

Amendment to the
Southeastern San Diego Community Plan

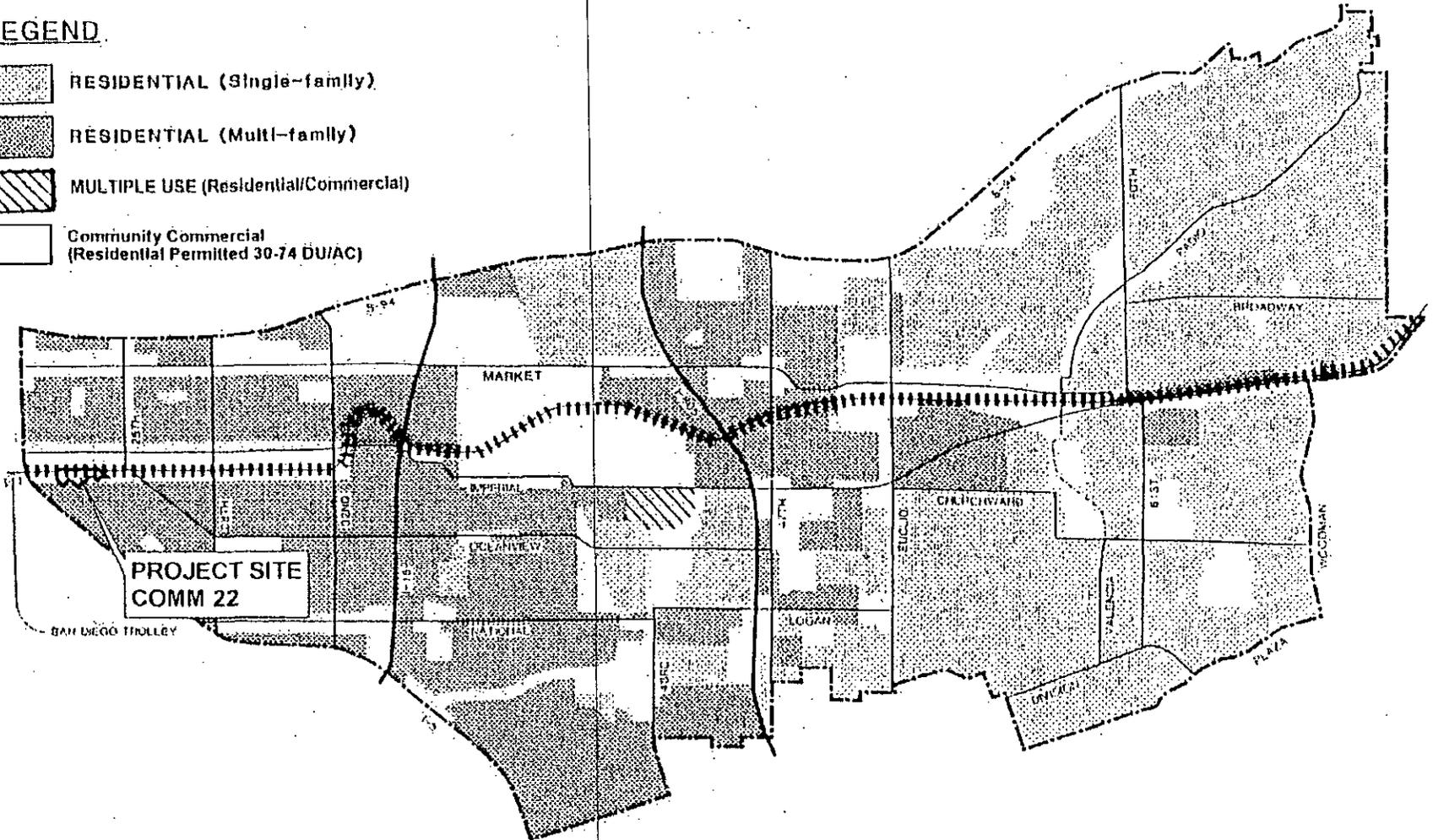
for

COMM 22 – Project No. 122022

RECOMMENDED RESIDENTIAL LAND USE

LEGEND

-  RESIDENTIAL (Single-family)
-  RESIDENTIAL (Multi-family)
-  MULTIPLE USE (Residential/Commercial)
-  Community Commercial
(Residential Permitted 30-74 DU/AC)



Residential Objectives

1. Respect the housing character, scale, style and density of existing residential neighborhoods.
2. Preserve, restore and rehabilitate residences and/or neighborhoods with historical significance. (Information on historic structures and districts is detailed in the Neighborhood Element of the Plan.)
3. Encourage and accommodate orderly new development that is consistent with the community goals and objectives.
4. Require high quality developments in accordance with the design guidelines as established within the plan and as recommended by Project First Class.
5. Maintain or increase the level of owner occupancy in the community to increase maintenance of properties and to increase pride in individual neighborhoods.

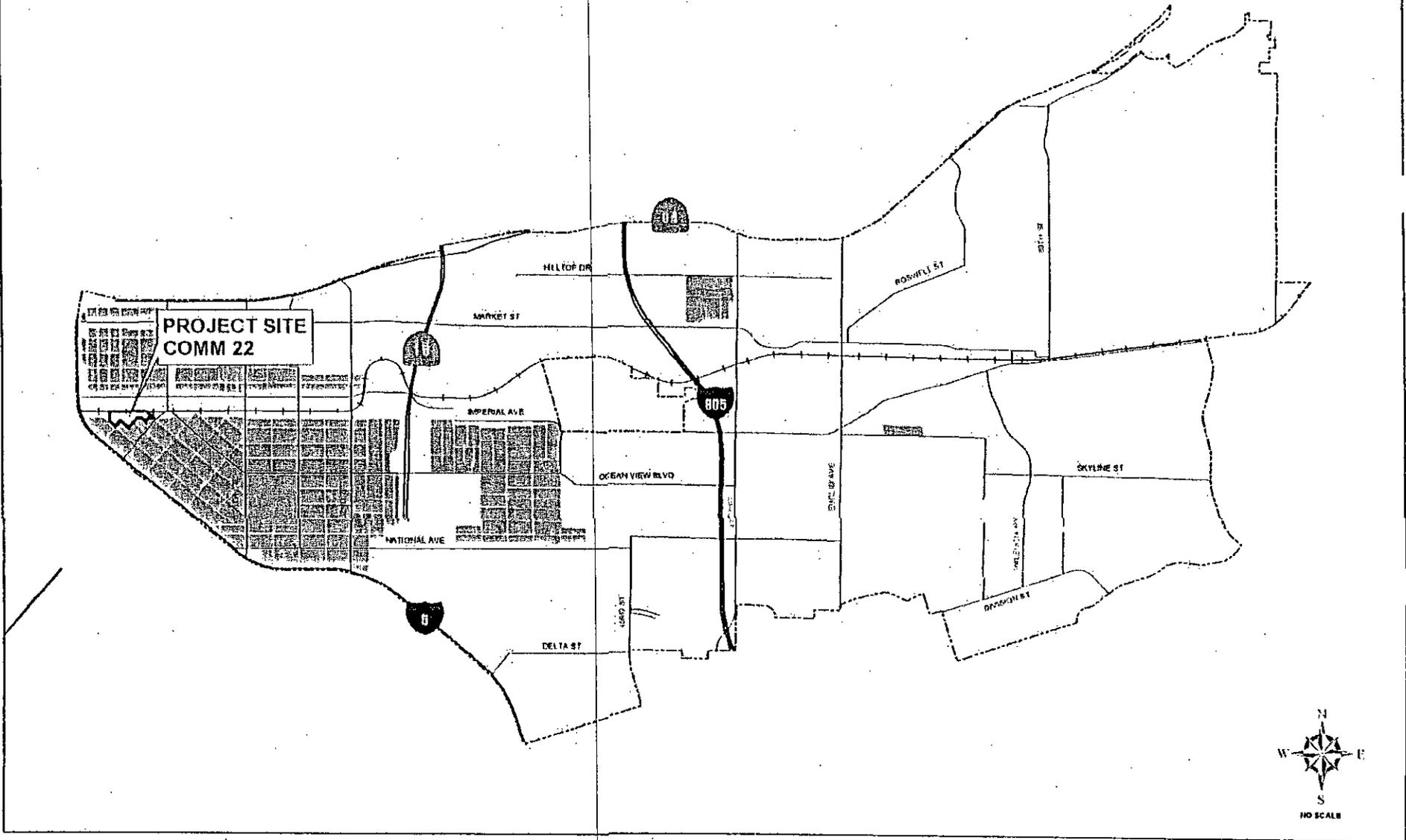
Residential Recommendations

1. Residential Density Designations

- a. To maintain the scale and spacing of development, approximately 30 percent of the community should be developed as "very low" (0-5 du/ac) or "low" (5-10 du/ac) density residential as shown on the community plan map (Figure 47) and Figure 7.
- b. Areas designated for 10-15 dwelling units per acre generally coincide with areas presently zoned R-3000. This density is recommended for a majority of the central and western subareas, where the existing land use is typically 12-15 units per acre. In order to maintain the low visual scale of the community, the 30-foot height limitation of the R3000 Zone should be adhered to.
- c. Provision of higher density residential use should not conflict with existing low scale, low density areas. Portions of the plan area are designated for densities of up to 30 dwelling units per acre with an additional area designated for densities between 30 and 74 dwelling units per acre. The areas designated for these densities of up to 30 dwelling units per acre include parts of Shelltown, and Southcrest, the northern portion of Lincoln Park, and along portions of Naranja Street, Imperial Avenue, National Avenue, and Market Street. This plan has designated areas for this density to reflect existing development, provide incentives for redevelopment and to take advantage of access to the trolley corridor. ~~The development of higher density residential development should be restricted to these areas:~~ The areas designated for densities of 30 to 74 dwelling units per acre include the southern portion of Commercial Street between 21st Street and Commercial Avenue (Figure 7).
- d. Preserve the existing low residential densities in areas where a low density residential development pattern already exists and where the existing zoning is R1-5000, R1-6000 R110000 or R1-20000.

The community plan designations for land use could result in a total of 29,000 to 31,000 dwelling units or a decrease of about 18 percent in the existing zoning capacity.

SPECIAL CHARACTER MULTI-FAMILY NEIGHBORHOODS

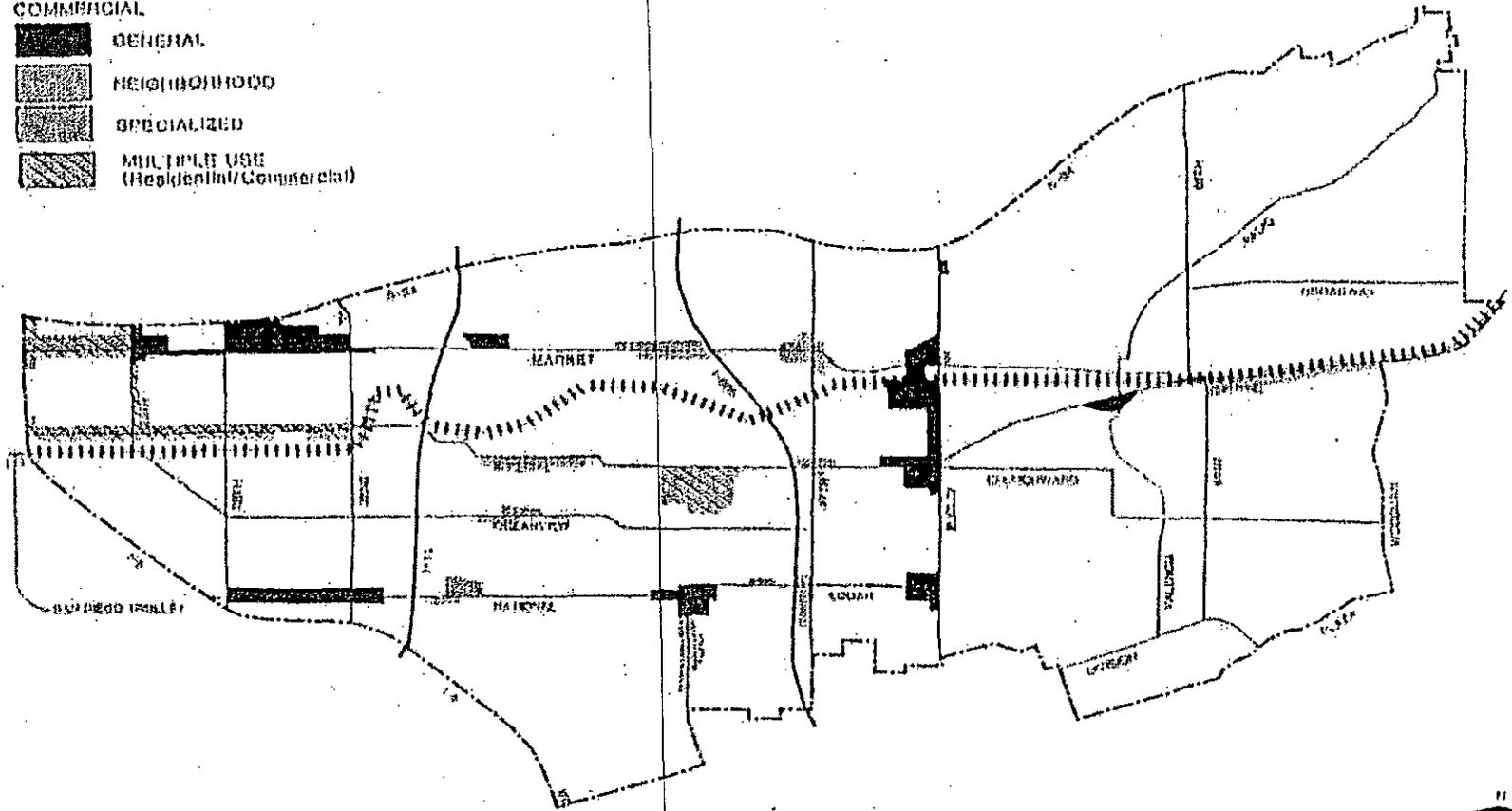


EXISTING

RECOMMENDED COMMERCIAL DESIGNATIONS

COMMERCIAL

-  GENERAL
-  NEIGHBORHOOD
-  SPECIALIZED
-  MULTIPLE USE (Residential/Commercial)



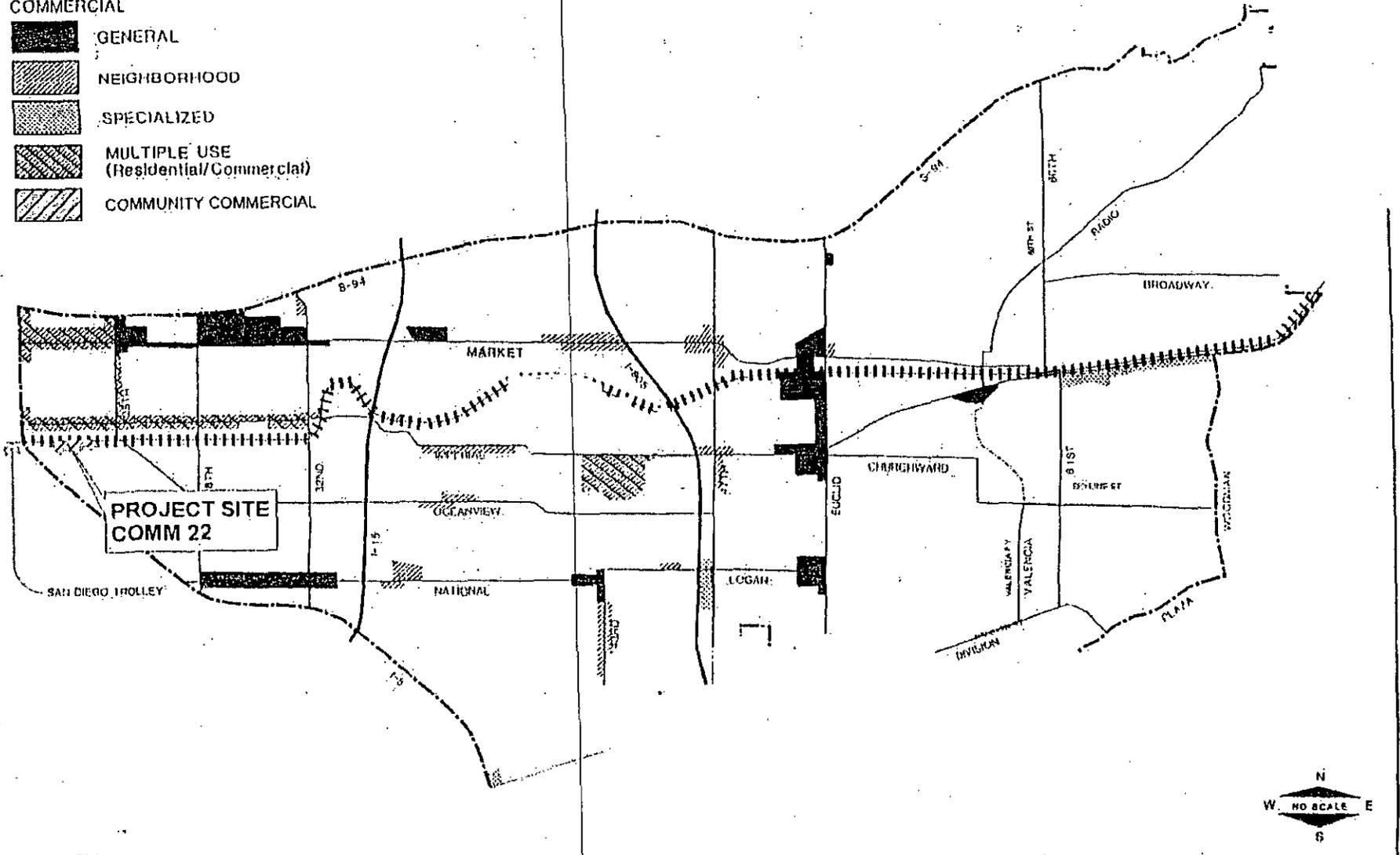
SOUTHEASTERN SAN DIEGO
CITY OF SAN DIEGO • PLANNING DEPARTMENT

EXISTING
FIGURE 9

RECOMMENDED COMMERCIAL DESIGNATIONS

COMMERCIAL

-  GENERAL
-  NEIGHBORHOOD
-  SPECIALIZED
-  MULTIPLE USE
(Residential/Commercial)
-  COMMUNITY COMMERCIAL



- b. Publicly sponsored redevelopment, with an emphasis on rehabilitating existing commercial buildings, is provided for in the Preliminary Dells Imperial Redevelopment Plan and the Central Imperial Redevelopment Plan. The community plan recommends that priority be given to redevelopment efforts along Imperial Avenue from 25th Street to State Highway 15.
 - c. Logan-Euclid Professional Business Association. This area should be given priority for landscaping improvements and other assistance because of the owner's willingness to invest. This area could serve as a model for a joint public/private revitalization project. The traffic island here could be landscaped.
9. Public Parking. Public parking lots are needed in areas of higher density or more intense commercial activities, such as Imperial Avenue between 25th and 30th, and 63rd and 66th Streets. The funding of these parking areas and their maintenance could be obtained through Business Improvement Districts or Special Assessment Districts. These parking areas should be highly visible from the public streets to increase safety and should be well-lighted and landscaped. In addition, the Euclid Trolley Station should be expanded to the west if this additional area is determined to be needed by MTDB.
 10. Alcohol Sales - Conditional Use Permit. The Alcohol Beverage Conditional Use Permit pilot program for new liquor licenses or a change in license should be continued. The number of commercial establishments selling alcoholic beverages in Southeastern San Diego should be reduced in neighborhoods experiencing high level of crime.
 11. Multiple-Use. Areas designated for multiple use (commercial/residential) should be established along major streets near residential areas as illustrated in the Neighborhood Element of this plan (p. 157-315), and in redevelopment areas. Areas designated for multiple-use may be developed commercially or residentially. Careful site planning will be required to provide a buffer area between residential and commercial development. This blending of uses will act as a buffer between the commercial and residential zones, can aid in the preservation and re-use of historically significant structures and allows for development flexibility to create new opportunities for redevelopment. All other commercially designated areas should not be permitted to develop residentially to assure that needed commercial services are provided.
 12. Urban Plazas and Landscaped Settings. Create urban plazas in park-like setting along Chollas Creek from Imperial Avenue near Interstate 805 on the north to National Avenue on the south which consist of landscaping, enhanced paving, and a location for public art.
 13. Commercial Street Revitalization. The southern portion of Commercial Street, between 21st and Harrison Avenue is designated Community Commercial (see Figure 7). The Community Commercial Designation provides for mixed use areas with retail, service, civic, office and residential uses for the community along transit corridors. The residential density range associated with the Community Commercial Designation is 30 to 74 dwelling units per acre.

