

RESOLUTION NUMBER R- 315805

DATE OF FINAL PASSAGE OCT 01 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. PMT-2587526 FOR THE PALM AND HOLLISTER APARTMENTS PROJECT NO. PRJ-0698277 (MMRP).

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Palm Hollister LLC, a California Limited Liability Company, Subdivider, and Pasco Laret Suiter & Associates, Engineer, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. PMT-2587526) for the construction of 198 residential condominium units, including eight affordable units, in one lot known as the Palm and Hollister Apartments project. The project site is situated north of the Palm Avenue Trolley Station, south of the Otay Valley Regional Park (OVRP), and east of Hollister Street at 555 Hollister Street within the Otay Mesa-Nestor Community Plan in the RM-2-6 zone, Airport Land Use Compatibility Overlay Zones, and Transit Priority Area. The property is legally described as the north quarter of the west half of the southwest quarter and the north five acres of the east half of the southwest quarter of Section 22, Township 18 South, Range 2 West, San Bernadino Meridian, in the City of San Diego, County of San Diego, State of California.

B. The Vesting Tentative Map proposes the subdivision of a 5.92 acre-site into one developable lot for the construction of 198 residential condominium units. 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 198.

C. 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 (Municipal Code) section 144.0220.

D. On August 29, 2024, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. PMT-2587526, and pursuant to Resolution No. 5305-PC, the Planning Commission voted to recommend Council approval of the map.

E. On October 1, 2024, the Council considered Vesting Tentative Map No. PMT-2587526, and pursuant to Municipal Code sections 125.0440 and 125.0444, 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 Council having fully considered the matter and being fully advised concerning the same.

F. The Office of the City Attorney prepared 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 and accurate.

G. Under Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Vesting Tentative Map No. PMT-2587526:

TENTATIVE MAP FINDINGS – Municipal Code Section 125.0440

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

The Palm & Hollister Apartments project (project) site is situated on 5.92 acres north of the Palm Avenue Trolley Station, south of the Otay Valley Regional Park (OVRP), and east of Hollister Street. Interstate 5 is approximately one mile west of the project site. A nursery operates immediately north of the project site within the OVRP; and the Palm Avenue Trolley Station, mobile home park, and a private school sports field are to the south of the project site. To the west lies the Metropolitan Transit System (MTS) rail right-of-way and Hollister Street. The project site is located within and adjacent to the City's Multi-Habitat Planning Area (MHPA).

The project is located in the Otay Mesa-Nestor Community Plan (Community Plan) area in an area designated as Residential Low Density (5-<10 du/ac), Mixed-Use, and Open Space. The project includes a Community Plan amendment to change the land use designation to Residential Medium-High Density (20-35 du/ac).

The project site has been previously graded for prior agricultural use and includes an unoccupied residential structure, a garage, canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by MTS and some delivery services. An existing 10-foot-wide County of San Diego easement runs along the northern boundary of the project site. A ten-foot access easement exists to the north of the project site for pedestrian access to the OVRP. An access point to the OVRP to the west of the project site would be provided within a nine-foot pedestrian access easement proposed by the project. The driveway to the project also serves the adjacent Palm Avenue Trolley Station and associated parking lot.

Located within a Transit Priority Area and adjacent to the Palm Avenue Trolley Station, the project proposes the development of 198 multiple dwelling units, including eight affordable housing units, in 13 buildings. Buildings would be one to three stories with tuck-under garages, as well as one-level units over carports.

The project proposes an amendment to the Community Plan to change the plan land use from Open Space, Mixed Use, and Residential Low Density [5-10 dwelling units per acre (du/ac)] to Residential Medium-High Density (20 - 35 du/ac) to allow for increased residential density adjacent to transit. The project also proposes a rezone from RM-1-1, RS-1-7, and AR-1-2 to RM-2-6 zone in order to provide 198 multiple dwelling units. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units on the proposed project site.

