Applicant will pay all applicable development fees as part of permit process (prior to issuance of a building permit). Prior approvals on site will be rescinded with the approval of the proposed project and therefore will not utilize additional utilities.		
Criteria (2) The TPP site does not contain wetlands or riparian areas and does not have significant value as a wildlife habitat. Implementation of the project would not harm protected species, and the project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project complies. The site is currently paved and being used as a construction lay-down area and does not contain wetlands or riparian areas. The site is located in Multiple Species Conservation Plan area (MSCP), is designated as Urban Developed and does not contain nor is it adjacent to MHPA designated lands. The project site is not mapped as having sensitive or potentially sensitive vegetation. Furthermore, a review of site photos shows that landscaping on the site appears to be ornamental in nature. The project site does not contain any sensitive riparian habitat or other identified habitat community.		
Criteria (3) The TPP site is not included on any list of hazardous waste sites compiled pursuant to Section 65962.5 of Government Code (Cortese List).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The site is not a permitted hazardous materials user and is not documented as having a release of hazardous materials or petroleum materials on site. The Phase I Environmental Site Assessment (Exhibit F) has been completed and provided for reference. An environmental regulatory database was prepared for the site and is included on pages 18-19 of the report. The project site is not listed on the lists compiled by CalEPA which make up the Cortese List: https://calepa.ca.gov/sitecleanup/corteselist/ .		
Criteria (4) The TPP is subject to a preliminary endangerment assessment to determine the existence of any hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from the area. (a) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any significant effects of the release	<input checked="" type="checkbox"/>	<input type="checkbox"/>



THE CITY OF SAN DIEGO

**CEQA Section 21155
Sustainable Communities Project
CEQA Exemption Checklist**

<p>shall be mitigated to a level of insignificance in compliance with state and federal requirements; (b) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.</p>		
<p>The Phase I Environmental Site Assessment (Exhibit F) has been completed and is provided for reference. The Phase 1 report concluded that “based on prior investigations and reports completed for the Site, groundwater at the Site has been reported with elevated concentrations of petroleum hydrocarbons and various volatile organic compounds (VOCs) (collectively “constituents of concern” [CoCs]) in groundwater at the Site. The impacted groundwater is considered a recognized environmental condition.” The report recommends “once Site development plans have been developed, the available environmental data should be reviewed to assess whether addition focused investigation may be warranted. For example, once the pad and building locations have been established, addition soil vapor sampling might be prudent to assess possible vapor intrusion risks.” (pg. 33).</p> <p>The site is listed with the San Diego County Department of Environmental Health (DEH) under the Voluntary Assistance Program (VAP) (Case DEH2014-LSAM-000251 - Protea Bayview; opened in 2014). The VAP case was opened for a previously proposed redevelopment project on the site to address potential groundwater impacts from upgradient former gas station releases, as referenced in the Phase I Environmental Site Assessment (see pgs. 8-11). Through the VAP, DEH provides third party review of environmental reports & guidance for potential clean up activities to protect public health, water resources, and the environment from releases of hazardous chemicals. To comply with criteria 4 above and the recommendation of the Phase 1 report the Applicant will work with DEH to resolve the open VAP case and remediate any hazards on site. The DEH will review and approve a submitted Soil Management Plan prior to the start of grading operations and determine if the report and plan demonstrates that human health and the environment are adequately protected. As a condition of the discretionary permit, prior to the issuance of building permits the project applicant shall provide written concurrence by the County DEH that the work described within the Soil Management Plan has been adequately completed for the site.</p>		
<p>Criteria (5) The TPP would not have a significant impact on historical resources.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The site is currently vacant and the project would not impact historical resources. The demolition of structures occurred under a prior discretionary project approval (Planned Development Permit No. 525776 and Site Development Permit No. 525777).</p>		
<p>Criteria (6) The TPP is not subject to any of the following:</p>		
<p>a. A wildland fire hazard;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>See Official Very High Fire Hazard Severity Zone Map attached as Exhibit C indicating that the project location is not within in a very high fire hazard severity zone.</p>		
<p>b. An unusually high risk of fire or explosion from materials stored or used on nearby properties;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project is located in a fully developed, substantially commercial area. There is no industrial use on or adjacent to the site. The Clairemont Mesa Community Plan designates the 3.55-acre site</p>		