Industrial Recommendations

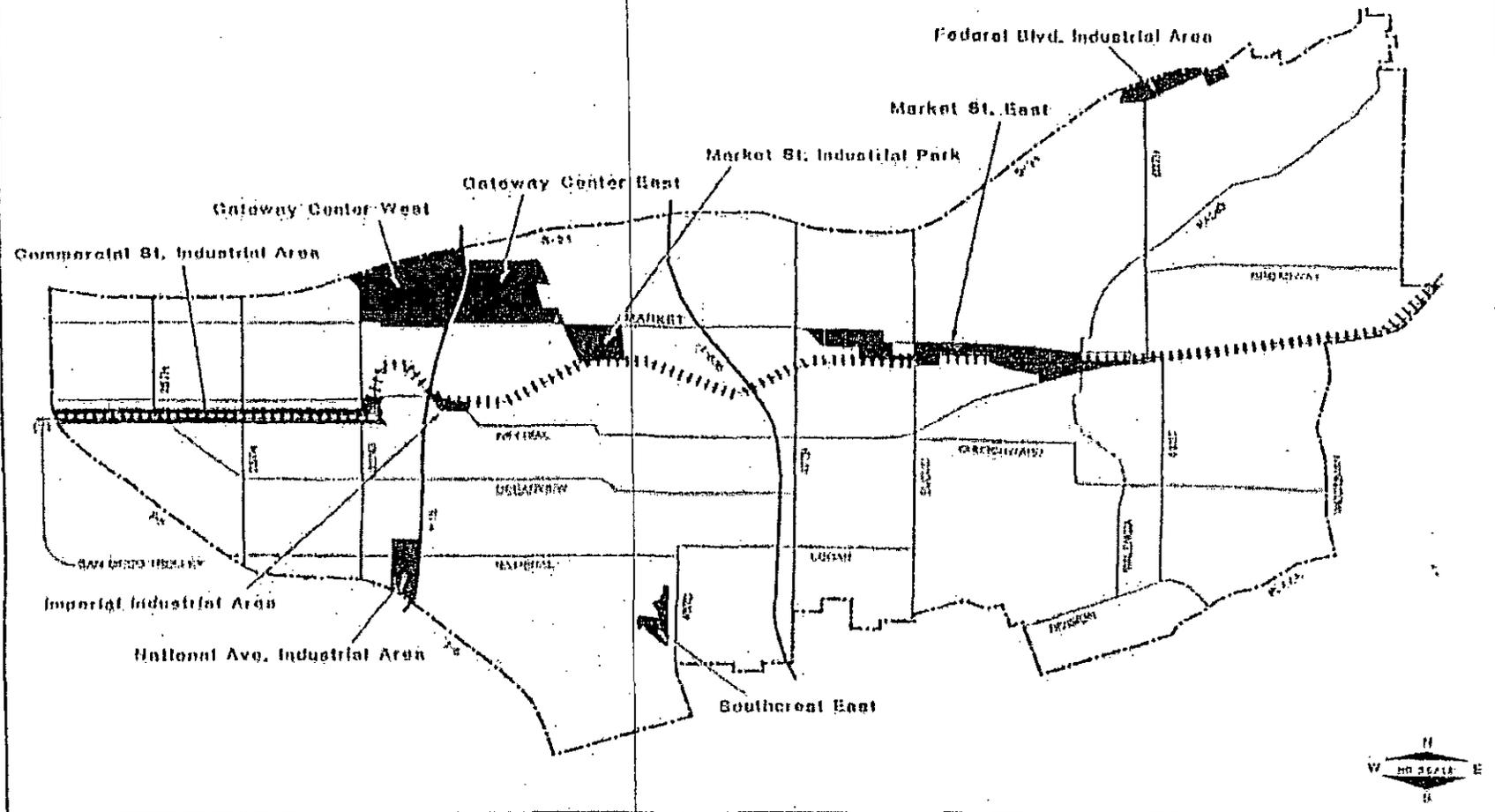
1. Proposed Industrial Sites. The community plan land use map will provide for a slight increase in the total of industrial land use acreage allowed by existing zoning. Industrial sites in the community plan are designated in six consolidated industrial development centers. These include:
 1. Commercial Street (Generally from Interstate 5 to approximately Bancroft Street);
 2. National Avenue (33rd Street to State Highway 15);
 3. Southcrest East (41st Street to 43rd Street);
 4. Market Street East (Market Street generally from 49th Street to Merlin Drive, with the exception of the intersection Market Street and Euclid Avenue);
 5. Gateway Center West (32nd Street to State Highway 15);
 6. Gateway Center East (State Highway 15 to Boundary Street);
 7. Market Street Industrial Park (Market Street from Boundary Street to 41st Street);
 8. Federal Boulevard (just east of 60th Street to the City Limits);
 9. Imperial Avenue (State Highway 15 to 36th Street).

~~Most of the industrial centers listed above lie within the Redevelopment Agency project areas.~~
The Redevelopment Agency should provide assistance for the assembly of land parcels in these areas. The Redevelopment Agency involvement should also assist in the application of design review for industrial parks at these centers.

2. Lot Sizes. The industrial centers listed above should be designed to allow the assembly of large parcels for major industrial users.
3. Use Restrictions.
 - a. Industrially designated areas should be reserved for industrial and/or office park uses and should not be pre-empted by commercial or residential uses. This should be implemented through zoning or planned district regulations.
 - b. Auto dismantling, junk yards, outdoor open storage and recycling industries should be prohibited in the Southeastern San Diego community. Compliance with this restriction should be required within ten years of adoption of the applicable zoning regulations.

EXISTING

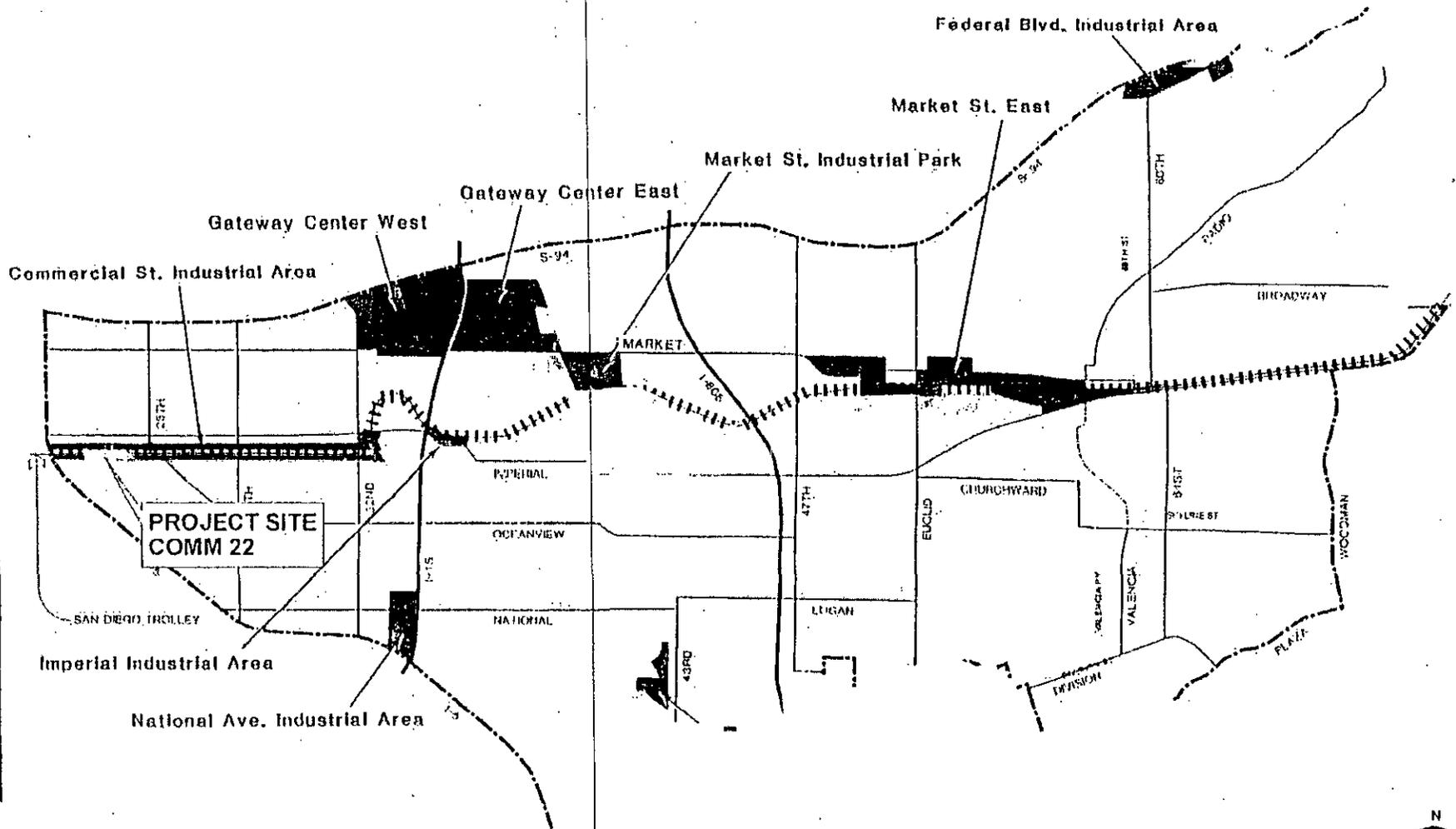
RECOMMENDED INDUSTRIAL DESIGNATIONS



SOUTHEASTERN SAN DIEGO
CITY OF SAN DIEGO - PLANNING DEPARTMENT

EXISTING
FIGURE 11

RECOMMENDED INDUSTRIAL DESIGNATIONS



During preparation for the arrival of the San Diego Trolley, many of the industrial developments along Commercial Street participated in a revitalization program which resulted in a general cleanup of the area. However, many of the properties remain in a state of disrepair and are in need of redevelopment.

Schools

The neighborhood has one elementary school, Burbank Elementary School, located on Evans Street between Irving Avenue and Julian Avenue. With an enrollment of over 600, the school has increased beyond district projections and now has plans for expansion. (See Public Facilities section.)

Logan Heights Objectives

1. Revitalize the commercial uses along Imperial Avenue and Commercial Street, improving building facades and landscaping.
2. Improve the appearance of Imperial Avenue, Commercial Street, and Oceanview Boulevard.
3. Rehabilitate the industrial uses along Commercial Street and increase the amount and quality of screening of industrial uses.
4. Preserve this community's well-maintained and historically significant residential units. Allow redevelopment on underutilized or poorly maintained lots, but preserve the area's development pattern of small houses along the street with additional units towards the rear of lots.

Logan Heights Recommendations

- A. Rezone both sides of Commercial Street to a light industrial zone that limits the range of uses permitted and requires aesthetic screening of all industrial uses, with the exception of the southern portion of Commercial Street between 21st Street and Harrison Avenue, which should be rezoned to CC-3-5.

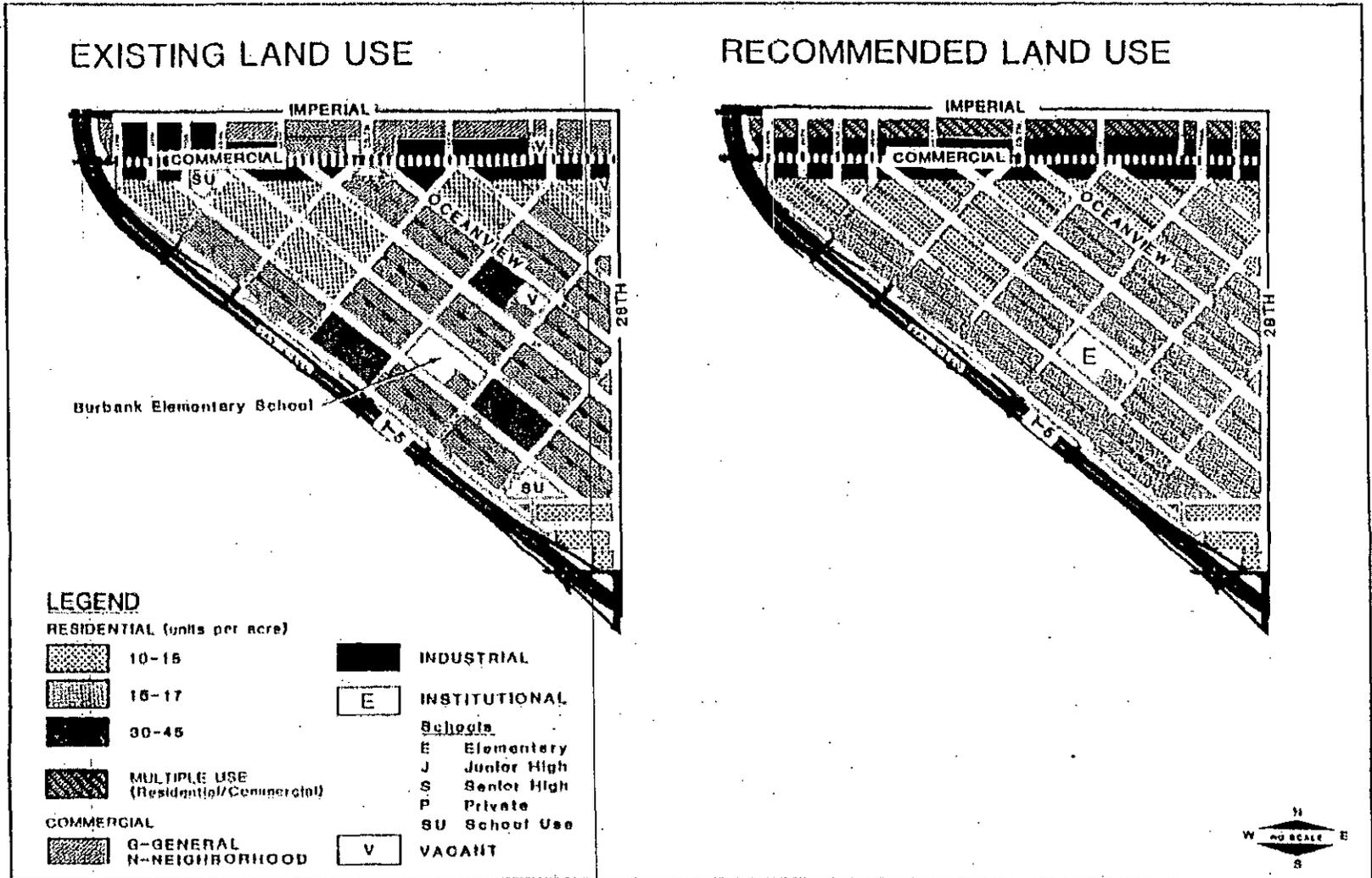
Commercial Street is presently occupied with industrial uses including auto dismantling facilities, heavy manufacturing, boat building, and outdoor storage. Although these uses play an important role of the economy of Southeastern San Diego, it is important that these uses not be offensive or in conflict with surrounding land uses. This plan recommends that Commercial Street be rezoned from the existing M-2 and M-1 zones to a light industry and service zone for uses such as small and incubator businesses, wholesaling and office space. The alley system should be used as much as possible for service and parking access, reducing conflict with the trolley. Development regulations should ensure that industrial uses are screened by walls or berms.

compatible private development. In the event that residential development is considered for the site, the density should be compatible with the density recommended in this plan (15-17 units per acre).

F. The low-medium density (10-17 dwelling units per net acre, MF-2500 and MF-3000 zones) multi-family portions of the neighborhood should be identified as "Special Character Multi-Family Neighborhoods" that would be protected with development standards recommended by the Urban Design Element.

G. Rezone the southern side of Commercial Street between 21st Street and Harrison Avenue to CC-3-5 to allow a mix of pedestrian-oriented, community serving commercial uses and high density residential uses. Revitalization efforts may incorporate mixed-use development with residential densities greater than 30 dwelling units per acre. Revitalization efforts should also incorporate transit oriented design to maximize the use of the existing trolley system.

EXISTING



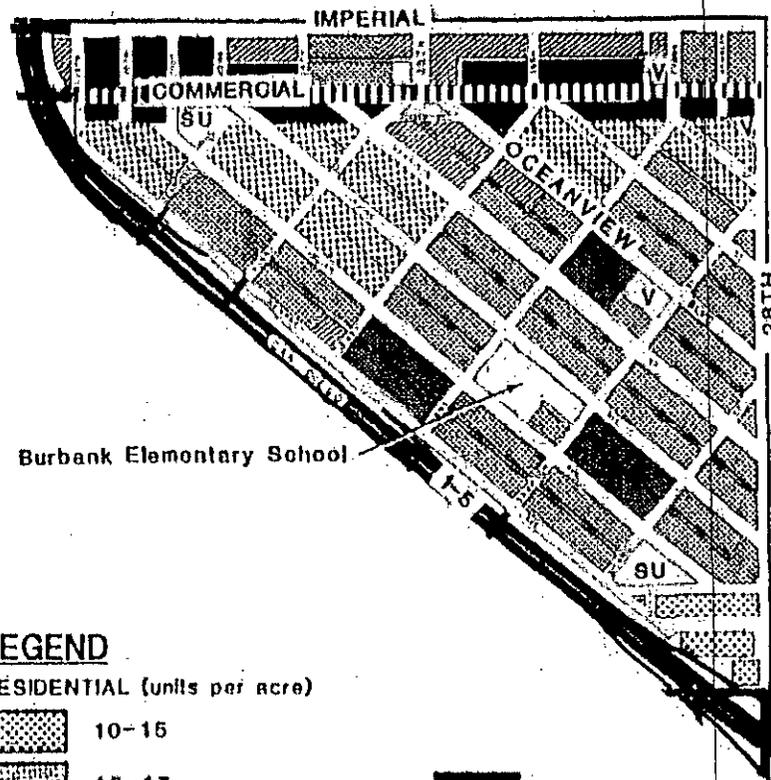
LOGAN HEIGHTS

SOUTHEASTERN SAN DIEGO

CITY OF SAN DIEGO · PLANNING DEPARTMENT

EXISTING
FIGURE 28

EXISTING LAND USE



LEGEND

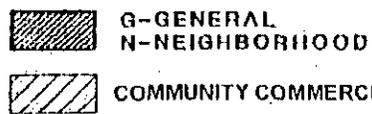
RESIDENTIAL (units per acre)



10-15
16-17
30-45

MULTIPLE USE
(Residential/Commercial)