The amendment to the Community Plan would remove reference to the following two view and access points from Appendix C, View Corridors and View and Access Points which are adjacent to the project site:

- A - Palm Avenue Transit Center/Park-and-Ride: Provide a viewpoint overlooking the valley, north of the trolley station parking lot. Provide physical access, via a stairway, into the valley.
- B - Midway Baptist Church: Encourage the Church to provide a public viewpoint overlooking the valley.

The proposed project would interrupt eastward views into the Otay Valley River Park. While the Otay Mesa-Nestor Community Plan encourages a future viewpoint from the adjacent church property, public views on the church property do not exist. The removal of the View and Access Points A and B results in consistency with Community Plan Appendix C.

The proposed project would provide a ten-foot-wide pedestrian access from the Palm Avenue Trolley Station to the Otay Valley River Park. The proposed project fosters a sense of community through building orientation and architectural design features that promote interaction and active lifestyles with adjacent access to Otay Valley River Park and the Palm Avenue Trolley Station. Public views of the site are available from a trailhead at the OVRP, located just beyond the northwest corner of the project site, and from the SD&AE rail lines. Public access to the trailhead is from the northern end of the Palm Avenue Trolley parking lot and trolley station.

The Otay Mesa-Nestor Community Plan identifies the Palm City neighborhood as a neighborhood center focused on redeveloping the Palm Avenue Trolley Station and adjacent parcels into a transit-oriented developments. The proposed project would develop a multifamily development with direct connections to the trolley station consistent with the strategy and guidelines of the Palm City Neighborhood Center Topic of the Community Plan. The project would demolish an existing unoccupied residential structure, garage, canopy structure, and two storage containers and construct 198 multiple dwelling units, including eight affordable units, and improve the project

area through rehabilitation and economic revitalization of the project site. The change in residential density would be consistent with the Community Plan as the Palm City neighborhood is identified as a neighborhood center that should provide residential opportunities.

Therefore, 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 project rezones the site to the RM-2-6 zone to allow for 198 multiple dwelling units on the 5.92-acre project site. The RM-2-6 zone permits a maximum of up to 206 dwelling units on the proposed project site. The purpose of the RM zones is to provide for multiple dwelling unit development at varying densities. The RM zones individually accommodate developments with similar densities and characteristics. Each of the RM zones is intended to establish development criteria that consolidates common development regulations, accommodates specific dwelling types, and responds to locational issues regarding adjacent land uses.

The project requires a Neighborhood Development Permit (NDP) to allow for the development to deviate from the Land Development Code (LDC) relative to retaining walls, setbacks, and structure height. The project has four deviations.

Relative to retaining walls, Municipal Code section 142.0340(d)(1) allows for two retaining walls with a maximum height of six feet each. The project includes one retaining wall up to 24.5 feet in height. This retaining wall wraps around the west, north, and east perimeters of the development area for a total length of 1,870 feet. Specifically, the project includes 1,360 feet of plantable mechanically stabilized earth (MSE) retaining wall and 510 feet of concrete block (CMU) wall.

The MSE retaining walls would not impair public views from the street or sidewalks. The MSE walls on northern side of the project site are within the visual impact of OVRP. The keystone blocks of these walls would be covered by plantings creating a more natural look to the walls. The plantings include climbing fig, cat's claw creeper, and creeping rosemary. The plants selected would create a seamless transition between the project plant palette and natural vegetation of the OVRP. The CMU wall would be 510 feet in length and located in front of Building B. This wall would be partially blocked from view by evergreen theme trees such as queen palm, sweetshade, bay laurel, and Brisbane box. The ground in front of the MCU wall would contain groundcover plantings, such as coyote brush, bougainvillea, lantana, and breeze lomandra.

To ensure the required space for fire apparatus circulation, as well as space for pedestrian circulation, site amenities, and parking, it is necessary to construct a retaining wall along the northern edge of the property at a height that exceeds the SDMC allowed maximum height for walls. In the existing condition, the proposed project property elevation is 20-

25 feet higher than the adjacent property to the north, with a 2:1 slope within the project boundary accommodating this grade difference. Installing the proposed retaining wall will allow for site grading in a manner that maximizes the usable area and efficient use of the property.

