

#334d
11-15-2022

(R-2023-238)

RESOLUTION NUMBER R- **314472**

DATE OF FINAL PASSAGE **NOV 15 2022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP
NO. 2568950, CALIFORNIA TERRACES PA61 (LOT 1)
PROJECT NO. 690358 (MMRP).

WHEREAS, Tri Pointe Homes, Inc., Subdivider, and HENRY H. PENG, ENGINEER,
submitted an application to the City of San Diego for a Vesting Tentative Map No. 2568590 for
the subdivision and creation of 79 multi-family residential condominium units; and

WHEREAS, the project site is located south of Otay Mesa Road, east of Caliente Avenue
and north of State Route 905 within the Otay Mesa Community Plan area; and

WHEREAS, the property is legally described as Lot 1 of California Terraces – PA 61
Final Map No. 16413 recorded on August 27, 2020 as File No. 2020-7000258; and

WHEREAS, the Map proposes the Subdivision of a 4.46-site; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or
geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and
66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in California Civil
Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of
condominium dwelling units is 79; and

WHEREAS, on **NOV 15**, 2022, the San Diego City Council (City
Council) considered Vesting Tentative Map No. 2568590, and pursuant to San Diego Municipal
Code section 125.0440 and Subdivision Map Act section 66428, received for its consideration

written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, [including information provided by affected third parties and verified by City staff], with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

WHEREAS, under San Diego 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 and 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; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 2568590:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project includes a request for a Community Plan Amendment (CPA) to redesignate 4.46-acre of the project site from Community Commercial – Residential Prohibited to Residential Medium density, which would permit multi-family residential development at a density range of 15 to 29 dwelling units per acre. Additionally, the project proposes the subdivision and the construction of 79 residential condominiums with ten percent affordable.

The 4.46-acre site located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road, just north of State Route 905 within the Northwest District of the Otay Mesa community planning area is currently designated Community Commercial-Residential Prohibited within the Otay Mesa Community Plan. The project would be consistent with specific Otay Mesa Community Plan policies pertaining to housing development. The Community Plan's Land Use Element provides a distribution of land uses of sufficient capacity for a variety of uses, facilities, and services needed to serve the community.

The Project meets the General Plan and Otay Mesa Community Plan guiding principles which reflects the core values that guide its development. The Project meets the following General Plan Guiding Principles:

- An integrated regional transportation network of walkways, bikeways, transit, roadways and freeways that efficiently link communities and villages to each other and employment centers (General Plan Principle 5)
- Balanced communities that offer opportunities for all San Diegans and share citywide responsibilities (General Plan Principle 8)
- A clean and sustainable environment (General Plan Principle 9)
- A high aesthetic standard (General Plan Principle 10)

The Project meets the following Otay Mesa Community Plan Goals and Policies:

- A distribution of land uses that provides sufficient capacity for a variety of uses, facilities and services needed to serve Otay Mesa
- Distinct villages that include places to live, work and recreate
- A variety of housing types including workforce housing in close proximity to jobs
- Respect existing density ranges in previously approved Precise Plan areas of the Northwest District
- Include in all residential developments housing units that are sized to meet the household family sizes anticipated in Otay Mesa.
- Incorporate a diversity of housing types that includes market rate and affordable housing. Encourage inclusionary housing on-site.

The Project is located directly adjacent to existing and proposed mass transit provided for by the Metropolitan Transit System. The 905 A & B buses connect to the Iris Avenue Transit Center where community members are transported to employment centers and commercial centers along Otay Mesa Road and State Route 905. Additionally, the Otay Mesa Community Plan has identified an east-west high frequency bus corridor on Airway Road that will link between the South Bay BRT and San Diego Trolley (Otay Mesa Community Plan, ME-4). One of the potential BRT/Rapid Transit stops will be located on Caliente Avenue, approximately a quarter mile away from the Project (Otay Mesa Community Plan, Otay Mesa Transit Route Map – Figure 3-1). The property is also centrally located to educational facilities, planned villages and additional recreational opportunities.