COMMERCIAL



G-GENERAL
N-NEIGHBORHOOD

COMMUNITY COMMERCIAL



INDUSTRIAL



INSTITUTIONAL

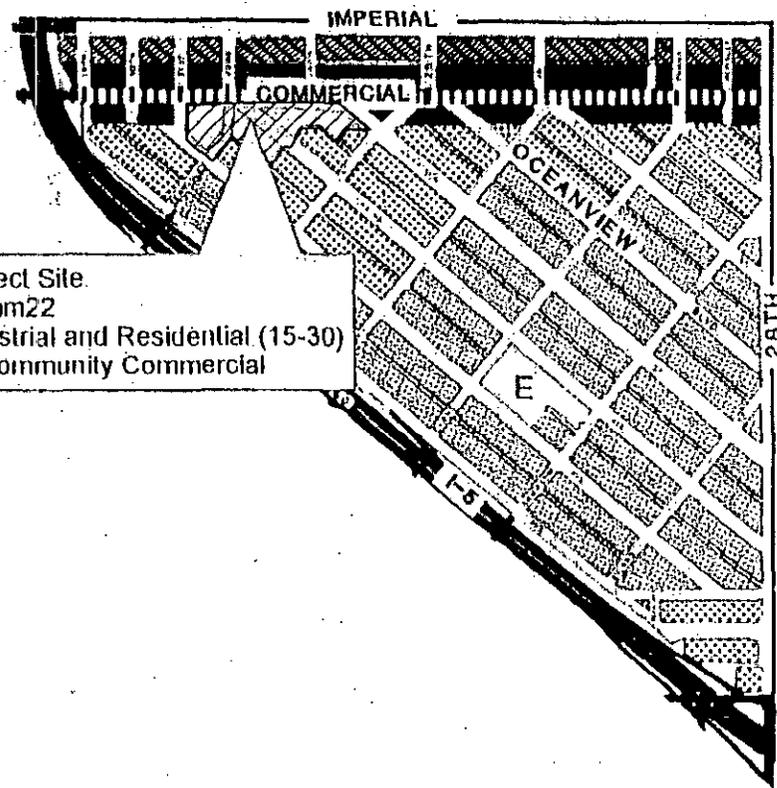
Schools

E Elementary
J Junior High
S Senior High
P Private
SU School Use



VACANT

RECOMMENDED LAND USE



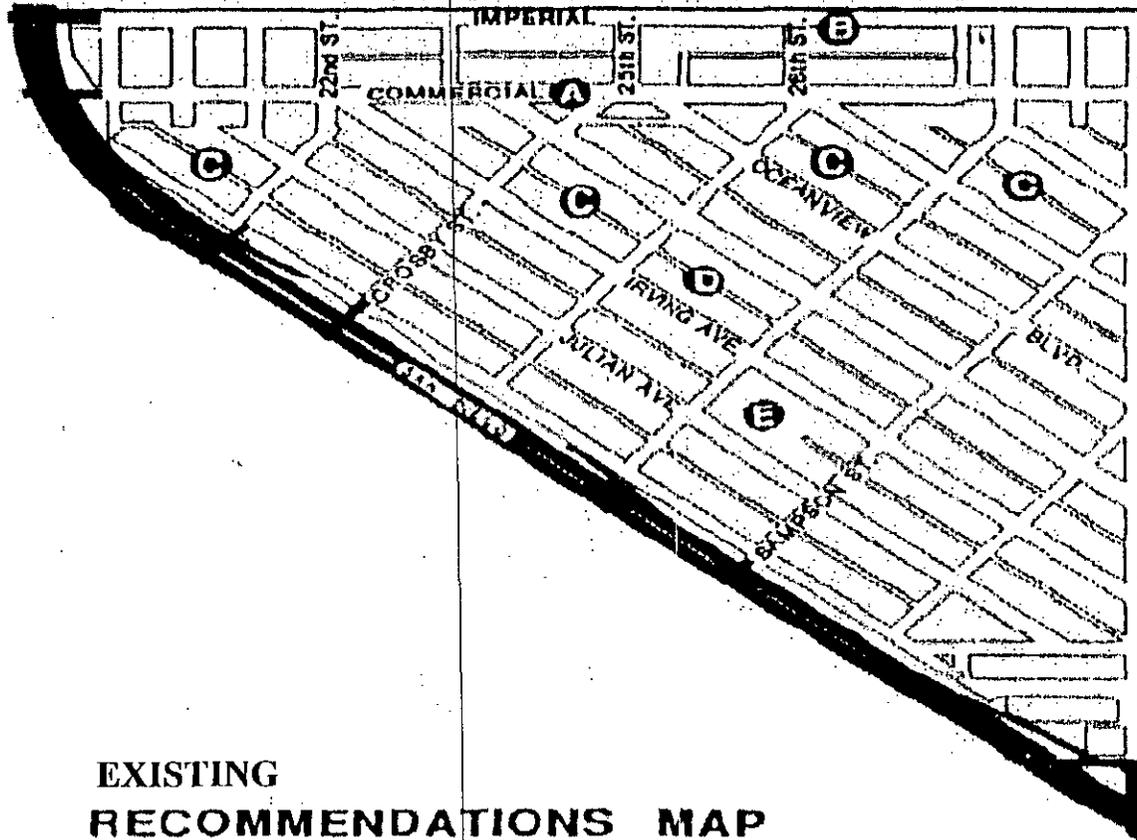
Project Site.
Comm22
Industrial and Residential (15-30)
to Community Commercial



LOGAN HEIGHTS

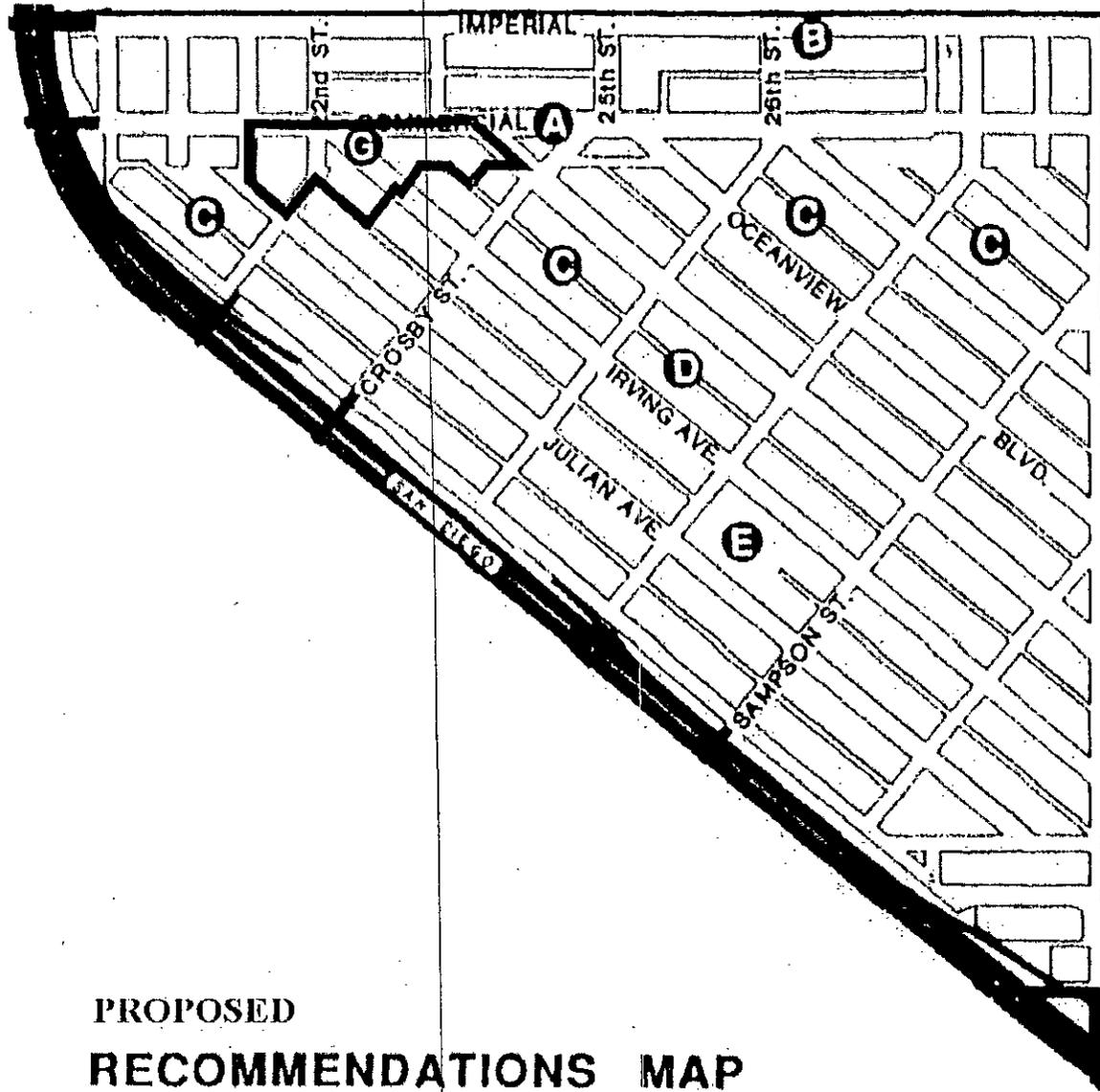
SOUTHEAST SAN DIEGO

CITY OF SAN DIEGO · PLANNING DEPARTMENT



EXISTING
RECOMMENDATIONS MAP

01 001 11 100 10



PROPOSED
RECOMMENDATIONS MAP



Land Development
Review Division
(619) 446-5460

**FINAL
Mitigated Negative Declaration**

Project No. 122002
SCH No. (PENDING)

SUBJECT: COMM 22. Community Plan Amendment to change the project site's land use designation as identified in the Southeastern San Diego Community Plan from Industrial and Residential to Community Commercial; a Rezone from SESDPD I-1 and SESDPD-MF-3000 to CC-3-5; Public Right of Way Vacation to vacate a portion of Irving Avenue and 22nd Street ; Easement Vacation to vacate drainage, sewer, and utility easements; and Vesting Tentative Map, Planned Development Permit, Conditional Use Permit, and a Site Development Permit to construct and allow uses for senior housing; a childcare facility, retail space; live/work quarters; and residential apartments and condominiums. The project is located on three sites along Commercial Street, between 21st Street and Harrison Avenue, within the Southeastern San Diego Community Plan and Transit Area. Applicant: COMM 22, LLC.

UPDATE: In response to comments received during the draft public review period, minor text revisions have been incorporated into the final document and are shown in a ~~strikeout~~/underline format. These clarifications do not affect the environmental analysis or conclusions of this document; new environmental impacts have not been identified as a result of these changes; and new mitigation measures would not be required. Therefore the clarifications to the document would not be considered substantial revisions under CEQA and recirculation of the environmental document would not be required in accordance with CEQA Section 15073.5(c)-Recirculation of a Negative Declaration prior to Adoption.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego has conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required.

- IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

- V. MITIGATION, MONITORING AND REPORTING PROGRAM:

GENERAL

1. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, the Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading *Environmental Requirements*: "COMM 22 project is subject to a Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, Paleontologist, Archaeologist, Historic Architect (when applicable), and the City's Mitigation Monitoring Coordination (MMC) Section.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or

Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night Work

- A. If night work is included in the contract
1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVR and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI.V. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:

- a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are **NOT** Native American
- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. Night Work

- A. If night work is included in the contract
- 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVSR and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HISTORICAL (ARCHITECTURE)

1. Prior to issuance of a demolition or building permit for Site A, as shown on the approved Exhibit A, the applicant/owner/permittee shall submit to the Assistant Deputy Director (ADD) of Land Development Review (LDR) Division detailed construction plans for Building 1A. The plans shall indicate and note that the building has been designed to be consistent with the Secretary of Interior Standards for the Treatment of Historic Properties and related Guidelines.

2. Prior to issuance of certificates of occupancy, the ADD of LDR or Environmental Analysis Section (EAS) staff shall verify through a site inspection that the exterior building rehabilitation is consistent with Exhibit A and complies with the Secretary of Interior Standards for the Treatment of Historic Properties and related Guidelines.

HUMAN HEALTH AND PUBLIC SAFETY (Hazardous Materials)

1. The Applicant/Owner/Permittee shall provide the Assistant Deputy Director (ADD)/Development Services Department (DSD), a copy of the Property Mitigation Plan (PMP), Health Risk Assessment (included in the PMP or may be a separate document), and any Monitoring reports provided to the County of San Diego Department of Environmental Health (DEH) in conjunction with the County's review through the Voluntary Assistance Program (VAP) and/or California Environmental Protection Agency (Cal EPA) Site Designation Process.

2. Prior to the foundation inspection approval for each building, or project phase, the Applicant/Owner/Permittee shall submit to the ADD of LDR, a Letter of Concurrence from the Administering Agency under the California EPA Site Designation Process confirming that the mitigation measures recommended in the PMP for the building(s), or project phase, have been implemented and that construction of the building(s), or project phase, can proceed. If further remedial action is required during construction activities, based on site assessment activities performed under the direction of the Administering Agency, specific measures shall be incorporated in the remedial action work plan to ensure human health and public safety issues are adequately addressed.

3. Prior to the final building inspection approval, the Applicant/Owner/Permittee shall submit to the ADD of LDR, the Property Closure Report (PCR) documenting environmental assessment and mitigation activities implemented under the PMP and a Letter of Concurrence from the Administering Agency under the California EPA Site Designation Process that the implementation of the PMP has been completed.

TRANSPORTATION/CIRCULATION

1. Prior to the issuance of any building permits, applicant shall assure by permit and bond restriping of Cesar Chavez Parkway with left turn pockets at each intersection from Commercial Street to Julian Avenue, satisfactory to the City Engineer.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

State Government

CALTRANS (31)
California Department of Fish and Game (32)

Cal EPA (37A)
Housing & Community Development Department (38)
Resources Agency (43)
California Regional Water Quality Control Board, Region 9 (44)
Department of Water Resources (45)
State Clearinghouse (46)
California Air Resources Board (49)
Native American Heritage Commission (56)
Office of Planning and Research (57)
California State Lands Commission (62)

County of San Diego
Air Pollution Control District (65)
Environmental Coordinator (68)
County Water Authority (73)
Environmental Health Services (74)
Department of Environmental Health (75)
Department of Environmental Health, Land and Water Division (76)

City of San Diego

Council District 8
LDR Planning, Billy Church (MS 501)
LDR Landscape, Jeff Oakley (MS 501)
Plan-Long Range, Myles Pomeroy (MS 4A)
Planning, Cathy Winterrowd (MS 4A)
LDR Engineering, Don Weston (MS 501)
LDR-Environmental, Ken Teasley (MS 501)
Development Project Manager, Jeff Peterson (MS 501)
Mitigation, Monitoring, and Coordination, Tony Gangitano (MS 77A)
Environmental Services Department (80)
City Attorney's Office
Library, Government Documents (81)
Point Loma Branch Library (81Z)
Historical Resources Board (87)
Mayor's Office (91)
Environmental Services, Ken Prue/Lisa Wood (93A)

Others

SANDAG (108)
San Diego Gas & Electric (114)
Metropolitan Transit Systems (115)
San Diego Unified School District, Tony Raso (125)
San Diego City Schools (132)
San Diego Chamber of Commerce (157)
Building Industry Association (158)
Community Planners Committee (194)
Southeast San Diego Organizing Project (447)
Southeast Economic Development Corporation (448)
Southeastern San Diego Planning Committee (449)
Central Imperial Redevelopment Project Area Committee (452)
Voice News & Viewpoint (453)

Jerry Schaefer, Ph.D. (209)
South Coastal Information Center @ San Diego State University (210)
San Diego Historical Society (211)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
San Diego County Archaeological Society (218)
Carmen Lucas (206)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-R)

VII. RESULTS OF PUBLIC REVIEW:

- No comments were received during the public input period.
- Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.


Kenneth Teasley, Senior Planner
Development Services Department

August 15, 2007
Date of Draft Report

September 19, 2007
Date of Final

Analyst: Jarque



San Diego County Archaeological Society, Inc.

Environmental Review Committee

4 September 2007

RESPONSE TO COMMENTS

San Diego County Archaeological Society
September 4, 2007

To: Ms. Anne B. Jarque
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Revised Draft Mitigated Negative Declaration
COMM 22
Project No. 122002

Dear Ms. Jarque:

I have reviewed the subject revised DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study for the project, we have the following comments:

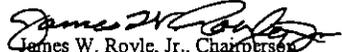
- 1) 1. SDCAS was not provided a copy of the historical assessment of the San Diego City Schools Warehouse structures. We therefore defer to the HRB staff's assessment of the historical assessment, which is not clearly conveyed in the DMND. Likewise, the DMND does not clearly indicate whether the HRB staff and HRB Design Assistance Subcommittee agree that the proposed modifications of historically-significant structures are in accordance with the Secretary of the Interior's Standards.
- 2) 2. The DMND does not appear to address the assessment of the existing structures on the other two sites.
- 3) 3. Regarding archaeological resources, the circumstances and location of this project suggest that the project archaeologist should investigate historical land use throughout the three parcels, to identify locations of particular (but not exclusive) concern and to help interpret what is found. This is research that should have been required and completed earlier, so that the results could be included as part of the public review. The resources to be checked include, but are not necessarily limited to, Sanborn maps, assessor's records, aerial photographs, and the San Diego Historical Society archives. The project archaeologist may identify areas of particular concern that
 - 1) City staff concurred with the conclusions of *Historical Assessment of the San Diego City Schools Warehouse Buildings* (Kathleen Crawford, M.A., April 2006) which identified the warehouse building (Building 1A) to be potentially significant whereas the other buildings were determined to be not significant under CEQA. Staff did not evaluate the buildings' significance in compliance with the Historical Resources Board (HRB) Criteria since the properties are owned by a State agency (San Diego Unified School District) and therefore the City would not have jurisdiction over its designation or be subject to the HRB Criteria. Staff determined that the conceptual modifications to the building as shown the Exhibit A would conform to the Secretary of Interior's Standard. As described in the Historical (Architecture) Mitigation Monitoring and Reporting Program (MMRP), the applicant is required to submit detailed construction plans for Building 1A, prior to any demolition or construction permit, which will be verified by staff to assure that the proposed modifications are consistent with the Standards.
 - 2) An evaluation of the built environment on Sites B and C were not required because they are currently vacant and undeveloped.

3 cont.)

could be tested prior to major demolition and construction activities, thereby allowing efforts that are less rushed and less likely to be disruptive of the project's timeline. It would also allow study of a more intact resource rather than one that has already been damaged by development activities before such studies can begin.

Thank you for providing this environmental document to SDCAS for our review and comments.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

RESPONSE TO COMMENTS

*San Diego County Archaeological Society
September 4, 2007*

- 3) A Phase I and a Phase II Site Assessment (SCS Engineers) were prepared for all three sites and historical uses were described in said reports and discussed in the environmental document under the Human Health and Public Safety (Hazardous Materials) Initial Study discussion. Since an archaeological survey was not feasible for the site; specific measures in the Mitigation, Monitoring, and Reporting Program (MMRP) would require the approved archaeological consultant to conduct a site specific records search (1/4 mile radius) to capture any new sites recorded since the original records search and survey, prior to the preconstruction meeting. The archaeological consultant would also have the opportunity to review the above mentioned Phase I and Phase II Site Assessments, geotechnical soil boring logs, and final engineering /construction drawings to further define the areas requiring monitoring. The archaeologist would then have the opportunity to provide input and identify areas of particular concern at the project's preconstruction meeting before any demolition and/or construction activities begin. Therefore, implementation of the archaeological monitoring program identified in Section V of the Mitigated Negative Declaration, would reduce potential historical resource impacts to below a level of significance.

NATIVE AMERICAN HERITAGE COMMISSION

115 CAPITOL MALL, ROOM 304
 SACRAMENTO, CA 95814
 (916) 833-8251
 Fax: (916) 837-5890
 Web site: www.nahc.ca.gov
 e-mail: de_nahc@pacbell.net



September 6, 2007

Ms. Anne B. Jarque, Environmental Planner

CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

1222 First Avenue, MS 501
 San Diego, CA 92101

Re: SCH#2007081100: CEQA Notice of Completion: Negative Declaration for Project No. 122002 COMM22: Community Plan Amendment (Industrial to Residential): Southeastern San Diego County, California

Dear Ms. Jarque:

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(6). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- 1) ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/853-7278)/ <http://www.ohp.parks.ca.gov/1068/files/1C%20Roster.pdf>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- 2) ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- 3) ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
- 4) • The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APC). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- 5) ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- 6) ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave items.

RESPONSE TO COMMENTS

Native American Heritage Commission
 September 6, 2007

- 1) Site A is currently developed with three buildings and associated ancillary structures that were built between ca. 1910-1958. Site B and Site C are currently undeveloped but were previously used as a maintenance and storage yard. The current project would remove approximately 56,312 cubic yards (CY) of soil at varying depths of cut to prepare the site for the proposed development.

A record search of the California Historic Resources Information System (CHRIS) digital database maintained provided to the City of San Diego under the South Coastal Information Center (SCIC) CHRIS Partnership Agreement was reviewed to determine presence or absence of potential resources within the project site and a one mile radius. No on-site archaeological resources were identified. However, several sites were identified within a one mile radius to the north and south of the project site. Because a portion of the project site is undeveloped and surrounded by urban development the project area was surveyed by qualified City staff in June 2007 in order to visually inspect for any surface component or archaeological resources.

The entire project site was surveyed, achieving 100% visibility on all lots except Site A, but did not result in the identification of resources within the project site. However, because there is still a potential for historic and/or prehistoric resources to be encountered during ground disturbing activities on this site, monitoring is required during removal of existing buildings, etc. and during all grading and excavation activities for the proposed project. In addition, prior to the preconstruction meeting, the approved archaeological consultant would conduct a site specific records search (1/4 mile radius) to capture any new sites recorded since the original records search and survey. The archaeological consultant would also have the opportunity to review the Phase I and Phase II Site Assessments, geotechnical soil boring logs, and final engineering /construction drawings to further define the areas requiring monitoring. Therefore, implementation of the archaeological monitoring program identified in Section V of the Mitigated Negative Declaration, would reduce potential historical resource impacts to below a level of significance.