The retaining walls proposed by the project would not create a negative effect on the visual quality of the OVRP area or the area surrounding the project site. Views from the park into the project site would not be negatively impacted by the project and would not create a significantly adverse visual impact.

Relative to setbacks, Municipal Code section 131.0443(e)(1)(A) allows up to 50 percent of the width of the building envelope to observe the minimum 15-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback. The project would be developed with 100 percent of the building envelope observing the minimum 15-foot setback. This deviation allows for more efficient and maximal use of the previously disturbed site area, allows for more minimal grading of the site, and reinforces the transit and multi-modal orientation of the site by bringing the building envelope closer to the property line and, therefore, the transit center.

Also relative to setbacks, per Municipal Code section 131.0443(e)(2)(A), the minimum side setback is five feet or 10 percent of the premises width whichever is greater. This would result in a required 22 foot setback. The project includes a deviation for the building to encroach into the required side setback, which would be provided at 7.9 feet. Like the front setback deviation, this deviation allows for the more efficient and maximal use of the previously disturbed site area, minimizes grading of the site, and reenforces the transit and multi-modal orientation of the site by bringing the building envelope closer to the property line and, therefore, the transit center, as well as other pedestrian facilities, such as trails, that may occur to the east or west of the site as Otay Valley Regional Park develops in the project area.

Relative to structure height, Table 131-04G limits structure height to 40 feet from existing grade. The maximum structure height of the project is 56.5 feet, measured from existing grade. However, when measured from finished grade, project structures would be 40 feet in height or less. This deviation allows more housing, including eight affordable housing units, and also will result in development that complies with the underlying base zone regulation of 40 feet once grading has occurred and the project is completed.

Pursuant to Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 13-15 of the City's Biology Guidelines, if a project encroaches into the MHPA beyond the allowable development area, a MHPA boundary line adjustment is required. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.

Approximately 2.2 acres of the 5.9-acre project site, which supports disturbed land, are in the MHPA. The project proposes to develop the entire site; therefore, an MHPA boundary line adjustment is required. The project will remove the 2.2 acres of disturbed land from the MHPA on-site and preserve higher quality habitat in the MHPA off-site on the 9.92-acre Najor Parcel (APN 366-031-12) located in the East Elliott preserve area in the City. The Najor Parcel is entirely within the MHPA and is designated as 75 percent baseline conservation (25 percent developable). Thus, 2.48 acres of the Najor Parcel would be allowed to be developed. The project would preserve that additional 2.48 acres to off-set the 2.2 acres on the project site. The 2.48 acres to be preserved is a higher quality habitat.

Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations as allowed through the Neighborhood Development Permit to the land development code.

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

Finding No. 1 is incorporated by reference.

The project is an infill development located within walking distance of the Palm Avenue Transit Center. It would provide housing opportunities by developing 198 multiple-dwelling units, including eight affordable units, designed to enhance the character and neighborhood feel of the project area.

The project proposes 13 separate buildings that would allow natural ventilation and sunlight through the project site. It also includes recreational courtyards that create areas for ventilation and light to flow through the project and provide views to and from it. Additionally, the project's varied building heights and setbacks would further maximize ventilation, sunlight, and views.

The project's landscape plan includes the planting of approximately 187 trees throughout the project site. The landscaping plan includes the planting of large accent trees, as well as evergreen and small flowering accent trees, to create a unique aesthetic on the project site and define project entries; demarcate public, semi-public, and private spaces; and identify public access points.

Rear elevations of the buildings that face the open space and future OVRP are designed to provide architectural interest and articulation through the use of varied building materials and building facades.

The project site has been previously graded for prior agricultural use and includes an unoccupied residential structure, a garage, a canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by MTS and some delivery services.