The Project will also contribute to the diversity of the region by providing different aesthetically pleasing housing options at varying price points. The range in housing will provide community members with an opportunity to live close to where they work. The property is located in close proximity to the Ocean View Hills Corporate Center and Otay Corporate Center South. The Project meets the goals and follows the principles outlined in the City of San Diego's planning and community planning documents. As such, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed project includes a rezone of 4.46 acres to Residential Multiple Unit (RM-2-5). The Project also seeks deviations for minimum front setback, minimum side setback, minimum street side setback and minimum rear yard setback. A deviation from the required development regulations noted above would allow for a more desirable project while staying within a density range of 15 to 29 du/ac. The deviations would allow for more developable area that would allow for more housing within a Transit Priority Area and pedestrian amenities including benches, covered seating areas, plazas, turfed areas that provide increased walkability within the development.

A deviation from San Diego Municipal Code (SDMC) Section 131.0443, Table 131-04G for front and rear setback where the required minimum front and rear setback is 15 feet and the proposed front and rear setback is 10 feet. Due to existing site constraints, it is only possible to access a public right of way from Otay Mesa Road. The property is bound by SR 905 to the south and Caliente Avenue to the west. There is one existing cul-de-sac street off of Otay Mesa Road that will provide driveway access to the proposed development. The deviation is minimal and allows for adequate landscaping, pedestrian access and building articulation that are appropriate for this location.

The Project requests a deviation from Section 131.0443, Table 131-04G for side setback where the required minimum side setback is 5 feet or 10 percent of the premises width and the proposed side setback is 10 feet. At just over 400 feet in width, the required minimum side setback is 40 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing pedestrian-level activity and providing strong transitions between residential and commercial areas. Requiring 40 feet side setback will eliminate much of the development footprint and the project will not be able to maximize the number of the residential units.

The Project also includes a deviation from Section 131.0443, Table 131-04G for street side setback where the required minimum street side setback is 10 feet or 10% of the premises width and the proposed street side setback is 10 feet. At just over 400 feet in width, the required minimum street side setback is 40 feet. The reduced setback allows the proposed development to meet the Otay Mesa Community Plan design guideline objectives of providing pedestrian-level activity and providing strong transitions between residential and commercial areas. Requiring 40 feet street side setback will eliminate much of the development footprint and the project will not be able to maximize the number of the residential units.

The above deviations have been analyzed by staff and determined to be consistent with the goals and recommendations of the General Plan, the Otay Mesa Community Plan, and the purpose and intent of the RM-2-5 zone. The Project has been designed to address the physical environment and would not adversely impact the public's health or safety. The proposed development will assist in providing affordable housing units and market-rate housing opportunities in a transit-friendly area near commercial centers. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

3. The site is physically suitable for the type and density of development.

The Project proposes the subdivision and the construction of 79 residential condominiums with ten percent affordable. The 4.46-acre site is located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road, just north of State Route (SR)-905 within CC-1-3 and AR-1-1 zone of the Northwest District of the Otay Mesa Community Planning area.

The site has been previously mass graded and developed in accordance with Vesting Tentative Map No. 2152396. The site is bounded by SR-905 to the north, Caliente Avenue to the west, multi-family residential to the east, and Otay Mesa Road to the north. Access to the site will be from Calle Albatross into the development. The proposed Community Plan Amendment, to redesignate Community Commercial - Residential Prohibited to Residential Medium will allow a residential density of 15 to 29 du/ac and the rezone from CC-1-3 and AR-1-1 to RM-2-5 will allow a residential density to 79 dwellings. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Addendum No. 690358 to Program Environmental Impact Report (PEIR) No. 30330/304032 /SCH No. 2004651076 prepared for the Otay Mesa Community Plan update, has been prepared in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project, which will reduce the potential impacts to below a level of significance.