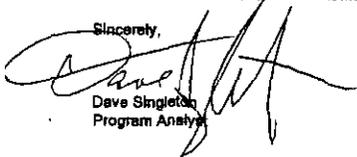
RESPONSE TO COMMENTS

*Native American Heritage Commission
September 6, 2007*

- 6 cont.) ✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,


Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

- 2) No resources were encountered therefore, no formal inventory was required.
- 3) EAS staff has contacted the Dave Singleton, Program Analyst (NAHC) for a Sacred Lands File search.
- 4) The City recently updated its archaeological monitoring program to include the requirement for Native American participation in all phases of the mitigation program. A Native American monitor will be required during ground disturbing activities based on the Archaeological Monitoring Exhibit presented during the preconstruction meeting. The duration of Native American monitoring will be at their discretion. Notices were mailed to all native groups in San Diego and no comments were received.
- 5) See response to comment Nos. 1 and 2.
- 6) Section IV of the Archaeology MMRP specifically addresses protocol for discovery of human remains during construction in accordance with the California Health & Safety code as referenced.

DSDEAS DSDEAS - ATTEN A. B. Jarque re COMM 22 Proj 122002

From: "Reynaldo PISAÑO" <rpisano5@cox.net>
To: "Development Services Center" <DSDEAS@san Diego.gov>
Date: Wednesday, September 12, 2007 9:14 PM
Subject: ATTEN A. B. Jarque re COMM 22 Proj 122002
CC: "Myles Pomeroy" <MPomeroy@san Diego.gov>, "Steve Veach" <SVeach80@aol.com>

RESPONSE TO COMMENTS

(This page was intentionally left blank)

Anne:
Please see the attached are the comments on the Migated Negative Declaration and Initial Study for the above captioned project.

This is an excerpt of the minutes for the Planning Group Meeting of Sept. 10, 2007.

Reynaldo PISAÑO, Vice Chair
Southeastern San Diego Planning Group

cc: Steve Veach, Chair
Myles Pomeroy, City Planning & Community Investment Department

RESPONSE TO COMMENTS

Excerpt from Southeastern San Diego Planning Group Minutes for Monday, September 10, 2007:

COMM 22, Project No. 122002

Comments on Environmental Document Revised Draft Neg. Dec.

- 1) 1. Pages on 13-page Cover Letter should be numbered.
- 2) 2. Item V is missing, it goes from IV to VI.
- 3) 3. There is duplication in Cover Letter which needs to be corrected, i.e., III and IV.
- 4) 4. Item II under this item we recommend signage on site in English and Spanish at multiple locations with a 24/7 telephone number for complaints including Health and Safety impacts such as dust, noise and air pollution. indicates that the site is adjacent to residential homes. A response must be given within 72 hours, preferably in 24 hours. Construction should be discouraged during the night to avoid disturbing the neighbors.
- 5) 5. Initial Study - Page 2, 3rd Paragraph, the number of Deviations should be stated. Is it 11 Deviations? It is suggested that a map showing the deviations on the site be added for clarity.
- 6) 6. Page 6, 3rd Paragraph, 2nd Sentence, Due to lack of a letter commitment from a Bank to be constructed on the east end, should not be referenced. This area should be left as retail.
- 7) 7. Page 10, 1st Paragraph, regarding parking: Are the 38 additional parking spaces above what is required, sufficient for visitors and retail?
- 8) 8. Page 12, 6th Paragraph, 50 years and 100 year predicted calculations are referenced. Why are the possible 500-year floods planes calculations are not showing?
- 9) 9. Page 13, "Noise", 2nd Paragraph, what are the accumulative health impacts of 60dB(A) CEL?
- 10) 10. Page 7, "Health", Initial Study does not address accumulative impacts on health caused by air pollution, especially when there are vehicles that do not comply with CA and Federal emissions standards.
- 11) 11. Environmental Study falls to address safety issues of narrow alleys and lack of street lights on those alleys, recommendations:
- 12) 12. Widen the alleys that border the proposed development as they will be used as Ingress and egress for new residents as well as existing residents, thus avoiding backing-into adjacent property fences. It is further noted that high-pressure, 150-watt white lights should be installed on each end and the middle of each alley referenced above.
- 13) 13. Initial Study Check List: Page 1, items 2 & 3 are questioned as to being compatible when adjacent surrounding residential homes are single story with some 2-story. Where the proposed development is 4-stories in heights, Project lacks adequate transition buffer such as landscaping for bulk, scale and height. Those items should be checked "yes".
- 14) 14. Item 4, the answer should be "yes"- referencing response to the above items 2 & 3.
- 15) 15. Page 13, item 2-0, for the children, there should be a basketball/volleyball court on site.
- 16) 16. Page 15, "Mandatory Findings of Significance", response should be "yes", air quality accumulative impacts are not stated and they should be although they are below the threshold. Also, noise accumulative impacts on health should be stated although they are below the threshold.

*Comment letter from Reynaldo Pisaño, Vice Chair,
Southeastern San Diego Planning Group
September 12, 2007*

*Excerpt from Southeastern San Diego Planning Group Minutes for
Monday, September 10, 2007*

- 1) Final MND pages have been numbered.
- 2) Section VI of the Paleontological MMRP has been renumbered to V.
- 3) Per telephone conversation with Reynaldo Pisaño on September 18, 2007, comment is noted. No response is necessary.
- 4) During any construction activity, the developer is required to comply with standard construction practices and regulations pertaining to noise (SDMC Section 59.5.0404 and 142.7020), air quality/dust (SDMC Section 142.0710), and hours of work (restricted from 7:00 PM to 7:00 AM, Sundays, and some holidays). Construction noise levels can not exceed 75 dB within a 12-hour period (7:00 AM to 7:00 PM) at or beyond any property line(s) zoned residential. In addition, air contaminants that endanger human health or cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminant is located. Typically to prevent dust and other air borne contaminants leaving a construction site, standard operating procedures such as watering and covering materials are implemented to control dust. Therefore, complaints should be directed to the City's Neighborhood Code Compliance Department (NCCD) at (619) 236-5500. The developer would be permitted to post appropriate signs or notices at the construction site with a contact name and number, in addition to listing the City's NCCD number, for any complaints or concerns the surrounding residents may have.
- 5) The 10 deviations were stated on page 2 of the Initial Study and are listed on the Title Sheet (T-1) of the Exhibit A, which is available for public review at the Development Services Department. Staff had originally reduced the sheet to 11 inches x 17 inches to be included as a figure in the environmental document to illustrate the deviations; however the print was not legible. The deviations requested, as shown on Exhibit A and a detailed description of why the deviations are necessary are included in a Deviations Request Form submitted by the applicant and is briefly summarized below:
 1. Request to deviate from Landscape Regulations Table 142.04D to allow less than one tree within 30 feet of each parking space along the alley on the southwestern side of Site B because of a SDG&E Easement in this area.
 2. Request to deviate from the Landscape Regulations, LDC Section 142.0409 to allow unconventional tree spacing along the western portion of Commercial Street to preserve the historic building characteristics. To offset the tree spacing deficiency, the applicant has incorporated enhanced planning in other areas of the project site.

RESPONSE TO COMMENTS

(Reference previous page(s) for comment letter)

*Comment letter from Reynaldo Pisaño, Vice Chair,
Southeastern San Diego Planning Group
September 12, 2007
Excerpt from Southeastern San Diego Planning Group Minutes for
Monday, September 10, 2007*

- 3. Request to deviate from LDC Section 131.0531 and Table 131-085E to develop to the residential density permitted by the land use plan (30-74 du/acre) versus the proposed underlying zone (CC-3-5) which allows 1 du/1,500 square feet of lot area. The deviation is necessary to provide an optimum number of affordable housing units on the project site.*
- 4. Request to deviate from LDC Section 131.0540(c) to allow residential use and residential parking on the ground floor in the front 30 feet of the lot where these uses are prohibited to maximize the use of the land to produce an optimum number of units.*
- 5. Request to deviate from LDC Section 131.0531 and Table 131-05E to provide a maximum front setback of 15 feet where the maximum front setback in the CC-3-5 zone is 10 feet. This deviation is necessary to accommodate a drainage easement along the Commercial Street frontage.*
- 6. Request to deviate from LDC Section 131.054(B) and Table 131-05E to allow a five-foot side setback and a six-foot rear setback where the code requires the structure to be placed at the property line or shall be set back at least 10 feet. The deviation to the side and rear setbacks is necessary to provide public improvements such as sewer and drainage easements, while achieving a suitable residential density on-site.*
- 7. Request to deviate from LDC Section 131.0552 to allow less than 50 percent of the street wall between three feet and 10 feet above the sidewalk to be transparent to allow garage areas for on-site parking to be above the sidewalk.*
- 8. Request to deviate from LDC Section 131.0554 and Table 131-05F to allow zero to four offsetting planes on building facades fronting the public right-of-way where a minimum of six offsetting planes per building façade is required. The applicant would create the appearance of building articulation through the use of appropriate colors and materials.*
- 9. Request to deviate from LDC Section 132.0905 to allow tandem parking to be counting as two parking spaces within the project site to allow the project to achieve optimal density and create open space areas and courtyards rather than parking spaces.*

RESPONSE TO COMMENTS

(Reference previous page(s) for comment letter)

*Comment letter from Reynaldo Pisaño, Vice Chair,
Southeastern San Diego Planning Group
September 12, 2007*

*Excerpt from Southeastern San Diego Planning Group Minutes for
Monday, September 10, 2007*

10. Request to deviate from Street Design Manual to allow non-standard driveways where 1) the private drive meets Irving Street; 2) the private drive meets the eastern alley; and 3) the proposed driveway to the subterranean garage is located on 2nd Street.

- 6) The conceptual plans, to be stamped Exhibit A when the project is approved, illustrates a portion of Building 1A to be used as a bank, as shown on Figure 8 of the Initial Study attachments. The document has been revised to indicate a retail use instead.
- 7) The additional 38 parking spaces provided should be adequate for visitors and additional retail/commercial users since the proposed project already meets and exceeds the parking requirements for the proposed uses per the San Diego Municipal Code.
- 8) In designing a storm water drainage system, the Federal Emergency Management Agency (FEMA) and the City of San Diego do not require a drainage analysis for a 500-year flood event. The frequency (0.2% in one year or once every 500 years) at which -or- the likelihood that any drainage system can accommodate a 500-year storm event is extremely low. Standard storm water and drainage system designs are typically calculated and analyzed to accommodate a 50-year and/or a 100-year storm event, which were provided.
- 9) Noise levels compatible with a person's life, health and enjoyment of property are regulated by Local, State and Federal regulations, including the City of San Diego Progress Guide and General Plan, City Noise Abatement and Control Ordinance, California Noise Insulation Standards (Title 24), the State Public Utilities Code regulating airport, and other regulations. Direct and/or indirect noise impacts should be evaluated in relation to applicable City standards, particularly the City of San Diego Progress Guide and General Plan (Transportation Element). The Progress Guide and General Plan's standard and significance threshold for potential direct/indirect noise impacts from traffic to exterior usable for multi-family residential units is 65 dB(A) CNEL, and 75 dB(A) CNEL for retail and commercial uses. Interior noise impacts for multi-family residential are regulated by the California Noise Insulation Standards (Title 24). Since the acoustical analysis did not exceed the noise standard/threshold identified above, a significant impact related to noise would not be identified and the noise level measured at 60dB(A) would be compatible with the proposed residential, senior housing, day-care facilities, and retail/commercial uses on-site. Therefore no further analysis to determine a cumulative health impact at 60 dB(A) CNEL would be necessary.

RESPONSE TO COMMENTS

(Reference previous page(s) for comment letter)

*Comment letter from Reynaldo Pisaño, Vice Chair,
Southeastern San Diego Planning Group
September 12, 2007
Excerpt from Southeaster San Diego Planning Group Minutes for
Monday, September 10, 2007*

- 10) Based on the site's location, the proposed number of units, and the forecasted Average Daily Trips (ADTs), the project would not meet the thresholds to warrant an air quality study or health risk assessment for a CO₂ hotspot analysis related to car emissions generated from the development. There is no substantial evidence in light of the whole record to determine that the project would generate a significant amount of air pollution that would violate any air quality standard and conflict or obstruct the implementation of the San Diego Air Pollution Control District (SDAPCD) regulatory and attainment standards.
- 11) The width of the alleys, which is 20 feet wide, is adequate and consistent with City of San Diego Street Design Manual requirement.
- 12) See Response to Comment No. 11. As a condition of the permit, this project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

13. In coordination with Long-Range Planning staff, EAS determined that proposed project would be compatible with the surrounding area. The project would be consistent with the Southeastern San Diego Community Plan with the approval of the Community Plan Amendment and Rezone. The site which provides a mixed-use development would serve as a transition from the residential development to the south to the commercial, retail, and industrial uses to the north along Commercial Street and Imperial Avenue. The project would build residential units adjacent to existing residential structures along Julian and Beardsley Streets and just north of an existing alley between Julian Street and a planned vacation of a portion of Irving Avenue. The maximum height of the buildings would be approximately 43 feet, where 100 feet is allowed in the proposed rezone. The project would control the bulk and scale of the buildings by breaking building facades into smaller scale visual components (colors and materials) and vary the exterior facades by incorporating balconies and ground level and upper story setbacks. In addition, the project proposes adequate landscape and hardscape improving the visual and physical character of the neighborhood by providing well designed storefronts with residential townhouse style units on top, on a site that has long been vacant and underutilized.

(Reference previous page(s) for comment letter)

RESPONSE TO COMMENTS

*Comment letter from Reynaldo Pisaño, Vice Chair,
Southeastern San Diego Planning Group
September 12, 2007*

*Excerpt from Southeastern San Diego Planning Group Minutes for
Monday, September 10, 2007*

- 10) Based on the site's location, the proposed number of units, and the forecasted Average Daily Trips (ADTs), the project would not meet the thresholds to warrant an air quality study or health risk assessment for a CO₂ hotspot analysis related to car emissions generated from the development. There is no substantial evidence in light of the whole record to determine that the project would generate a significant amount of air pollution that would violate any air quality standard and conflict or obstruct the implementation of the San Diego Air Pollution Control District (SDAPCD) regulatory and attainment standards.
- 11) The width of the alleys, which is 20 feet wide, is adequate and consistent with City of San Diego Street Design Manual requirement.
- 12) See Response to Comment No. 11. As a condition of the permit, this project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
- 13) In coordination with Long-Range Planning staff, EAS City staff determined that proposed project would be compatible with the surrounding area. The project would be consistent with the Southeastern San Diego Community Plan with the approval of the Community Plan Amendment and Rezone. The site which provides a mixed-use development would serve as a transition from the residential development to the south to the commercial, retail, and industrial uses to the north along Commercial Street and Imperial Avenue. The project would build residential units adjacent to existing residential structures along Julian and Beardsley Streets and just north of an existing alley between Julian Street and a planned vacation of a portion of Irving Avenue. The maximum height of the buildings would be approximately 43 feet, where 100 feet is allowed in the proposed rezone. The project would control the bulk and scale of the buildings by breaking building facades into smaller scale visual components through the use of colors and materials and vary the exterior facades by incorporating balconies and ground level and upper story setbacks. In addition, the project proposes adequate landscape and hardscape, improving the visual and physical character of the neighborhood by providing well designed storefronts with residential townhouse-style units on top, on a site that has long been vacant and underutilized.

RESPONSE TO COMMENTS

(Reference previous page(s) for comment letter)

*Comment letter from Reynaldo Pisaño, Vice Chair,
Southeastern San Diego Planning Group
September 12, 2007
Excerpt from Southeaster San Diego Planning Group Minutes for
Monday, September 10, 2007*

- 14) In coordination with Long-Range Planning staff, staff determined that the proposed project would be compatible with the surrounding neighborhood, and therefore the project as proposed would not create a potentially significant environmental impact. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.
- 15) City of San Diego Park and Recreational Department staff reviewed the project and determined that the project's population-based park and recreation requirements could be satisfied through payment of the approved Developer Impact Fees (DIF) at time of building permit issuance.
- 16) See response No. 10.

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

RESPONSE TO COMMENTS

Public Utilities Commission
September 15, 2006

September 15, 2006

Anne Jarque
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Ms. Jarque:

Re: SCH# 2007081100; COMM 22

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission is in receipt a copy of the *Notice of Completion & Environmental Document Transmittal- Neg Dec* from the State Clearing House. Commission staff is concerned that the project will cause an increase in congestion at the nearby highway-rail grade crossing along Commercial Street. The San Diego Metropolitan Transit Trolley line runs along Commercial Street which operates during day time hours and freight service operates during night time hours.

1. The City of San Diego should arrange a meeting with the Commission's Rail Crossings Engineering Section, and San Diego Metropolitan Transit (SDMT) to discuss relevant safety issues and, if necessary, file a GO88-B request for authority to modify an at-grade crossing. Before the scheduled diagnostic meeting, Commission staff would like to review the Traffic Impact Study for the project.

If you have any questions, please contact Varouj Jinbachian, Senior Utilities Engineer at 213-576-7081, vsj@cpuc.ca.gov, or me at rxm@cpuc.ca.gov, 213-576-7078.

Sincerely,

Rosa Mages, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Nancy Dock, San Diego Trolley Company

- 1) Prior to the start of construction the developer would be required to contact and coordinate with Tim Allison, Right-of-Way Manager, (or other representative) with San Diego Metropolitan Transit System (MTS). A copy of the Traffic Impact Study will be sent to the Commission with the final MND.

City of San Diego
Development Services Department
Entitlements Division
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
Project No. 122002

SUBJECT: COMM 22. Community Plan Amendment to change the project site's land use designation as identified in the Southeastern San Diego Community Plan from Industrial and Residential to Community Commercial; a Rezone from SESDPD I-1 and SESDPD-MF-3000 to CC-3-5; Public Right of Way Vacation to vacate a portion of Irving Avenue and 22nd Street ; Easement Vacation to vacate drainage, sewer, and utility easements; and Vesting Tentative Map, Planned Development Permit, Conditional Use Permit, and a Site Development Permit to construct and allow uses for senior housing; a childcare facility, retail space; live/work quarters; and residential apartments and condominiums. The project is located on three sites along Commercial Street, between 21st Street and Harrison Avenue, within the Southeastern San Diego Community Plan and Transit Area. Applicant: COMM 22, LLC.

UPDATE: **In response to comments received during the draft public review period, minor text revisions have been incorporated into the final document and are shown in a ~~strikeout~~/underline format. These clarifications do not affect the environmental analysis or conclusions of this document; new environmental impacts have not been identified as a result of these changes; and new mitigation measures would not be required. Therefore the clarifications to the document would not be considered substantial revisions under CEQA and recirculation of the environmental document would not be required in accordance with CEQA Section 15073.5(c)-Recirculation of a Negative Declaration prior to Adoption.**

I. PURPOSE AND MAIN FEATURES:

The proposed development, to be considered by the City Council (Process 5) would require a Community Plan Amendment (CPA) and Rezone to change the underlying zone specific to the Southeastern San Diego Planned District (SESDPD) of SESDPD-I-1 and SESDPD-MF-3000 to a City wide zone of CC-3-5 (community commercial) on three separate site areas. A Conditional Use Permit, Planned Development Permit, and Site Development Permit (SDP) would be required to construct 70 senior housing units, childcare facility, ~~bank~~ retail use, office space, 11 studio apartments and 42 27 live/work quarters on Site A; 127 residential apartments and retail space on Site B; and 17 condominiums on Site C as described in Table 1 below. A Vesting Tentative Map (VTM) would be required to sell the condominiums for private ownership and consolidate parcels to seven lots. In addition, a Public Right of Way (ROW) Vacation to vacate a portion of Irving Avenue and 22nd Street would be required to acquire portions of the street for development. An Easement Vacation would be required to vacate portions of existing drainage, sewer, and utility easements on Site B and Site C. (Figure 4) The approximate 4.58 acre project site is located along Commercial Street between 21st Street and Harrison Avenue within the Southeastern San Diego Community Planning area. (Figure 1 and 2)

**Table 1
Development Summary**

Site	Location	Lot Size (square feet)	Building Development	Anticipated Use
A	Commercial, 21 st , Julian Avenue, Beardsley, and 22 nd Streets.	25,625	Building 1 and 1A (existing warehouse and addition); four-stories; one level underground garage	Senior housing, childcare facility, bank retail, office space, live/work quarters
B	Commercial, 22 nd , Irving Avenue	106,342	Building 2a-2d and 3a-3b, four stories; 2 levels of underground garage)	Multi-family mixed use; apartments, retail (MAAC office and coffee shop, postal services, and health services)
C	Commercial and Harrison Avenue	25,223	Building 4 (three stories over garage)	For-sale condominiums; home occupation; small retail/commercial

The project would provide access to the site from proposed driveways on the surrounding streets. Parking would be available on-site within subterranean garages and attached garages for the condominiums as shown in Table 2 below:

**Table 2
Parking Summary**

Building/Site	Total Units	Parking Required	Parking Provided	Parking Notes
Bldg 1 / Site A	70	85	59	Additional parking provided on Site B
Bldg 1A / Site A	38	86	0	86 stall provided on Site B
Bldg 2 and 3 / Site B	127	243	393	112 stall included for Site A
Bldg 4 / Site C	17	33	33	
TOTAL	252	447	485	(485-447) = 38 spaces (to be allocated towards Visitor parking)

The development proposes to provide affordable housing ~~that would self-generate at least 50 percent of their electrical energy needs through photovoltaic technology (solar panels)~~ and qualifies as an Affordable Housing/Sustainable Building project under Council Policies 900-14 and 600-27. The proposed project would be required to comply with the existing solid waste management space allocation ordinance and the San Diego Municipal Code Refuse and Recycle Materials Storage Regulations Section 142.0801.