A ten-foot access easement exists to the north of the project site for pedestrian access to the OVRP. An access point to the OVRP to the west of the project site would be provided within a nine-foot pedestrian access easement proposed by the project, connecting the project site to Palm Avenue through the MTS Palm Avenue Trolley Station site. The driveway also serves the adjacent Palm Avenue Trolley Station and associated parking lot. Grading for the project would create a generally flat pad within the project boundary.

Pursuant to Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 13-15 of the City's Biology Guidelines, if a project would encroach into the MHPA beyond the allowable development area, a MHPA boundary line adjustment is required. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.

Approximately 2.2 acres of the 5.9-acre project site, which supports disturbed land, are in the MHPA. The project proposes to develop the entire site; therefore, an MHPA boundary line adjustment is required. The project will remove the 2.2 acres of disturbed land from the MHPA on-site and preserve higher quality habitat in the MHPA off-site on the 9.92-acre Najor Parcel (APN 366-031-12) located in the East Elliott preserve area in the City. The Najor Parcel is entirely within the MHPA and is designated as 75 percent baseline conservation (25 percent developable). Thus, 2.48 acres of the Najor Parcel would be allowed to be developed.

The project proposes to preserve 100 percent of the Najor Parcel and dedicate it in fee-title to the City to offset the proposed deletion of 2.2 acres of disturbed habitat from the MHPA. This increase of 2.48 acres of preserved coastal scrub and Diegan coastal sage scrub would more than offset the proposed MHPA deletion of 2.2 acres of disturbed land and would result in an equivalent or better overall MHPA habitat value. The City would manage and maintain the 9.92-acre Najor Parcel as a part of the overall City's preserve system consistent with the MSCP Management Framework Plan and Natural Resource Management Plan for Mission Trails Regional Park. Thus, the project MHPA boundary line adjustment would result in the conservation of higher quality habitat and an improved habitat preservation configuration.

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.**

Findings 1. and 3 are incorporated by reference.

The project is an infill development located within walking distance of the Palm Avenue Transit Center. It would provide housing opportunities by developing 198 multiple-dwelling units designed to enhance the character and neighborhood feel of the project area.

The project proposes 13 separate buildings in varying height between one and three stories that would allow natural ventilation and sunlight through the project site. It also includes recreational courtyards that create areas for ventilation and light to flow through the project and provide views to and from it. Additionally, the project's varied building heights and setbacks would further maximize ventilation, sunlight, and views.

The project's landscape plan includes the planting of approximately 187 trees throughout the project site. The landscaping plan includes the planting of large accent trees, as well as evergreen and small flowering accent trees, to create a unique aesthetic on the project site and define project entries; demarcate public, semi-public, and private spaces; and identify public access points. Rear elevations of the buildings that face the open space and future OVRP are designed to provide architectural interest and articulation through the use of varied building materials and building facades.

The project site has been previously graded for prior agricultural use and includes an unoccupied residential structure, a garage, a canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by the MTS and some delivery services. An existing 10-foot-wide County of San Diego easement runs along the northern boundary of the project site. Access to the project site would be provided via a proposed easement located at the southwest corner of the project site, connecting the project site to Palm Avenue through the MTS Palm Avenue Trolley Station site. The driveway also serves the adjacent Palm Avenue Trolley Station and associated parking lot. Grading for the project would create a generally flat pad within the project boundary. Connectivity to adjacent uses would be provided through a new connection point to the existing MTS sidewalk through a pedestrian access easement.

The Palm & Hollister Apartments project site is located within the City's MSCP area, which covers 206,124 acres within the City's jurisdiction; the northern portion of the project site is mapped within the MHPA. The project site is not a wildlife corridor or part of the Otay Valley corridor. The project site does not provide for wildlife movement or serve as a habitat linkage or nursery site for wildlife species.