THE CITY OF SAN DIEGO

**CEQA Section 21155
Sustainable Communities Project
CEQA Exemption Checklist**

<p>for General Commercial, and the site is zoned Commercial-Community (CC-1-3). No changes in allowed use are requested. No unusually high risk of fire or explosion would result from the project.</p>		
c. Risk of a public health exposure at a level that would exceed federal and state standards;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project site is currently vacant and is located in a fully developed, substantially commercial area. There is no industrial use on or adjacent to the site. The Clairemont Mesa Community Plan designates the 3.55-acre site for General Commercial, and the site is zoned Commercial-Community (CC-1-3) which allows for mixed use development. No changes in allowed use are requested and no buildings will be demolished with the proposed project since the site is currently vacant. No changes in public health exposure would result from the proposed project. The Phase 1 ESA concluded "there is a low likelihood that recognized environmental conditions are present at the Site as a result of the current or historical Site land use or from a known and reported off-Site source" with the exception of the constituents of concern (CoCs) in the groundwater and soil vapor at the Site. Compliance with existing site hazards is addressed under criteria 4 above.</p>		
d. Seismic risk as a result of being in a delineated earthquake fault zone as determined pursuant to Section 2622, or a seismic hazard zone as determined pursuant to Section 2696, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake fault or seismic hazard zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project site is not located in a delineated earthquake fault zone as determined pursuant to Section 2622, or a seismic hazard zone as determined pursuant to Section 2696. See Exhibit D, April 10, 2019 Geotechnical letter from CTE Inc.</p>		
e. Landslide hazard, flood plain, flood way, or restricted zone, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project site is mapped by the State of California Landslide Hazards as 2-Marginally Susceptible, which generally does not prevent or substantially constrain development. Please see map attached as Exhibit E1. The geotechnical investigation (Exhibit D) addresses the site and proposed development. Further, the project will comply with the City of San Diego Municipal Code and State of California Building Code to address all soil and geological conditions. The project site is mapped by FEMA as Zone X – Area of Minimal Flood Hazard. Please see map attached as Exhibit E2.</p>		
Criteria (7) The TPP site is not located on developed open space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The site is not located on developed open space. The Clairemont Mesa Community Plan designates the 3.55-acre site for General Commercial, and the site is zoned Commercial-Community (CC-1-3). The site previously contained a fully functioning commercial shopping center, and remains paved. It is currently being used as a construction lay-down area.</p>		
Criteria (8) The TPP building would be 15 percent more energy efficient than Title 24 standards, and the TPP building and landscaping are designed to achieve 25 percent less water usage than the average household use in the region.	<input checked="" type="checkbox"/>	<input type="checkbox"/>



THE CITY OF SAN DIEGO

CEQA Section 21155 Sustainable Communities Project CEQA Exemption Checklist

The buildings will be designed to be 15% more energy efficient than Title 24 standards, and the buildings and landscaping will be designed to achieve 25% less water usage than the average household use in the region. The energy efficiency requirement will be achieved through measures which may include:

- Energy-Star rated kitchen appliances and washing machines
- ultra high efficiency heat pumps for living areas
- ultra high efficiency packed roof top gas/electric units (or split system) for retail.
- high performance glazing for all non-north orientations
- minimize glazing areas (ratio window to wall)
- improve building roof R-values beyond R-30
- Improve building wall R-values beyond R-13
- integrate PV as an option
- gas central water heating
- VFD's on pumps
- (if necessary) consider alternate mechanical system (chilled water or VRF)

The water efficiency requirement will be achieved through the installation/use of features such as Low Flow Fixtures for bathroom including Toilets, Sink Faucets and Shower heads, low flow fixtures for kitchen including dishwasher and sink faucet, front load washing machines, and low flow irrigation system.

21155.1b SUSTAINABLE COMMUNITIES PROJECT CRITERIA

To be considered a Sustainable Communities Project, the Transit Priority Project (TPP) must comply with all of the following land use criteria, as defined by PRC Section 21155.1(b).	YES	NO
Criteria (1) The TPP site is not more than 8 acres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project site is 3.55 acres, therefore the project complies.		
Criteria (2) The TPP would not contain more than 200 residential units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project will contain 156 units, therefore the project complies.		
Criteria (3) The TPP would not result in any net loss in the number of affordable housing within the project area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project will not result in a loss of affordable housing within the project area, since there is no housing currently on the site.		
Criteria (4) The TPP does not include any single level building exceeding 75,000 square feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The project consists of multi-level structures, with two small single story structures less than 2,500 sf located at the plaza terrace level, therefore there is no single level building that exceeds 75,000 sf.		
Criteria (5) Applicable mitigation measures or performance standards or criteria set forth in prior EIRs, and adopted in findings, have been or will be incorporated into the TPP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A previous project (Project No. 5540) was approved for the proposed project site in 2005 and revised in 2008 (Project No. 149101) to demolish the existing commercial buildings and construct new commercial/residential buildings with a parking garage. A Mitigated Negative Declaration		