The applicant requests several deviations to the landscape regulations (Table 475-04D, LDC 142.0409), residential density requirements (LDC 131.0531, Table 131-05E), ground floor restrictions (LDC 131.0540(c)), maximum front setback (LDC 131.0531, Table 131-05E), minimum side and rear setbacks (LDC Section 131.054(b), Table 131-05E), street wall transparency requirements (LDC 131.0552), building articulation (LDC 131.0554, Table 131-05F), Tandem Parking (LDC 132.0905) and driveways (Street Design Manual).

Approximately 4.35 acres of the 4.58 acres site would be graded to remediate the site and remove underlying hazardous materials/soils and burn ash to prepare the site for development. (Figure 3) Approximately 56,312 cubic yards (CY) of soil cut at varying cut depths would be proposed. Approximately 84% of the soil cut, or 47,520 CY would be considered regulated waste and 1,000 CY would be considered California Hazardous Waste, to be transported and

disposed of at appropriately permitted disposal facilities. It is anticipated that the proposed grading for the development would encompass and remediate the underlying soil conditions for the site.

Proposed landscaping for the entire site would include trees such as Tipu Tree and Jacaranda; planted pots and shrubs such as Crape Myrtle and Coast Agave; and groundcover such as Trailing Lantana and Star Jasmine. An existing retaining wall with a proposed five-foot wood-panel fence along the southeast property line of Site B (adjacent to existing residences) would be screened with vines such as Creeping Fig and Trumpet Vine.

II. ENVIRONMENTAL SETTING:

The proposed development would be located on three sites along Commercial Street, between 21st Street and Harrison Avenue within the Logan Heights Neighborhood of the Southeastern San Diego planning area (Figure 2). Site A is hexagonal in shape and bounded by Commercial Street to the north, 22nd Street to the east, Beardsley Street to the southeast, Julian Avenue to the southwest, and 21st Street to the west. (Figure 5) Site B would encompass two existing lots in addition to the land acquired by the vacation of Irving Street. (Figure 11) Site B is bounded by Commercial Street to the north, Site C directly east, a proposed alleyway along the southeast and southwest property lines, and 22nd Street to the west. Irving Avenue (a portion to be vacated) still provides access to residential development to the southwest, but will terminate at Site B with continued access to Commercial Street from a proposed alleyway. Directly west of Site B is Site C, which is bounded by Commercial Street to the north, Harrison Avenue to the northeast, residences to southeast, and a proposed alleyway to the southwest. (Figure 15) The Metropolitan Transit System (MTS) trolley line runs along Commercial Street adjacent to the proposed development.

All three sites are split zoned with the northern portion along Commercial Street zoned SESDPD-I-1 and the southern portion of the lots zoned SESDSP-MF-3000. The Southeastern San Diego Community Plan designates the I-1 portion of the site for Industrial uses along the Commercial Street corridor and the MF-3000 portion of the site for multi-family residential uses (low-medium density, 10-15 dwelling units per net acre). The zoning and land uses in the surrounding area are the same SESDSP-I-1 and Industrial uses to the north and SESDSP-MF-3000 and SESDSP-MF-2500 to the south. The project proposes to rezone these lots to a City-wide (versus Planned District) zone CC-3-5 to allow a mixed-use (commercial and residential) development. A deviation to the residential density allowed under the CC-3-5 zone would also be required to accommodate the number proposed residential and affordable units. The CC-3-5 zone allows a maximum residential density of one unit per 1,500 square feet or 29 units per acre whereas the Southeastern San Diego Community Plan allows for a density range of 30-74 units per acre. Therefore the deviation requested to the density requirements under the CC-3-5 would be consistent with the land use plan and not with the proposed rezone.

The property is currently owned by the San Diego Unified School District, which was previously used as the District's warehouse, maintenance, and storage yard. Site B and C are currently undeveloped and Site A currently contains several vacant warehouse buildings that would be demolished to prepare the site for the proposed development; except for the warehouse building at the corner of 21st and Commercial which is considered historically significant under the California Environmental Quality Act (CEQA). The warehouse building would be converted to live/work quarters with an addition to the east that would be in conformance with the Secretary of Interior Standards for Rehabilitation of Historic Structures. Although the land would still be owned by the school district; the property would be leased and developed by private entities.

The project site has been previously graded and developed with various school-district related industrial uses such as a maintenance yard, storage yard, and warehouse facility. The elevation of the site is relatively flat with approximate elevations ranging from 42 feet Above Mean Sea Level (AMSL) to 51 feet AMSL at Site A; 54 feet AMSL to 55 feet AMSL at Site B; and 55 feet AMSL to 56 feet AMSL at Site C. The project site is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The property is located within an existing urbanized area currently served by police, fire, and emergency medical services.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

The project files and reports referred to below are available for public review on the Fifth Floor of the Development Services Department, Entitlements Division, 1222 First Avenue, San Diego, CA 92101.

During the environmental review of the project, it was determined that construction could potentially result in significant but mitigable impacts in the following area(s): Paleontological Resources, Historical (Archaeology), Historical (Architecture), Human Health and Public Safety, Transportation/Circulation/Parking.

Paleontological Resources

According to the Geology of San Diego Metropolitan Area, California (1975), published by the California Division of Mines and Geology, the project is underlain by the Bay Point Formation which is assigned a high paleontological resource sensitivity rating. This formation is well known for its rich fossil beds that have yielded extremely diverse assemblages of marine invertebrate fossils, primarily mollusks and fossil marine vertebrates such as sharks, rays, and bony fishes (*Paleontological Resources, Tom Demere and Stephen Walsh, August 1994*). Impacts to high sensitive rating formations would be considered significant if a project proposes more than 1,000 cubic yards of soil cut at a maximum depth of 10 feet or more.

As indicated in the boring logs disclosed in the *Subsurface Assessment Report* (SCS Engineers, December 11, 2006), Pleistocene-age Bay Point formational soils were encountered in some areas at a depth of three feet below the surface. Project grading would include approximately 56,312 cubic yards (CY) of soil cut at varying cut depths to remediate the site and remove underlying hazardous materials/soils and burn ash to prepare the site for development and construct below grade parking garages.

Therefore, the project's proposed grading would meet/exceed the significance threshold and could result in significant impacts to buried fossil resources within the Bay Point Formation. Implementation of the Mitigation, Monitoring, and Reporting Program (MMRP) during site grading, as described in Section V of the attached Mitigated Negative Declaration (MND) would therefore mitigate paleontological impacts to a level below significance.

Historical (Architecture)

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that

may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register. Historical resources include buildings, structures, objects, archaeological sites, districts, landscaping, and traditional cultural properties possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used.

The California Environmental Quality Act (CEQA) requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. Pursuant to Section 21084.1 of the State CEQA Guidelines, a project that may cause a substantial adverse change in the significance of an historical resource may therefore have a significant effect on the environment.

Site A, located on at 2101, 2107, and 2145 Commercial Street, between 21st and 22nd Street(s), is currently developed with three commercial/industrial warehouse buildings that were constructed between 1910-1958. A *Historical Assessment of the San Diego City Schools Warehouse Buildings* (Kathleen Crawford, M.A., April 2006) was submitted and reviewed by the City's Environmental Analysis Section (EAS) and Historical Resource Board (HRB) staff in conformance with the City of San Diego Historical Resource Guidelines. As referenced in the report, a *San Diego City Schools Commercial Street Maintenance Center, Existing Conditions Analysis* report was also prepared for the San Diego City Schools by the architectural firm Milford Wayne Donaldson in August 2002.

Building A-1, identified as the Board of Education Warehouse, is located at 2101 Commercial Street and was constructed ca. 1910-1915. The building is a two-story unreinforced brick building which has been remolded extensively that very little of the original building remains to this present day.

Building A-3, identified as the Board of Education Warehouse, is located at 2101 Commercial Street and was constructed ca. 1929. The building is an industrial style four-story warehouse with a basement. Constructed of cast-in-place concrete, the exterior exhibits simple belt cornices, shallow pilasters, and loading areas while the interior was built with diagonal steel reinforced floor and roof slabs, oversized clay bricks along the east wall, large divided-lite operable steel windows, and a single continuous concrete stairway. A large cable-driven freight elevator that accesses all four floors is still operable. The building has had only minor modifications since 1929, mostly in the interior, but is generally in excellent condition with much of the historic fabric, steel windows, doors, plumbing fixtures, elevator, and stairs in good condition.

Building A-4, identified as the Carpentry Shop, is located at 2145 Commercial Street and was constructed ca. 1930-1958. The building is one-story with basement (formerly a crawl space that was enclosed) with a concrete frame structure with infill walls of unreinforced brick. The building is divided into five bays, spaced 20 feet apart, with wood floor joists and maple tongue and groove strip flooring. The roof, which is sheathed with wood planks and topped by built-up roll roofing, is vaulted and supported by end walls and four steel bowstring trusses. A continuous band of wood framed, divided lite, double hung sash or fixed windows run along the east, west, and south facades, while the north façade is solid brick. The building is in fair condition but was altered in the 1950s to convert the crawl space into a basement.

Three other ancillary structures (Buildings A-2, A-5, and A-6) that are in poor conditions occupy the site. Building A-2 is a one-story shed style structure; Building A-5 is constructed of concrete block walls with wood-framed partitions; and Building A-6 is a pre-fabricated metal office building.

The buildings were researched and evaluated as potential historical/cultural resources in accordance with National Register of Historic Places Criteria, the California Register of Historic Places Criteria, the City of San Diego Historical Resources Register, and the City of San Diego's Historical Resources Guidelines.

Historical research, as disclosed in the report, determined that the structures would not be considered to be historically significant as, over the course of their existence, the buildings were not associated with any locally significant individuals or events. However, Building A-3, the four story warehouse building is considered to be architecturally significant and embodies the distinctive characteristics of type, period, or method of construction. Building A-3 was designed by noted San Diego architect, Eugene Hoffman in 1929 and the building is considered to possess high artistic values as an example of the 20th Century Commercial-Industrial style (*Historical Assessment of the San Diego City Schools Warehouse Buildings* (Kathleen Crawford, M.A., April 2006).

Since Buildings A-1 and A-4 are not considered historically or architecturally significant under CEQA, they are not considered to be eligible for listing in the California Register of Historical Resources, the California Historic Resources Inventory, the National Register of Historic Places, or the San Diego Historical Resources Board Register. Building A-3, however, is considered to be architecturally significant under CEQA, and therefore is considered to be eligible of listing in the California Register of Historical Resources, the California Historic Resources Inventory, the National Register of Historic Places, or the San Diego Historical Resources Board Register. Since the school district, as a public agency, is the owner of the property, the City of San Diego's Historical Resources Board staff would proceed to designate this building on a local level at the time the building is leased to a private entity. In addition, it is the applicant's intent to proceed to designate the building for listing on the National Register of Historic Places and California Register. As part of the certification process, the applicant would then seek the approval of the State Historic Preservation Office (SHPO) and National Park Service (NPS) for the proposed rehabilitation of the property.

The project would include the demolition of Buildings A-1 and A-4 in addition to the ancillary buildings A-2, A-5 and A-6. Because of its historical significance and eligibility for listing, A-3 will remain but will be converted into live/work quarters with an addition for offices and ~~a bank~~ retail uses constructed to the east. (Figures 8, 9, and 10) Prior to an approval for the building permit for Site A, the applicant is required to submit construction plans that identify modifications to the building that would ensure conformance with Department of Interior Standards for the Treatment of Historic Properties and related Guidelines. Specific conditions as outlined in the Mitigation, Monitoring, and Reporting Program (MMRP), as described and included in Section V of the Mitigated Negative Declaration (MND), would therefore mitigate potential historical (architectural) resource impacts to a level below significance.

Historical Resources (Archaeology)

The site mapped within an area to have a high historical resource sensitivity area to discover significant archaeological resources. A record search of the California Historic Resources Information System (CHRIS) digital database, provided to the City of San Diego under the South Coastal Information Center (SCIC) CHRIS Partnership Agreement, identified several known and

recorded archaeological sites within close proximity to the proposed development. Because of the potential for the project to impact resources, qualified City staff, Jeff Szymanski, RPA, went to the project site to conduct a visual survey to determine if archaeological resources are present on the surface and if a survey and/or testing would be required during the initial study phase. During staff's site visit, no evidence of archaeological resources were present and staff noted that Site A was developed with existing warehouse buildings and Site B and Site C were paved but undeveloped. Therefore, it was determined that a survey would not be feasible at this time, however, based on the records search there is a potential to discover significant archaeological resources and the proposed development may impact these resources. Implementation of the archaeological Mitigation, Monitoring, and Reporting Program (MMRP), as described and included in Section V of the revised Mitigated Negative Declaration (MND), would therefore mitigate potential archaeological resource impacts to a level below significance.

Human Health and Public Safety (Hazardous Materials)

As new residential construction occurs in or near areas historically used for industry, agriculture, commerce or solid waste (e.g. landfills, former landfill sites, or fuel storage), contaminated soils and groundwater can be found. As part of the environmental review process, steps must be taken to disclose and address the safe removal, disposal and/or remediation of hazardous materials.

A Phase I Environmental Site Assessment (Geomatrix, August 2, 2005), *Subsurface Assessment Report* (SCS Engineers, December 11, 2006; and a *Site Remediation Overview Report* (SCS Engineers, May 23, 2007) were prepared and reviewed by staff.

The *Phase I* report was performed at the request of the California Department of Toxic Substances Control to identify the previous uses or Recognized Environmental Condition (RECs) on-site. The report would also determine if the presence of or likely presence of any hazardous substance or petroleum products on the property under identified conditions would indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

The report analyzed the property in three separate site areas, similar to the project's proposed site areas. Currently all three sites are not being used or occupied but historically had uses related to the school's district's maintenance and storage yard. Research disclosed that Site A which was the school district's warehouse was previously used for an oil house, former pipe shop, former incinerator, hazardous waste storage and equipment salvage area, and typewriter and duplicator repair shop. Site B, the storage yard, contained a former aboveground storage tank and storage area as well as former heavy equipment parking lot. Site C, which is currently undeveloped was the maintenance facility, contained buildings that housed a former paint shop, sheet metal, plumbing and heating area, garage with offices, welding shop, roofing, and tire storage area, sumps, and three underground storage tanks (USTs) with gas pumps.

The USTs and gas pumps were removed in 1989 and 1997 and a ground water monitoring well was installed within the south-central portion of Site C. Upon tank closure, the site was listed on the State's Leaking Underground Storage tank (LUST) incident report database. Soil and groundwater monitoring well samples indicated that released petroleum hydrocarbon-bearing

soil had migrated to groundwater (at approximate depth of 50 feet below grade). In August 2003, the County of San Diego Department of Environmental Health (DEH) issued a Notice of Violation (NOV) to the school district from failure to submit progress reports for the site's USTs. Due to inactivity, in June 2007 the UST case was transferred to the California Regional Water Quality Control Board (RWQCB) who issued Investigative Order No. R9-2007-0094 citing the San Diego Unified School District. As of July 30, 2007, the Investigative Order has been rescinded by the RWQCB since the proposed clean-up would go beyond the scope of the USTs, and therefore has transferred the case back to the County' DEH Site Assessment and Mitigation Section in conjunction with site remediation with the anticipated development.

Subsequent to the *Phase I* report, the *Subsurface Assessment Report* was prepared to analyze the conclusions of the previous site assessments and further investigate the underlying soil conditions and extent of potential hazardous materials that would need to be remediated in conjunction with the proposed development. In addition, the *Subsurface Assessment Report* included an analysis for the potential presence of burn ash, or heavy metal (i.e. lead) bearing soils.

The soil and groundwater sampling from the excavation borings, trenching, and monitoring wells indicated Constituents of Concern (CoCs); including petroleum hydrocarbons and volatile organic compounds (VOCs) related to the USTs and former industrial school district operations, are intermittently present in the subsurface soil and groundwater. In addition, shallow fill soils across the site also indicated elevated concentrations of heavy metals, specifically lead, typically referred to as "burn ash". Historically, trash, construction materials, and debris were burned on-site to reduce waste accumulation on a property. The debris or ash, which contained metals (i.e. lead) that could not burn, remained on-site or was used as fill. Based on the content (wood, metal, glass, concrete, and brick and asphalt) of the fill soils where high lead concentrations were detected; the report states the burn ash or lead-bearing soils on-site may have been attributed to deposited fill soils or from an incinerator reported to have operated on Site A.

Since the proposed grading for development would ultimately remove and manage the soils containing identified hazardous materials, the Site Remediation Overview Report specifically outlined the recommendations to be implemented and the regulatory oversight to ensure that hazardous materials would be appropriately removed and health risks would be mitigated. As stated previously, approximately 56,312 cubic yards (CY) of soil cut at varying cut depths would be required to prepare the site for development. Approximately 84% of the soil cut, or 47,520 CY would be considered regulated waste and 1,000 CY would be considered California Hazardous Waste, to be transported and disposed of at appropriately permitted disposal facilities.

To oversee the regulatory compliance and remedial work on-site, the applicant anticipates entering into the DEH Voluntary Assistance Program (VAP), as well as the California Environmental Protection Agency (Cal EPA) Site Designation process, with the County DEH as lead agency. Because the site not only entails remedial work pertaining to the petroleum-hydrocarbon soil and groundwater monitoring related to the UST case, but also the removal of burn ash/lead-bearing soils and fill soils containing potential hazardous waste related to previous industrial uses on-site, the Site Designation process would allow the County DEH to be the single point of contact or administrating agency for the review of site investigations or remedial work that would involve input from other regulatory agencies or Site Designation committee

such as RWQCB and Department of Toxic Substances (DTS), or the City of San Diego Local Enforcement Agency (LEA).

It is anticipated that additional work and data must be completed to close the UST case which may take up to a year to three years or more depending on the extent and remediation methods for extraction of soil vapor and contaminated groundwater. As stated in the Site Remediation Overview report, the consultant recommends that three additional monitoring wells should be installed to provide both analytical as well as spatial data to support lateral delineation efforts of the UST release on site; a soil vapor survey to assess the potential presence of volatile organic compound (VOC) bearing soil vapor; and remediation of phase separated hydrocarbons (PSH) from the shallow groundwater in the vicinity of the existing monitoring well (MW1) to reduce the potential for further dissolved phase contamination and transport offsite. It is important to note that the RWQCB designates the groundwater within this hydrologic sub area as having no potential or existing beneficial uses for municipal, agricultural, and industrial purposes. For burn ash/lead-bearing soils and other petroleum hydrocarbon releases would not need to be remediated until redevelopment occurs when the soils would be removed and transported off-site as part of construction grading.