Approximately 2.2 acres of the 5.9-acre project site, which supports disturbed land, are in the MHPA. The project proposes to develop the entire site; therefore, a MHPA boundary line adjustment is proposed to remove the 2.2 acres of disturbed land from the MHPA on-site and preserve higher quality habitat in the MHPA off-site on the 9.92-acre Najor Parcel (APN 366-031-12) located in the East Elliott preserve area in the City. The on-site MHPA area consists of developed land and disturbed habitat and does not contain native habitat with the ability to support a diversity of sensitive plant and animal life.

The MHPA Boundary Line adjustment proposes to remove the 2.2 acres of disturbed land from the MHPA on-site and preserve a higher quality habitat in the MHPA off-site on the 9.92-acre Najor Parcel.

The project would conserve the entire 9.92-acre Najor parcel, which would result in an addition of 2.48 acres of preserved sensitive habitat within the MHPA. As the project proposes to offset the deletion of 2.2 acres of disturbed habitat with the additional preservation of 2.48 of Diegan coastal sage scrub and sage scrub habitats in the MHPA, the boundary line adjustment would result in the conservation of higher quality habitat and an improved habitat preservation configuration. Development of the site will involve earthwork, but due to the disturbed nature of the site, disturbance to environmentally sensitive lands will be minimal.

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 includes the development of 198 multiple dwelling units, including eight affordable housing units, in 13 buildings located in the Otay Mesa-Nestor Community Plan area. It includes a rezone, Community Plan amendment, and MHPA boundary line adjustment.

During construction, the project would employ the use of structural and nonstructural Best Management Practices (BMPs), Best Available Technology, and sediment catchment devices downstream of paving activities to reduce potential drainage impacts associated with construction. Additionally, the project design complies with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board.

Hardscape associated with the built project would result in runoff, which could significantly impact water quality in the MHPA. However, the project would provide stormwater treatment through two Modular Wetland Systems (WMS) and two underground stormwater cisterns. Stormwater on the site would be directed to the two WMS, which use filters, wetland vegetation, and biological processes to remove contaminants from the water before entering the cisterns. The vegetation used in the WMS are non-invasive wetland associated species, appropriate for the designated filtration uses.

The western cistern would have a storage volume of 11,942 cubic feet (cf); the storage volume of the eastern cistern would be 5,933 cf. Each cistern would detain the water and allow it to flow from the site through two outfalls at a regulated rate, equivalent to the

pre-project runoff condition. The stormwater outlets would include energy dissipators to reduce discharge velocities and minimize the potential for erosion, and the project would not result in any increase in off-site discharge of stormwater runoff.

To improve the walkability near the project site, the following improvements are proposed by the project at Palm Avenue/Hollister Street:

- Install a blank-out no right turn sign on the northbound and southbound approach on Hollister Street to be displayed during the existing lead pedestrian interval. This would help reduce conflicts between vehicles and pedestrians that are crossing the street.
- Install a blank-out no left turn sign on the southbound approach at Palm Avenue/Hollister Street to be displayed during preemption limited service. This would notify drivers that left-turn movements are prohibited when a train is crossing and help reduce conflicts between vehicles and pedestrians crossing the street.
- Install High Visibility Pedestrian Crossings (Marked Continental Crosswalks) at each leg of the Palm Avenue/Hollister intersection.
- Install High Visibility Pedestrian Crossing (Marked Continental Crosswalks) at each leg of the Palm Avenue/Harris Avenue-MTS Access intersection, except at the west leg where pedestrian crossing is prohibited.

Because of its proximity to Very High Fire Hazard Severity Zones (VHFHSZs) an Evacuation Plan was prepared and is included in the Palm & Hollister Apartments Project Final Environmental Impact Report (SCH No. 2022060468). The project Evacuation Plan (Appendix S) demonstrates that timely evacuation of the site is feasible and would be improved by the additional roadway and emergency egress connections provided by the project.

The project would provide a single access point in the southwest corner of the project. The San Diego Fire Department has determined that the access road within the apartment complex would provide adequate emergency evacuation for the planned population within the development, and adequate access for emergency vehicles.