The 2019 PA61 Project No. 605191 was conditioned on compliance with a Mitigation Monitoring and Reporting Program (MMRP) that included mitigation measures applicable to the project as outlined in the 2013 Program EIR mitigation framework. The MMRP also includes additional measures required by project specific technical studies. Specific mitigation measures included in the MMRP related to the following: Biological Resources (Burrowing Owl); Historical Resources (Archeological/Native American grading monitors); Paleontological Resources (Grading Monitor); and Traffic (three Existing Plus Project and Opening Day Plus Project Direct significant impacts, and five Horizon Year cumulative impacts). Consistent with the 2013 Program EIR, the 2019 Addendum found that although traffic mitigation was proposed, significant cumulative impacts would remain. The traffic impacts identified by the project-specific Transportation Impact Analysis (TIA) were consistent with those identified in the 2013 Program EIR.

The entire PA61 site has been mass graded consistent with the approved 2019 PA61 project, and relevant pre-construction and grading-related mitigation having been completed. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

The Project, including review of grading, drainage, architecture, landscape, environmental analysis and provisions of new streets and driveways, has been designed to conform with the City of San Diego's codes, policies, and regulations with the primary focus of protecting the public's health, safety and welfare. The conditions of approval of the project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would work within the site and within the community. Conditions of approval address driveway, landscaping and grading. Storm water impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features, such as source control and treatment control Best Management Practices.

Addendum No. 690358 to PEIR No. 30330/304032/SCH No. 2004651076 prepared for the Otay Mesa Community Plan update, has been prepared in accordance with California Environmental Quality Act guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous PEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Noise, Transportation/Circulation, Biological Resources, and Paleontological Resources would be implemented with this project, which will reduce the potential impacts to below a level of significance.

The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code (SDMC) in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Master Planned Development Permit No. 2568951, Site Development Permit (SDP) No. 2568952, Neighborhood Development Permit (NDP) No. 2568953, and Vesting Tentative Map No. 2568950 relating to public improvements, grading, and construction in accordance with the SDMC for the project site. Prior to the issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all public improvement and grading requirements, and the Subdivider will be required to obtain construction permits. Therefore, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The Project proposes the subdivision and the construction of 79 residential condominiums with ten percent dedicated as affordable. No public access easements exist on the Project site. All existing utility easements are accommodated by the project design. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The design of the Project has taken into account the best use of the land to minimize grading and provide for greater housing opportunities in the Otay Mesa area. Design guidelines through a Master Plan Development Permit have been developed for the future construction of the residential dwelling units and includes features that do not impede or inhibit any future passive or natural heating and cooling opportunities. The side and rear setbacks will allow for the passage of wind and penetration of sunlight between buildings. Proposed landscaping including canopy trees, palms and ornamental trees throughout the project will minimize heat gain and provide an attractive landscape environment. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The Project proposes the subdivision and the construction of 79 residential condominiums with ten percent affordable. The 4.46-acre site located on the southeast corner of the intersection of Caliente Avenue and Otay Mesa Road, just north of State Route 905 within CC-1-3 zone of the Northwest District of the Otay Mesa community planning area and is currently designated Community Commercial-Residential Restricted within the Otay Mesa Community Plan. The proposed project includes a Community Plan Amendment to re-designate the site from Community Commercial- Residential Prohibited to Residential Medium and rezone from CC-1-3 and AR-1-1 to RM-2-5.

The decision maker has reviewed the administrative record including the project plans and environmental documentation to determine the effects of the proposed subdivision on the housing needs of the region. With the proposed development of 79 residential condominium units, there would be a gain of 79 for-sale units. The project proposes the construction of 79 residential condominiums having ten percent (8 units) dedicated to affordable units. The residential units will be set aside for households earning 100 percent of the Area Medium Income (AMI) for a period of 55 years. The applicant has chosen the option of providing eight market rate residential dwelling units as affordable dwelling units on site. The decision maker has determined that the available fiscal and environmental resources are balanced by the proximity of existing and future shopping, essential services, and in the nearby developed urban area. The project is within a mile from retail services and sales. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 2568590 is hereby granted to Tri Pointe Homes, Inc. subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
October 25, 2022
Or.Dept: Development Services
Doc. No. 3124891

Passed by the Council of The City of San Diego on NOV 15 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 15 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314472