Therefore, to ensure that the appropriate measures have been implemented to prepare the site for development, the applicant shall prepare and submit a Property Mitigation Plan (PMP) to the County DEH. The PMP would provide the specific measures for mitigation in order to obtain regulatory agency approval and site development can occur. The PMP would also include provisions for environmental monitoring of the Site during construction activities, with the acquisition of real-time data regarding the physical and chemical characteristics of the site soils. As the administrating agency under Site Designation, the County DEH would review the PMP, further site investigations, as well as the health risk assessment provided as part of the PMP in accordance with the County's Site Assessment and Mitigation (SAM) Manual.

To ensure that the applicant has a work plan in place prior to grading the site for remediation, the PMP, Health Risk Assessment, and other site investigations and monitoring reports, shall be submitted to City's Development Services Department (DSD) for review in conjunction with the County's DEH review through the VAP or Site Designation process. If the site is developed in phases and/or depending on the data analyzed during the implementation of the PMP; site closure by the DEH may not be acquired until after construction. Therefore, to mitigate perceived and potential human health and public safety impacts as a result of the soil and groundwater conditions of the site, an approval letter from the County DEH and a Property Closure Report would be required prior to the construction of the building and at final inspection to confirm that the hazardous materials in the soil have been removed and no health risks associated with the hazardous materials would create a known health hazard to future occupants and surrounding neighbors. Prior to the approval of the building's foundation inspection, EAS would require an approval letter or Letter of Concurrence from the County DEH verifying that the mitigation measures in the PMP were implemented and the construction of the building or development phase can be proceed. In addition, prior to the final inspection of the building and before certificates of occupancy can be issued, the applicant shall also submit a Property Closure Report to the County DEH and City DSD staff affirming the site remediation has been completed. Compliance with the requirements from the Administrating Agency under the Cal

EPA Site Designation Process and the County DEH VAP could reduce impacts to below a level of significance. As such, a Mitigation, Monitoring and Reporting Program, contained in Section V of the attached Mitigated Negative Declaration, would mitigate potentially significant impacts to Hazardous Materials/Public Safety to a level below significance.

Transportation/Circulation/Parking

The 4.58 acres project site is located on three site areas along the south side of Commercial Street, between 21st Street and Harrison Avenue. The Metropolitan Transit System (MTS) Trolley line runs parallel to the project along Commercial Street with a stop located at Cesar Chavez Parkway. The site would be accessed from 21st Street, 22nd Street, Irving Avenue, Harrison Avenue, and alleys ~~three driveways at the intersection of Commercial and 22nd Street; Julian Avenue; and Cesar Chavez Parkway and Harrison Avenue.~~ As described in Table 2 (Parking Summary) above, the project would provide approximately 485 parking spaces on-site and within underground and attached (condominiums) parking garages, where 447 parking spaces would be required. The excess 38 parking would be allocated for visitor parking.

To assess the potential traffic impacts associated with the project, a *Traffic Impact Study* was prepared by Katz, Okitsu & Associates (August 2007) and reviewed by EAS and LDR-Transportation Development Review staff. The traffic report analyzed daily and peak period traffic volumes, roadway segment capacity, intersection capacity, and freeway mainline level of service for the existing conditions, near-term conditions, and horizon year (long-term) conditions.

The study area included 17 intersections within the surrounding streets (Imperial Avenue, 17th, 19th, Commercial, 21st, 22nd, Irving Avenue, 24th, Harrison, Cesar Chavez Parkway, Julian Avenue, Ocean View Boulevards and Kearny Avenue) and 14 roadway segments. Based on the City of San Diego Trip Generation Manual for the project's proposed uses; it is anticipated that the project would generate approximately 3,266 daily driveway trips that would be distributed and assigned to surrounding streets and modeled to determine the affect the project may have the traffic and circulation patterns of the study area.

Traffic flows on roadway segments and at intersections are typically described in terms of "level of service". Levels of Service (LOS) range from LOS A (free flow, little congestion) to LOS F (Forced flow, extreme congestion). Typically, where roadway segments and intersections operate at a LOS E or LOS F, then the traffic impact would be considered significant and would require appropriate mitigation to improve the traffic circulation to a LOS D or better. The majority of the surrounding street segments and intersection (existing conditions) operate at LOS B or better, except for roadway segments along Cesar Chavez Parkway which operates a LOS E and LOS F.

Based on the short-term and long-term traffic analysis for the project area intersections and roadways, the report concluded that the roadway segments along Cesar Chavez Parkway (Commercial Street to Harrison Avenue; Irving Avenue to Julian Avenue; and Julian Avenue to Kearny Avenue) would be significantly impacted and therefore potentially significant transportation impacts would result as a result of the proposed development.

To mitigate impacted circulation flows, the report recommends the applicant to restripe Cesar Chavez Parkway with left turn pockets at each intersection from Commercial Street to Julian Avenue to separate left turning vehicles from the through movements.

These recommended conditions, as described in the traffic impact study could mitigate potentially significant impacts to a level below significance and improve circulation and traffic in the area. These specific mitigation measures for transportation/circulation impacts from the project are listed in Section V. Mitigation, Monitoring, and Reporting Program (MMRP) of the attached Mitigated Negative Declaration (MND).

The following environmental issues were considered in depth during review of the project and determined not to be significant.

Geology

The project site is located in a seismically active region of California, and therefore, the potential exists for geologic hazards, such as earthquakes and ground failure. The property is mapped with Geologic Hazard Ratings of 13 (Downtown Special Fault Zone) as shown on the City's Seismic Safety Study Geologic Hazards Maps. Projects in this zone require a fault hazards study to determine if "active" or "potentially active" faults traverse the site.

A Preliminary Geotechnical and Fault Hazard Investigation (URS, December 2006) and an *Addendum No. 1 to Preliminary Geotechnical and Fault Hazard Investigation* (URS, April 13, 2007) were prepared and reviewed by EAS and Building Development Review (BDR) Geology staff. The field investigation included small diameter borings and trench excavations to determine the generalized soil and groundwater conditions as well as the fault rupture potential due to geologic and seismic hazards. There are no known mapped faults on the project site although the site is generally within the Rose Canyon fault zone which extends the northeast flank of Mount Soledad and continues southward along the eastern margins of Mission Bay where it appears to widen and diverge into three principal faults into the San Diego Bay.

The report concludes that the site does not appear to be underlain by an active or potentially active fault because faults or fault-related features were not observed in the onsite trenching or inferred from stratigraphy logged in the borings. In addition, given the age of the unfaulted Pleistocene deposits (Bay Point formation), the geotechnical consultant opines that the risk of fault rupture is very low and the site is geotechnically suitable for the proposed development.

Proper engineering design of the proposed structures would be verified prior to building permits being issued. This would ensure that the potential for geologic impacts from regional hazards would be below a level of significance, and no mitigation would be required.

Water Quality

Water quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and direct discharge of pollutants (point-source pollution). Proposed development creating new impervious surfaces could send an increased volume of runoff containing oils, heavy metals, pesticides, fertilizers, and other contaminants (non-point-source pollution) into the stormwater drainage system if not controlled.

Based on the Storm Water Requirements Applicability Checklist the proposed development is subject to Priority Project Permanent Storm Water Best Management Practices (BMPs)

Requirements and Construction Storm Water BMP Performance Standards with a preparation of a Storm Water Pollution Prevention Plan (SWPPP). In addition, the project is also considered a high priority construction BMP project.

A *Water Quality Technical Report* (Nasland Engineering, July 23, 2007) was prepared and reviewed by EAS and Land Development Review (LDR) Engineering staff. The report, prepared in conformance with the City Storm Water Standards, identified the potential pollutant sources from the development and recommended appropriate construction and post-construction BMPs to mitigate potential impacts to a level below significance. Based on the Storm Water Standards Table 2, potential pollutants from the project may be sediments, nutrients, trash and debris, pesticides, oxygen demanding substances, oil and grease, bacteria and viruses, and heavy metals.

The site is located within the San Diego Region, Pueblo San Diego Hydrologic Unit, San Diego Mesa Hydrologic Area, and Chollas Hydrologic Sub-Area. Although the project site is located over a 0.5 mile from a downstream impacted body of water, the San Diego Bay, the drainage patterns do not discharge directly into an impacted water area as listed by the California Regional Water Quality Control Board. However, the San Diego Bay Shoreline is listed in Section 303(d) as contaminated by heavy metals and organic compounds from storm water runoff. The report concluded that the project may reduce pollutants of concern that could potentially be discharges from the project site because the overall storm drain run-off is being reduced due to the increase of vegetated areas.

Therefore, the project would implement several structural and source control BMPs that would address all the targeted pollutants of concern. A filtration system using a combination of a vortex separator and media filters or a water quality inlet would be installed. Source control BMPs would include efficient irrigation, storm drain system signs, and trash enclosures. In compliance with the City's Storm Water Standards and regulatory requirements, implementation of the previously discussed BMP's would be conditions of the permit and would therefore preclude significant impacts to water quality.

Hydrology

As land is developed, new impervious surfaces may create an increase of surface runoff that may change the drainage patterns on-site. A project would have a potentially significant hydrology issue if the substantial increase and/or alteration in impervious surfaces would increase runoff flow rates and change drainage patterns that would adversely impact upstream and downstream properties and environmental resources (i.e. biological resources, archaeological resources).

A *Drainage Study* (Nasland Engineering, July 23, 2007) was prepared to determine if the existing and proposed storm drain system would be adequate to support the proposed development. The report concluded that the pre- and post-construction drainage patterns would remain unchanged since the existing site is entirely paved and the proposed project would have the same impermeability with development. The drainage patterns on site primarily sheet flows from north to south and east to west, where it is collected in catch basins and curb inlets on and around the site. With the addition of landscaping on-site, it is anticipated that run-off would be treated before entering the storm drain system through vegetated swales and therefore create a positive effect by adding permeable surface areas that did not previously exist.

The drainage study also analyzed if new flows from the proposed development would impact the existing downstream pipe. A major storm drain intersects the site which collects water from a basin that totals an area of approximately 748 acres. The storm drain is a 48-inch pipe starting on the east side of the project site, changes into a 66-inch pipe, and then into a 5-foot by 5-foot box culvert before intersecting a 4.4-foot by 3.6-foot box culvert which goes across 21st Street and intersects Julian Avenue. Based on the predicted calculations for both the 50-year and 100-year storms, the 4.4-foot by 3.6-foot box culvert would be insufficient and would likely generate ponding on the downstream side of the system. Therefore, a new 15-foot by 6.5 foot double box culvert would be installed to replace the smaller box culvert to adequately handle proposed flows.

Therefore with an improvements to the existing storm drain infrastructure as proposed, the proposed development would not adversely affect the existing storm drain system or upstream/downstream properties and no mitigation is required.

Noise

Given the proximity of the property to Commercial Street (projected 6,128 Average Daily Traffic (ADT) and Cesar Chavez Parkway (projected 14,334 ADTs) traffic noise levels at the site may exceed those allowed under the City's adopted noise ordinance and City of San Diego General Plan. Noise levels would be considered significant for multi-family residential and retail/commercial land uses if projected traffic forecasts result in noise levels exceeding 65 decibels A-weighting (dB(A)) Community Noise Equivalent Level (CNEL) and 75 dB(A) CNEL, respectively, at any proposed exterior usable areas (i.e. balconies, out-door eating areas). In addition, California Code of Regulations (CCR) Title 24 states that whenever the building façade exceeds 60 dB(A) CNEL, the applicant must prepare an acoustical analysis that shows that the proposed design will limit interior noise to less than 45 dB(A) CNEL.

An *Acoustical Site Assessment* (Investigative Science and Engineering, Inc., April 3, 2007) was prepared and reviewed by staff to determine if future traffic noise would impact the proposed development. Based on the noise modeling, the report concluded that at all of the 14 modeled receptor sites, traffic noise levels would be below 60 dB(A) CNEL. Therefore anticipated traffic noise levels would not exceed the 65/75 dB(A) CNEL for exterior usable areas for residential/retail uses, and no mitigation would be required. In addition, since no building façade would be subject to noise levels exceeding 60 dB(A), it is anticipated that interior noise would meet the CCR Title 24 Noise Insulation Standards and no additional structural noise attenuation measures would be required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

_____ The proposed project would not have a significant effect on the environment, and NEGATIVE DECLARATION should be prepared.

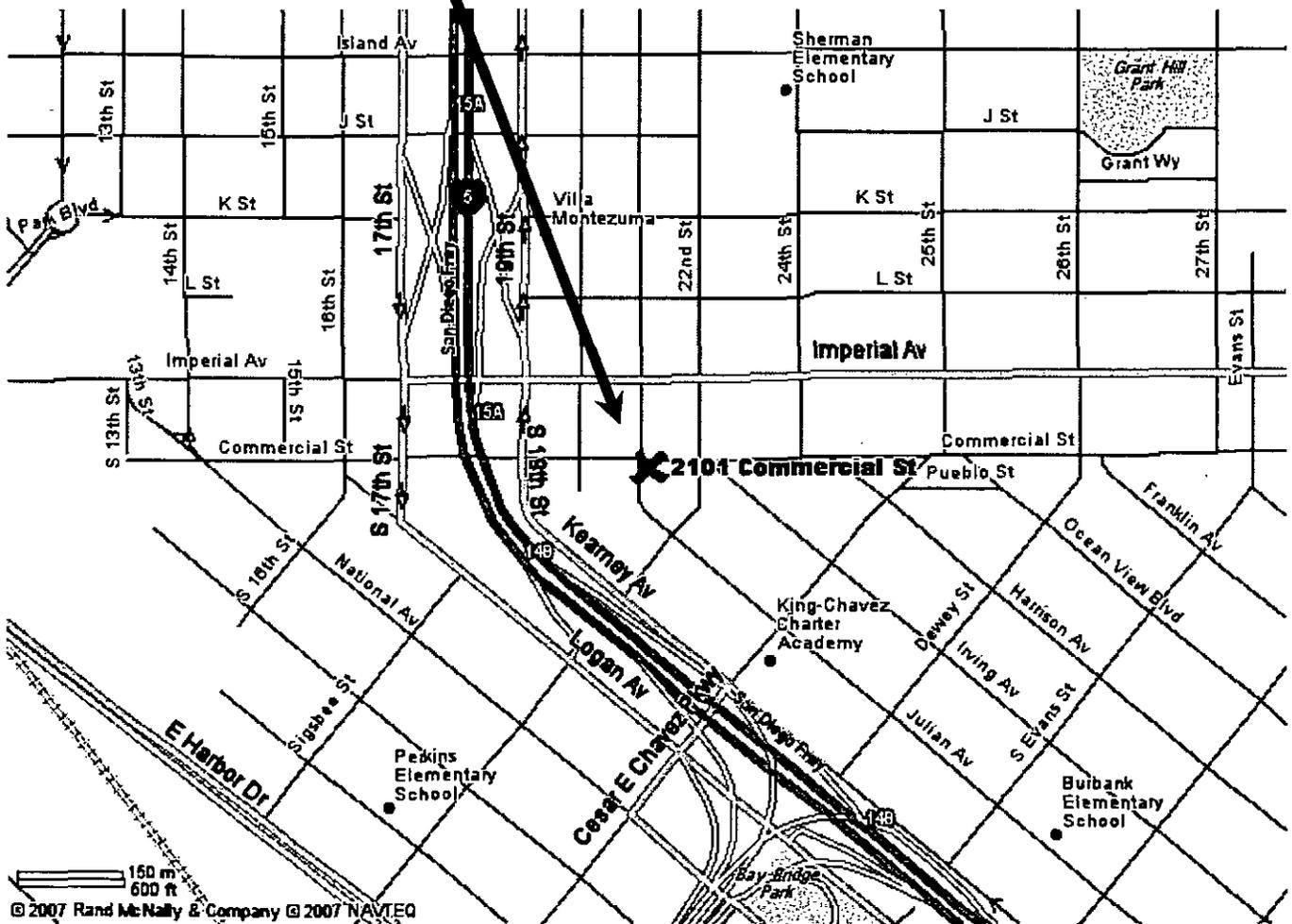
X Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

— The proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: Jarque

Attachments: Figure 1: Location Map
 Figure 2: Compiled Site Plan
 Figure 3: Vesting Tentative Map – Site Grading
 Figure 4: Vesting Tentative Map – Easement and Street Vacation
 Figure 5: Site A – Site Plan
 Figure 6: Building 1 (Site A) -Site Section
 Figure 7: Building 1 (Site A) – Elevations
 Figure 8: Building 1A (Site A) – Site Section
 Figure 9: Building 1A (Site A) - Elevations
 Figure 10: Building 1A Addition (Site A) - Elevations
 Figure 11: Site B – Site Plan
 Figure 12: Building 2 (Site B) – Site Section
 Figures 13a - 13b: Building 2 (Site B) – Elevations
 Figures 14a -14b: Building 3 (Site B) – Elevations
 Figure 15: Site C- Site Plan
 Figure 16a – 16b: Site C - Elevations