The project requires a rezone to the Residential Multiple (RM-2-6 zone) to allow for 198 multiple dwelling units on the 5.92-acre project site. The RM-2-6 zone permits a maximum of up to 206 dwelling units on the proposed project site. In the event the proposed project is not constructed following approval of the rezone, and a new project is brought forward with 200 units or more, a secondary emergency access road would be required and located no less than half the overall diagonal length of the site from the primary access road.

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 proposed easements are located west and south of the project site. Access to the project site is proposed from the south through property owned by the Metropolitan Transit System (MTS). An access easement has been established with MTS, which would allow for ingress and egress from Palm Avenue through the Palm Avenue Trolley Station parking lot. Pedestrian and bicycle access would also be provided within the MTS easement.

The project would include upgrading the existing curb return where the drive aisle and Palm Avenue meet to comply with Americans with Disabilities Act (ADA) requirements, replacing curb ramps, restriping portions of the drive aisle, and addition of a six-inch curb along the eastern side of the drive aisle. The easement would also allow for utility connections and project signage, as well as the addition of landscaping along the eastern border of the drive aisle.

A five-foot-wide concrete east-west sidewalk parallel to the project site and project's southwestern property line within a nine-foot-wide pedestrian access easement would tie into the existing MTS sidewalk at the northwest corner of the MTS parking lot. Within the access easement drive aisle, the project would also provide a five-foot-wide running track that runs from the project site's southern property line along a portion of the eastern side of the drive aisle through the MTS parcel.

A ten-foot access easement exists to the north of the project site for pedestrian access to the OVRP. An access point to the OVRP to the west of the project site would be provided within a nine-foot pedestrian access easement proposed by the project.

The project would require connection to SDG&E utilities to provide electricity service to the project. Additionally, the project would remove and/or relocate existing SDG&E utilities and easements that occur on-site to better serve the project and SDG&E.

Public Utilities Code Sections 851-857 requires SDG&E to seek California Public Utilities Commission (CPUC) approval prior to disposing of SDG&E property or allowing encroachments within SDG&E easements. Because the project would require modification to SDG&E facilities and easements, the CPUC will make a determination regarding such modifications.

Therefore, 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 development has considered the best use of the land to minimize grading and preserving environmentally sensitive lands.

The project site is located adjacent to the Terra Bella Nursery, which occupies land within the OVRP. An existing 10-foot-wide County of San Diego easement runs along the northern boundary of the project site. The purpose of this easement is to provide access to the OVRP. Separated from the nursery by a County of San Diego easement and manufactured slope vegetated in non-native vegetation, the project site is not surrounded by a natural landscape. The project would result in construction of a retaining wall planted with native vegetation along the slope area. Additionally, native landscaping would occur within the County easement area. Thus, the project is designed to create a natural landscape adjacent to the OVRP.

A project that places high structures in proximity to one-another can result in tunneling of air movement in an area that was previously unobstructed. Surrounding land uses include the Palm Avenue Trolley Station and a mobile home park to the south and open space to the north. Commercial uses up to two stories are located to the west across Hollister Street. The project would also provide recreational amenity areas on the north- west, -central and -east portions of the project site, as well as a pedestrian trail along the northern property line. These open areas would help to retain general air flow patterns and result in air flow that would follow natural geographic patterns through the project site. The project buildings would not be substantially tall in height and the building layout would not result in air-flow issues.

Overall, the project would include native and naturalized drought-tolerant species consistent with the Landscape regulations. All landscape and irrigation would conform to the city-wide landscape regulations, the City of San Diego Land Development Manual, Landscape Standards, and all other landscape-related City and regional standards. An automatic, electrically controlled irrigation system would be provided, as required by LDC 142.0403(c).

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 Palm & Hollister Apartments project will develop with 198 multiple dwelling units, including eight affordable units, in 13 buildings infusing the local housing stock. The affordable housing units will be distributed throughout the project, which would be provided at 30 percent to 60 percent Average Median Income or with prices of no more than 50 percent of Area Median Income for no fewer than 55 years. Additionally, because the residential units will develop in a variety of configurations that will be offered as “for

rent” or “for sale” units, and will include the eight affordable housing units, the Palm & Hollister Apartments project will offer housing to a wide range of income levels. Palm & Hollister Apartments will develop in an area where public services and facilities are readily available.