THE CITY OF SAN DIEGO

**CEQA Section 21155
Sustainable Communities Project
CEQA Exemption Checklist**

<p>(MND) was prepared for Project No. 5540, with a subsequent Addendum to MND No. 5540 prepared for Project No. 149101. The Mitigation Monitoring and Reporting Program (MMRP) prepared in conjunction with the subject MND consisted primarily of requirements to be met prior to issuance of demolition permits. A demolition permit was issued on 10/31/2012 (PTS 297447, Approval #1042157) and work was completed on 4/03/2013. Therefore, requirements associated with demolition have been satisfied. The remaining mitigation associated with MND No. 5540 was reviewed by staff and determined to no longer be applicable.</p>		
<p>Criteria (6) The TPP would not conflict with nearby operating industrial uses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project is located in a fully developed, substantially commercial area. There is no industrial use on or adjacent to the site. The Clairemont Mesa Community Plan designates the 3.55-acre site for General Commercial, and the site is zoned Commercial-Community (CC-1-3).</p>		
<p>Criteria (7) The TPP is located within one-half mile of a rail transit station or a ferry terminal included in a RTP or within one-quarter mile of a high-quality transit corridor included in a RTP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project is located within one-half mile of the Mid-Coast trolley, see Exhibit B.</p>		

21155.1c SUSTAINABLE COMMUNITIES PROJECT CRITERIA		
To be considered a Sustainable Communities Project, the Transit Priority Project (TPP) must meet at least one of the following three criteria, as defined by PRC Section 21155.1(c):	YES	NO
<p>Criteria (1): Meets both (A) and (B): (A) At least 20 percent of the housing would be sold to families of moderate income, or not less than 10 percent of the housing would be rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income.(B) The TPP developer provides sufficient legal commitments as outlined in PRC Section 21155.1(c)(1)(B) to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The Project includes 156 rental units of which 16 of the rental units are affordable. The Project meets criteria (A and B) by including more than 5% of units affordable to very low income. Pursuant to San Diego Municipal Code Section 143.0710, the project provides 10% of units (16 units) that are affordable to families earning up to 50% of the Area Median Income (AMI). As a condition of the permit, the continued availability will be ensured through a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement will specify that in exchange for the City's approval of the Project, which contains a 50% density bonus (52 units in addition to what is permitted by the underlying zoning regulations), alone or in conjunction with any incentives or concessions granted as part of Project approval, the Owner/Permittee shall provide only density bonus units with rents of no more than 30% of 50% of AMI for no fewer than 55 years.</p>		



THE CITY OF SAN DIEGO

CEQA Section 21155 Sustainable Communities Project CEQA Exemption Checklist

Criteria (2): The TPP developer would pay in-lieu fees sufficient to result in the development of an equivalent number of affordable units that would otherwise be required as outlined in the previous question.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not applicable, Project meets criteria (a) above.		
Criteria (3): The TPP provides public open space equal to or greater than 5 acres per 1,000 residents of the project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not applicable, Project meets criteria (a) above.		

Exhibits:

- A. Project Consistency Analysis
 - A1. Project Consistency Analysis Table
 - A2. SANDAG SCS Consistency Letter
 - A3. SANDAG Smart Growth Opportunity Areas Map
- B. Project Location and SANDAG Transit Map
- C. Official Very High Fire Hazard Severity Zone Map
- D. Geotechnical Letter and Report
- E. Hazard Maps
 - E1. State of California Landslide Hazards Map
 - E2. FEMA Map
- F. Phase I Environmental Site Assessment

Passed by the Council of The City of San Diego on MAY 12 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 12 2020.

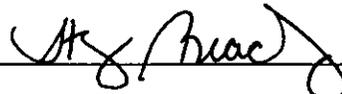
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313007