Project Site



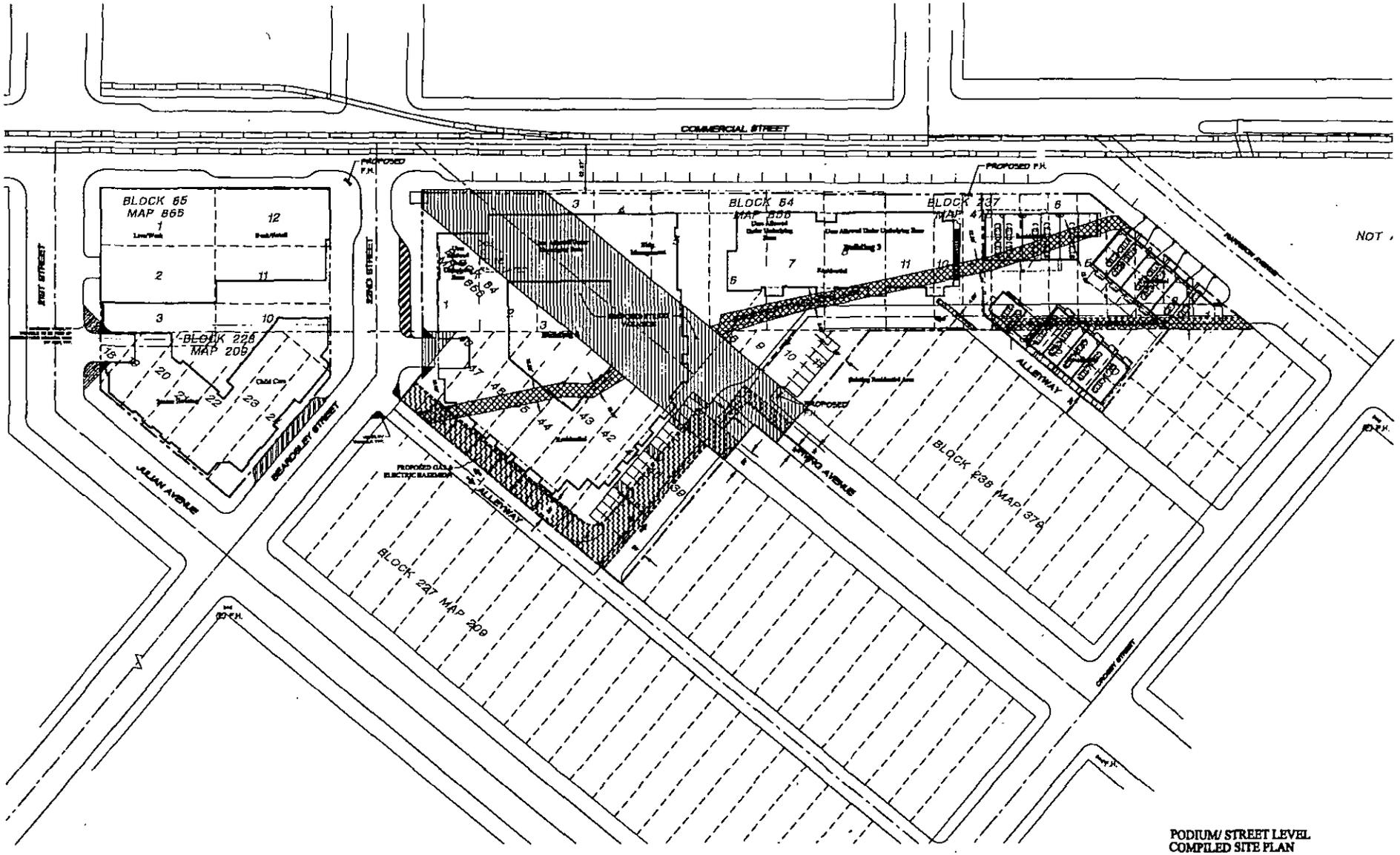
PROJECT LOCATION

COMM 22 / Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure

1



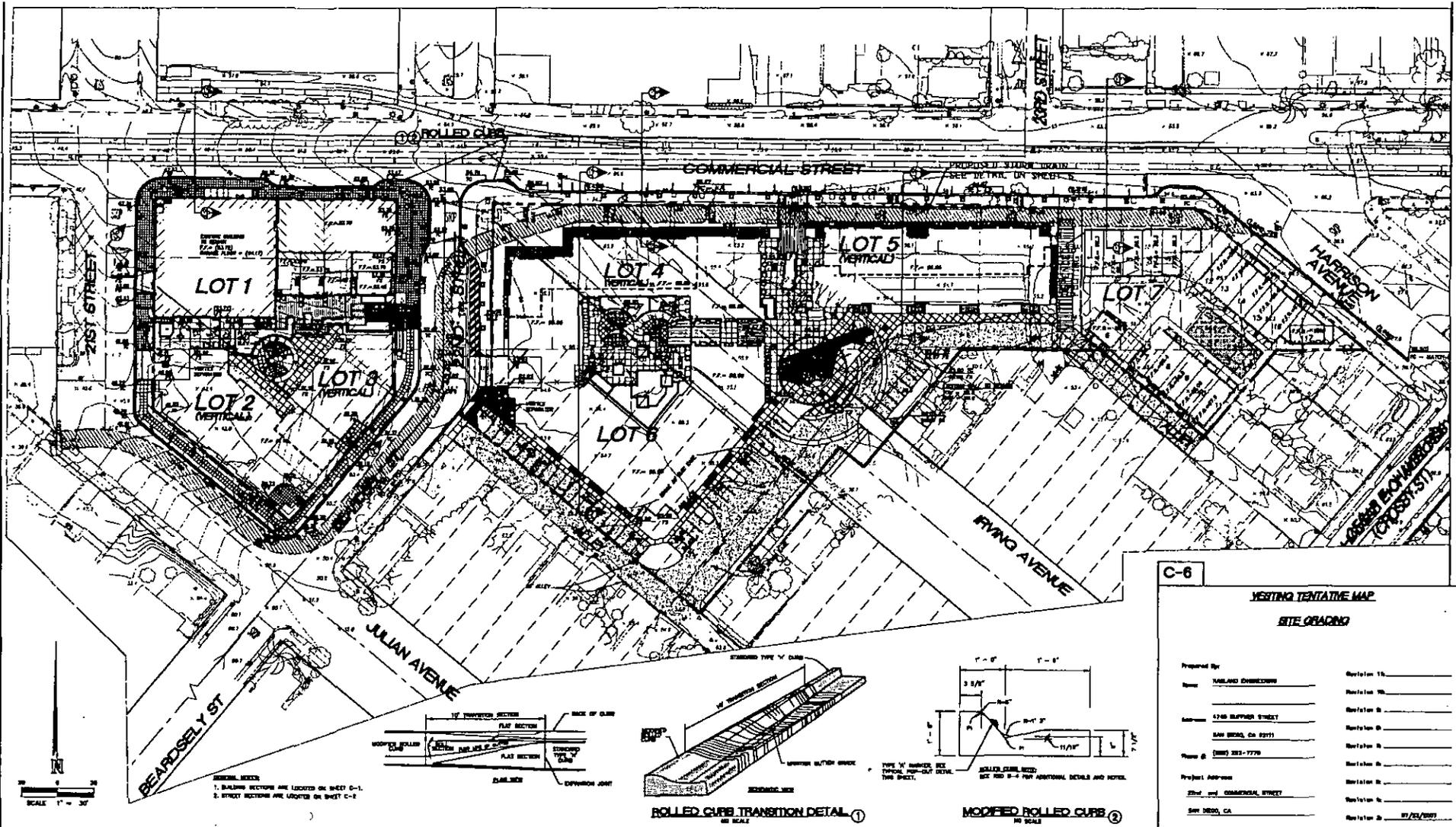
PODIUM/ STREET LEVEL
COMPILED SITE PLAN

COMPILED SITE PLAN

COMM 22 – Project No. 122002
 Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA



Figure
2



C-6		VESTING TENTATIVE MAP	
SITE GRADING			
Prepared by:	NASLAND ENGINEERING	Revision 1:	
Date:		Revision 2:	
Address:	4240 RUFFIN STREET	Revision 3:	
	SAN DIEGO, CA 92111	Revision 4:	
Phone:	(619) 231-7770	Revision 5:	
Project Address:	21st and COMMERCIAL STREET	Revision 6:	
	SAN DIEGO, CA	Revision 7:	
Project Name:		Revision 8:	
Sheet No:	SITE GRADING	Revision 9:	
		Revision 10:	
		Revision 11:	
		Revision 12:	
		Revision 13:	
		Revision 14:	
		Revision 15:	
		Revision 16:	
		Revision 17:	
		Revision 18:	
		Revision 19:	
		Revision 20:	
		Revision 21:	
		Revision 22:	
		Revision 23:	
		Revision 24:	
		Revision 25:	
		Revision 26:	
		Revision 27:	
		Revision 28:	
		Revision 29:	
		Revision 30:	
		Revision 31:	
		Revision 32:	
		Revision 33:	
		Revision 34:	
		Revision 35:	
		Revision 36:	
		Revision 37:	
		Revision 38:	
		Revision 39:	
		Revision 40:	
		Revision 41:	
		Revision 42:	
		Revision 43:	
		Revision 44:	
		Revision 45:	
		Revision 46:	
		Revision 47:	
		Revision 48:	
		Revision 49:	
		Revision 50:	

NASLAND ENGINEERING
 CIVIL ENGINEERING • SURVEYING • LAND PLANNING
 4240 Ruffin Street, San Diego, California, 92111 619-231-7770

ENGINEER OF WORK

COMM 22
COMMERCIAL STREET MIXED USE
 BRIDGE HOUSING CORPORATION
 BRONZE TRIANGLE COMMUNITY DEVELOPMENT CORPORATION
 MAAC PROJECT HOUSING & COMMUNITY DEVELOPMENT

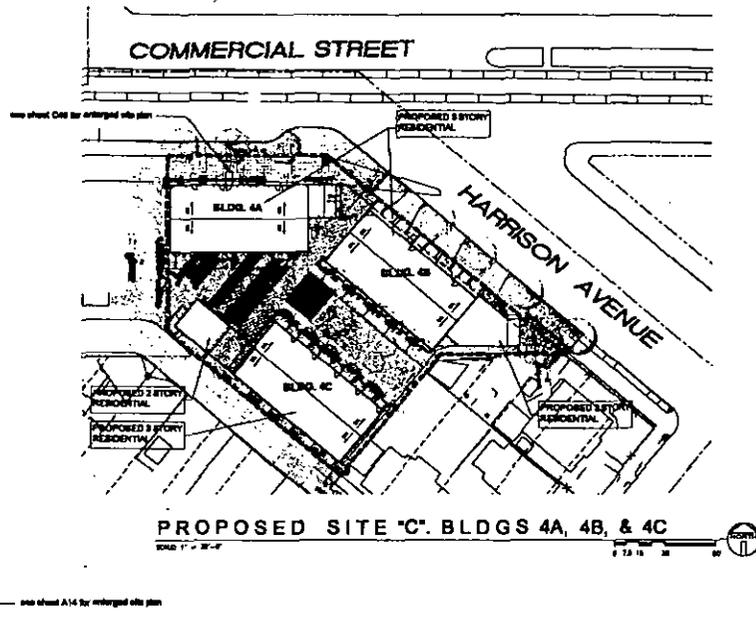
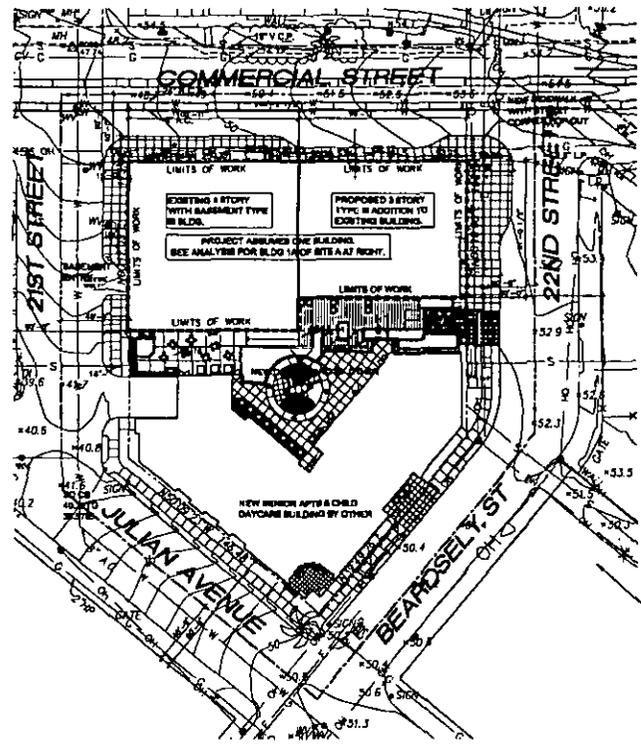
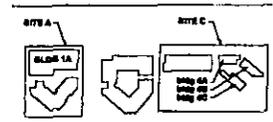
PUBLIC
 DATE: 08/04/07
 FORNEY: []
 TABLE: []
 SHEET: []
 SHEETS: []
 SHEET NO: C-6



VESTING TENTATIVE MAP – SITE GRADING

COMM 22 – Project No. 122002
Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure
3



PROPOSED SITE 'A' BLDG 1A
 SCALE 1" = 20'-0"
 NORTH



PHOTOGRAPHIC SURVEY SITE 'A'

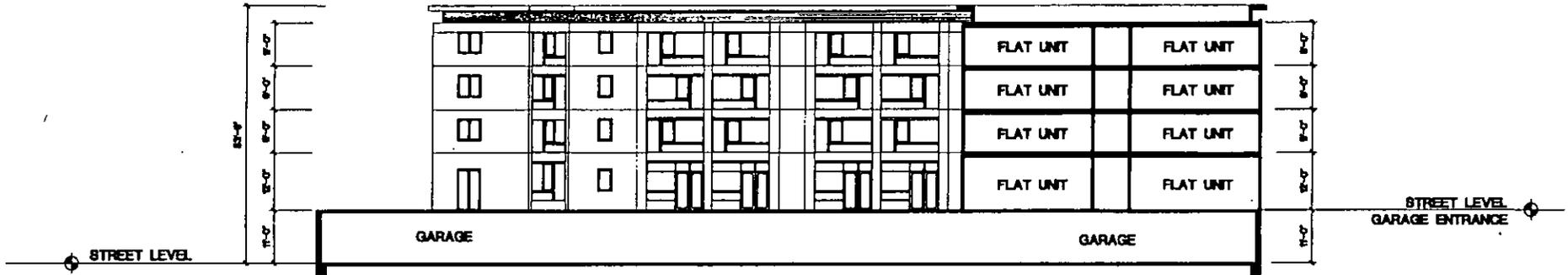
Title Sheet/Site plan
 Building 1A of site A & Building
 4A, 4B, & 4C of site C



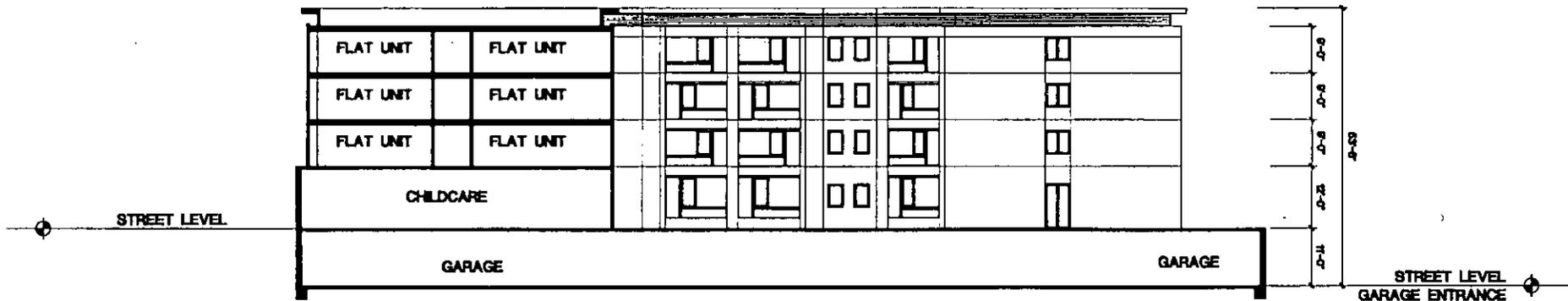
SITE A – SITE PLAN

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA



SECTION A
BUILDING 1



SECTION B
BUILDING 1

SITE A
COURTYARD/ BUILDING 1 SECTIONS

BUILDING 1 (SITE A) – SITE SECTION

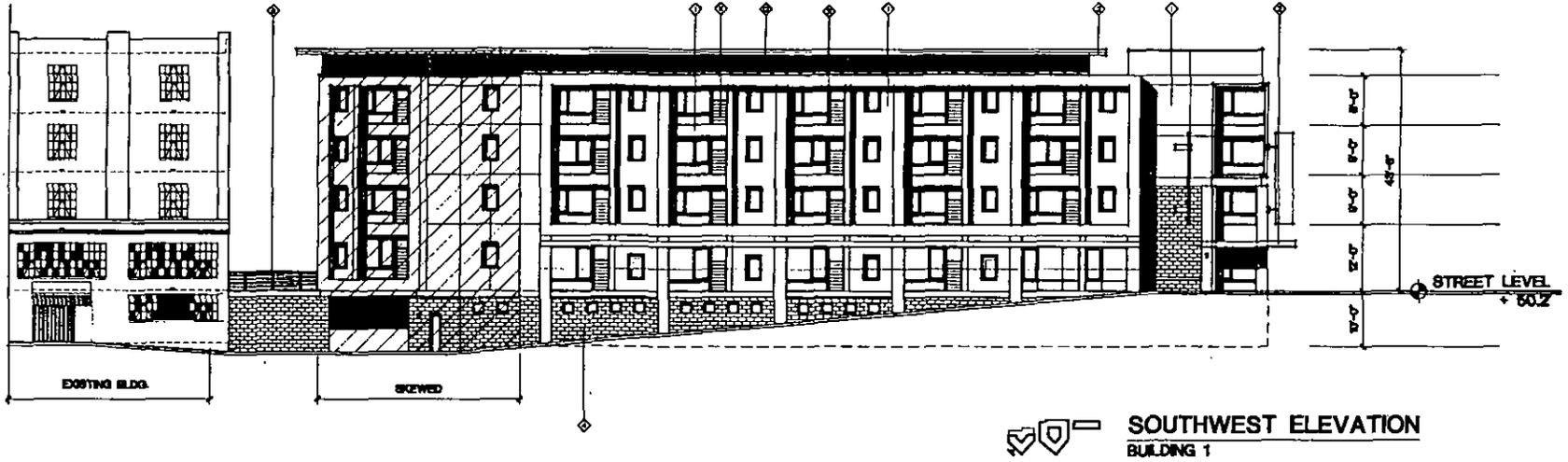
COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

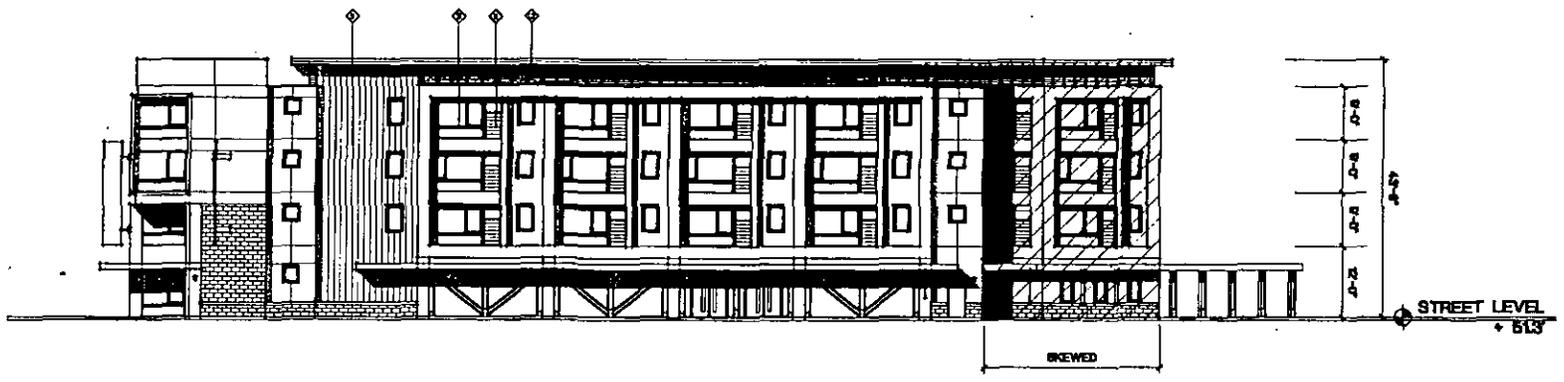
Figure

6






SOUTHWEST ELEVATION
 BUILDING 1




SOUTHEAST ELEVATION
 BUILDING 1

SITE A
SENIOR BUILDING 1 ELEVATIONS

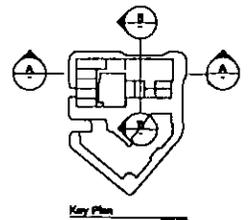
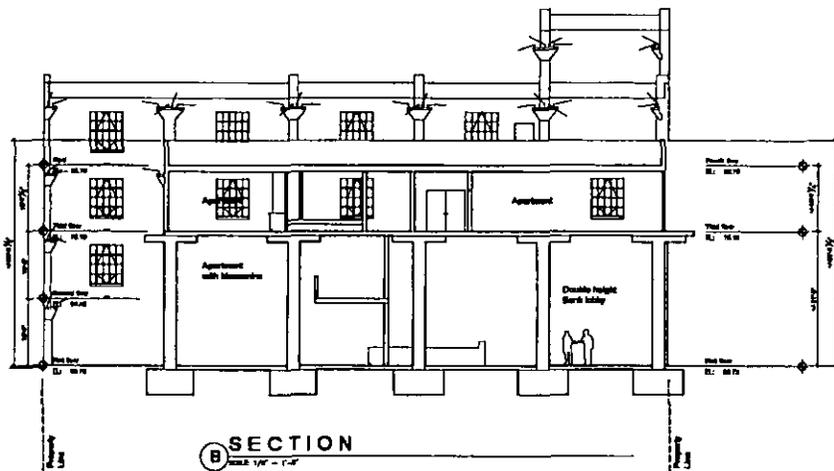
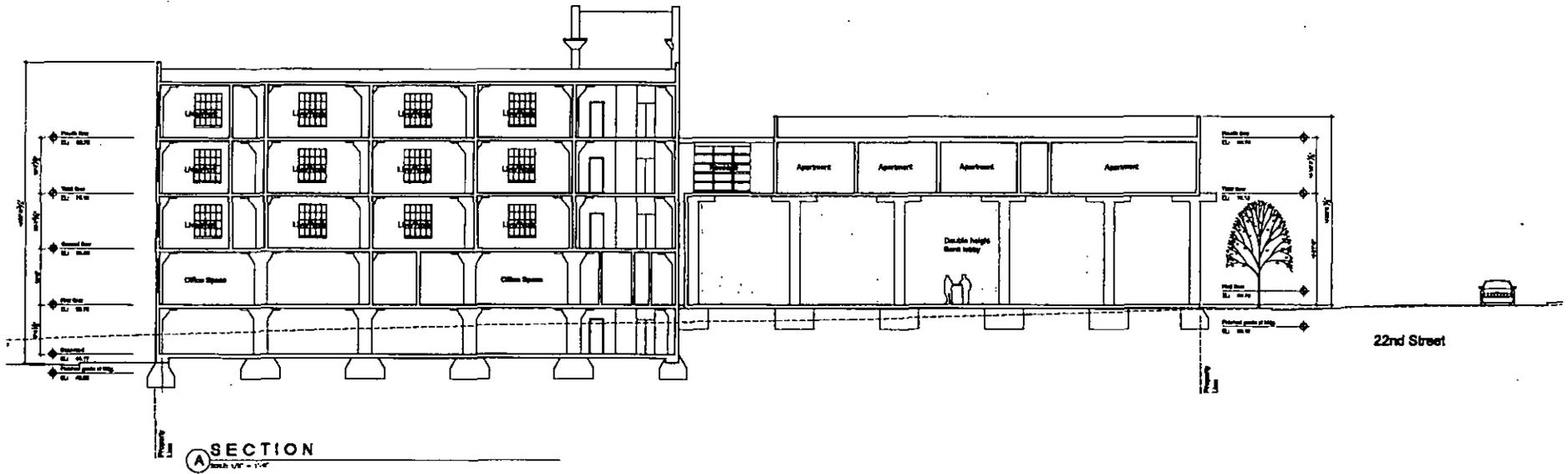