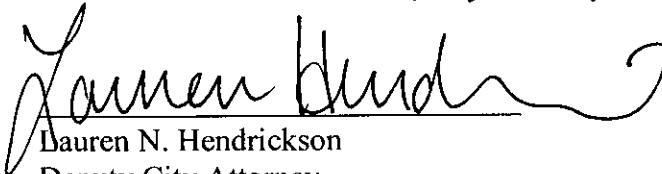
The project is located within an area of San Diego that is developed and contains the necessary police and fire rescue infrastructure. The project does not necessitate the need to expand or provide new facilities. Relative to parks, the project would be required to pay a Park Impact Fee that provides for public facilities required to support the proposed population including parks, recreation centers and aquatic complexes. The project would not result in a significant impact to these services’ ability to serve the community and no new or expanded public service facilities would be required as a result of the project.

The project design has taken into account the best use of the land to minimize grading and preserve sensitive lands. The project site includes 2.2 acres of disturbed land that are mapped as within the MHPA. The project requires a Boundary Line Adjustment to remove that area from the MHPA and preserve a higher quality habitat in the MHPA off-site on the 9.92-acre Najor Parcel located in the East Elliott preserve area in the City. The 9.92 acres of land to be conserved on the Najor Parcel may support one or more covered species, including willow monardella and coastal California gnatcatcher. Therefore, the exchange has potential to increase the conservation of covered species.

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

3. Based on these findings adopted by the Council, Vesting Tentative Map No. PMT-2587526 is granted to Palm Hollister, LLC, subject to the attached conditions, which are made a part of this Resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney


By 
Lauren N. Hendrickson
Deputy City Attorney

LNH:cm
September 5, 2024
Or.Dept: DSD
Doc. No. 3782736

ATTACHMENT: Conditions for Vesting Tentative Map No. PMT-2587526

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
OCT 01 2024

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. PMT-2587526

PALM & HOLLISTER APARTMENTS - PROJECT NO. PRJ-0698277

[MMRP] **315805**
ADOPTED BY RESOLUTION NO. R-_____ ON OCTOBER 1, 2024

GENERAL

1. This VESTING TENTATIVE MAP NO. PMT-2587526 will expire on October 1, 2027.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, Final Map to consolidate the one existing lot into 198 condominium units shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Vesting Tentative Map shall conform to the provisions of Site Development Permit No. PMT-2587528, Neighborhood Development Permit No. PMT-3288228, and Rezone No. PMT-2587530.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AIRPORT

7. Prior to recordation of the Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING

8. The Vesting Tentative Map shall comply with all Conditions of Site Development Permit No. PMT-2587528 and Neighborhood Development Permit No. PMT-3288228.
9. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
10. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
11. The drainage system for this project, per approved Exhibit 'A', will be subject to approval by the City Engineer.
12. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
13. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
14. The Subdivider shall submit a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.
15. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
16. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
17. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

18. Prior to the expiration of the Vesting Tentative Map, if approved, a Final Map to consolidate and subdivide the properties into 198 residential condominium units shall be recorded at the San Diego County Recorder's Office.
19. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Final Map.
20. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

21. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
23. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
24. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

GEOLOGY

25. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.
26. Prior to the issuance of any construction permits (either grading or building), the Owner/ Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.
27. The Owner/ Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24009082

Passed by the Council of The City of San Diego on OCT 01, 2024, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 OCT 01, 2024.

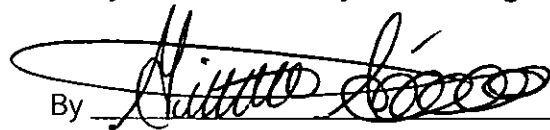
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315805