BUILDING 1 (SITE A) - ELEVATIONS

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure
7



Site A - New Bldg.
1A sections

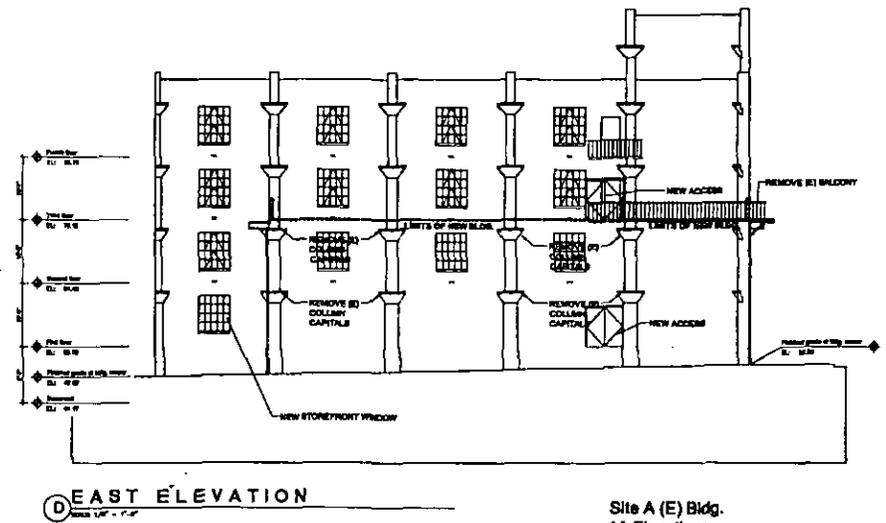
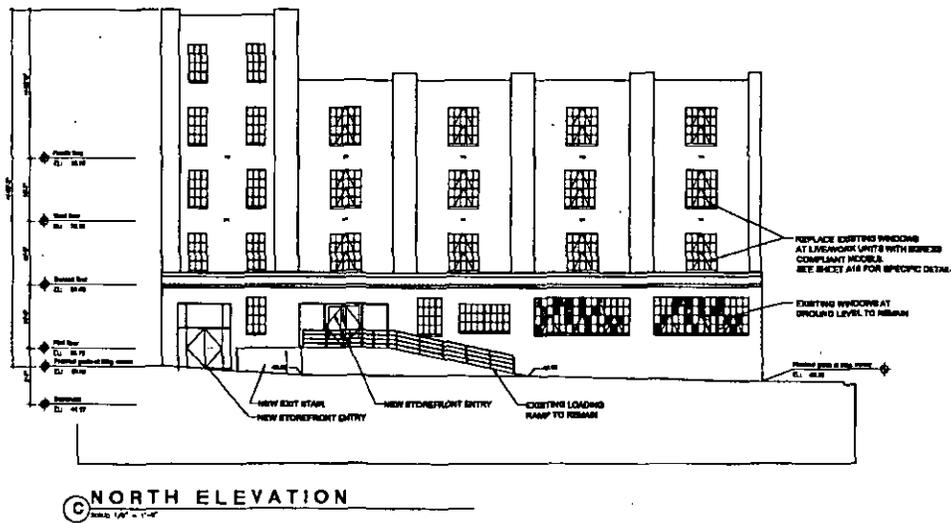
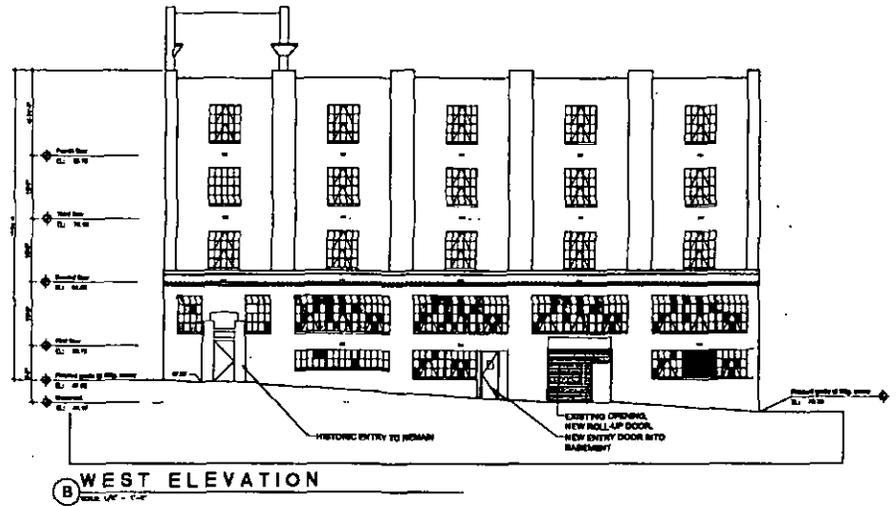
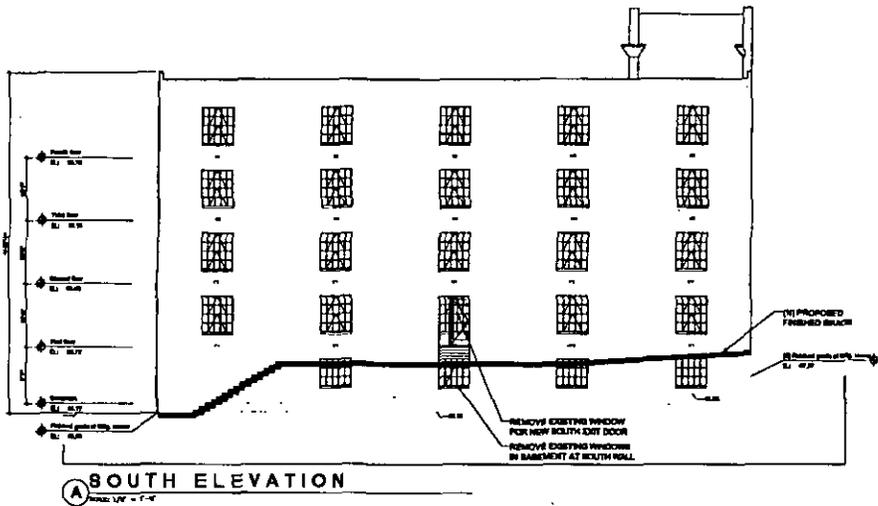


BUILDING 1A (SITE A) – SITE SECTION

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure
8



Site A (E) Bldg. 1A Elevations



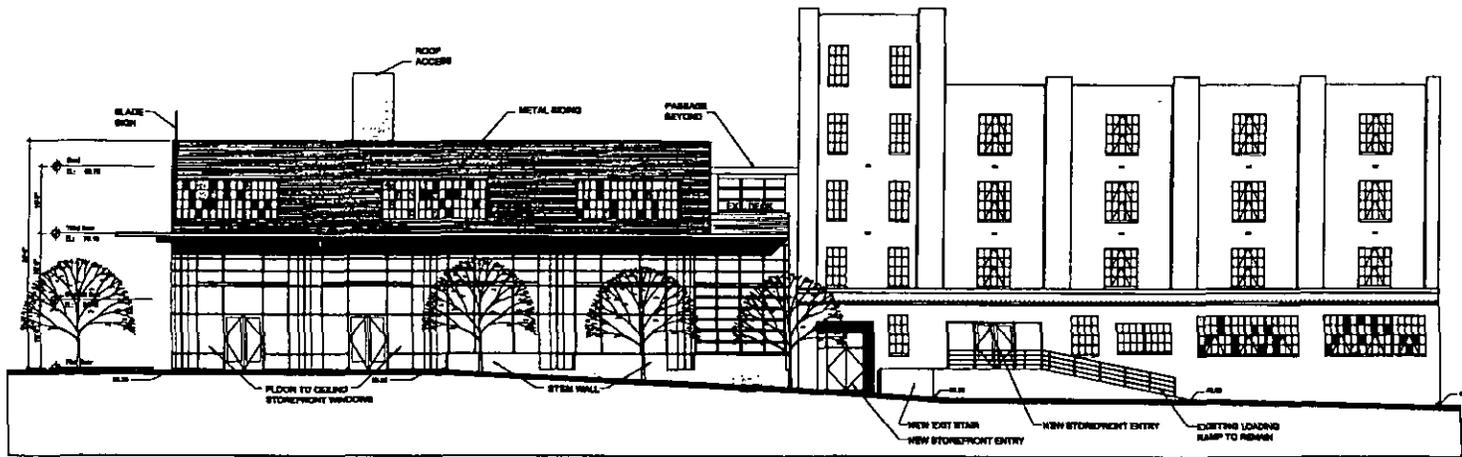
BUILDING 1A (SITE A) - ELEVATIONS

COMM 22 – Project No. 122002

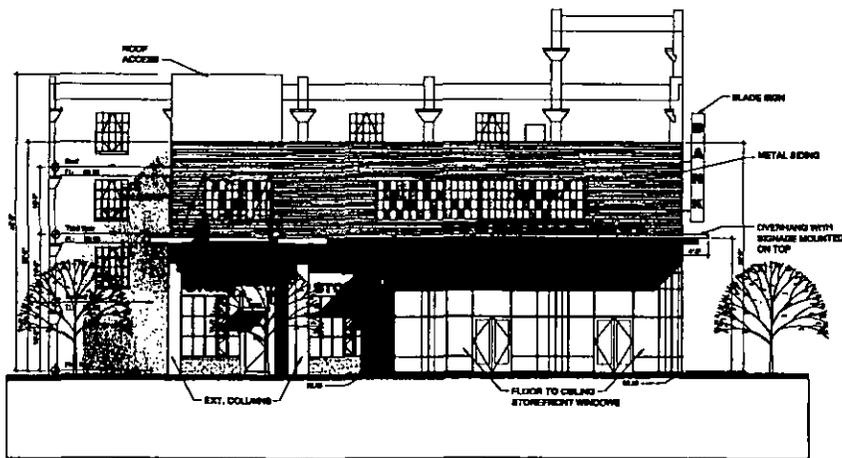
Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure

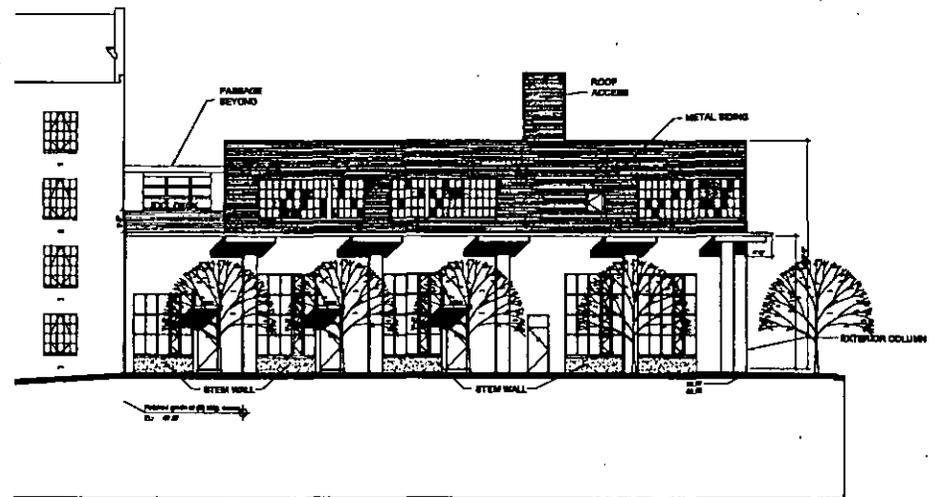
9



A NORTH ELEVATION
SCALE: 1/4" = 1'-0"



B EAST ELEVATION
SCALE: 1/4" = 1'-0"



C SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

Site A - New Bldg.
1A - Elevations



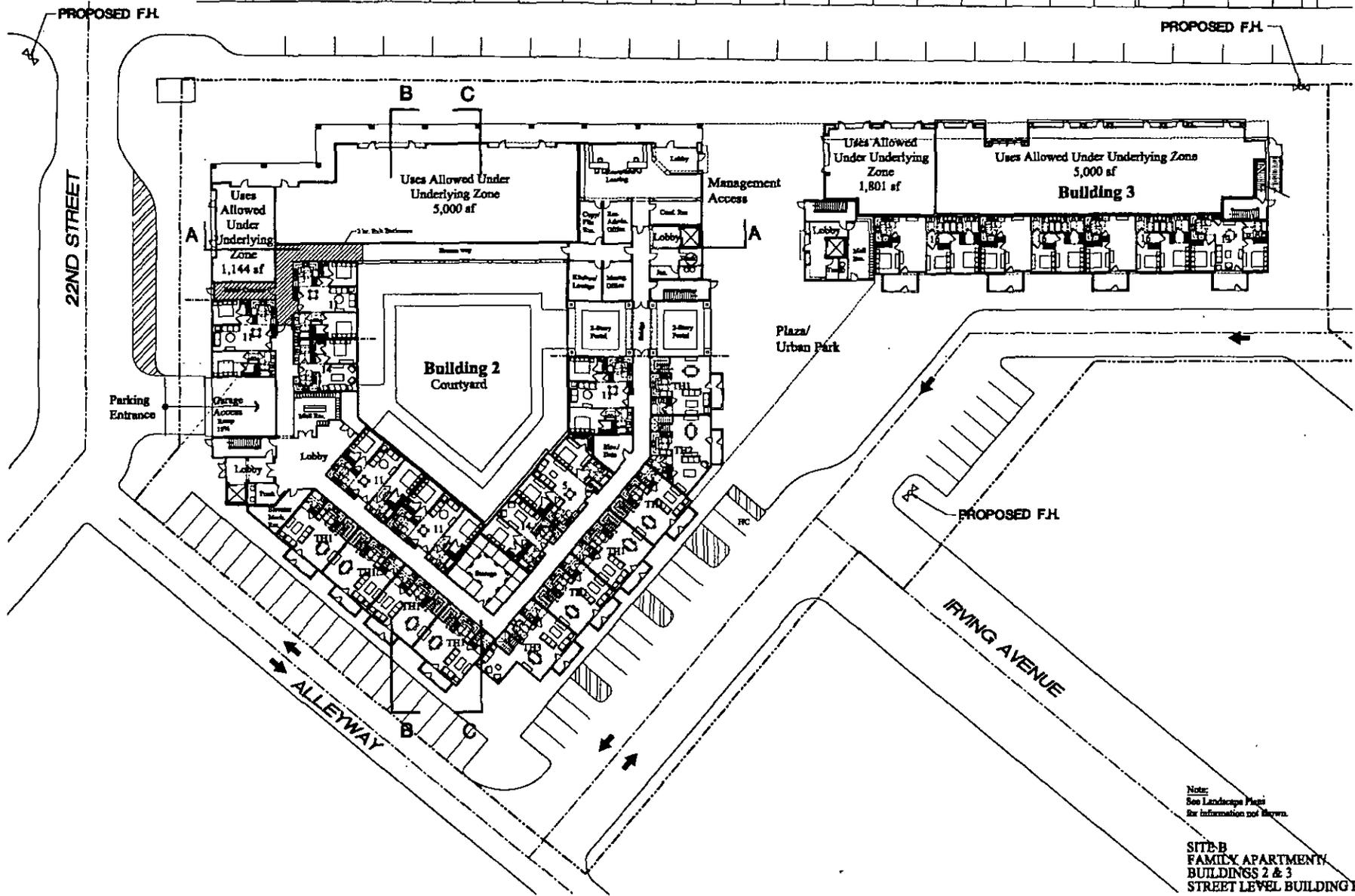
BUILDING 1A ADDITION (SITE A) - ELEVATIONS

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure

10



Note:
See Landscape Plans
for information not shown.

SITE-B
FAMILY APARTMENT
BUILDINGS 2 & 3
STREET LEVEL BUILDING PLAN

SITE B – SITE PLAN

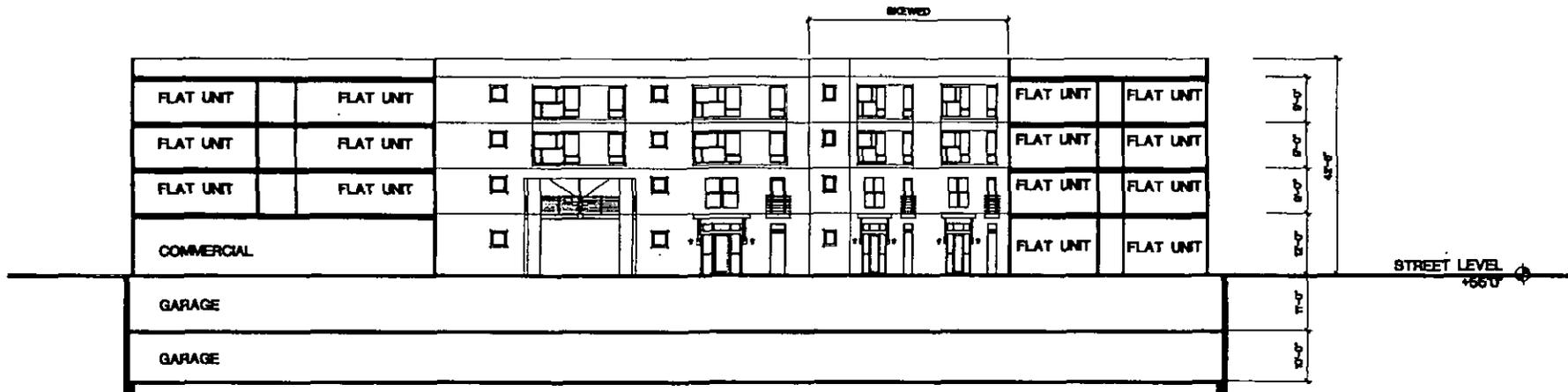
COMM 22 – Project No. 122002
Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure
11





SECTION A
BUILDING 2



SECTION B
BUILDING 2
SITE B
BUILDING 2 / COURTYARD SECTIONS



BUILDING 2 - SECTION

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

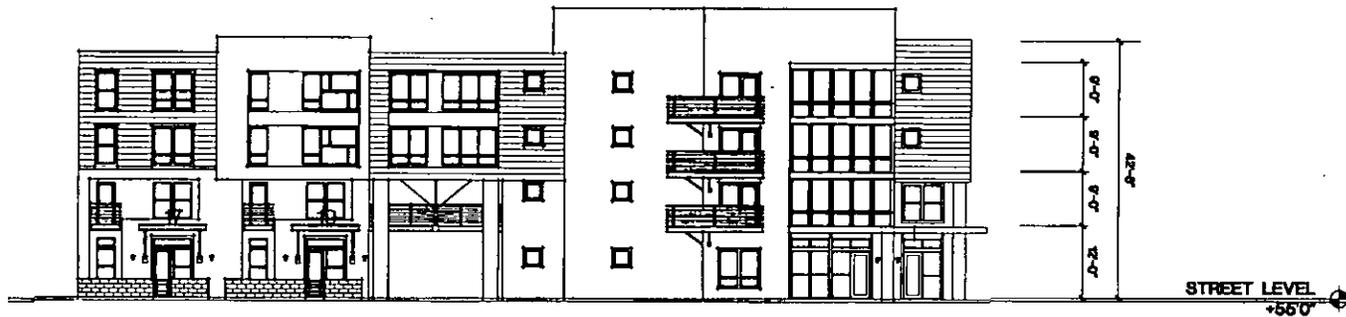
Figure
12

MATERIALS

- | | |
|--------------------------|------------------------|
| 1 BRICK | 7 METAL GRATE |
| 2 METAL CORNER | 8 METAL G CORNER TRIM |
| 3 ALUMINUM WINDOW & DOOR | 9 ALUMINUM ROOF |
| 4 CMU BLOCK | 10 EXTERIOR BRICK BOND |
| 5 VERTICAL METAL BRIMS | 11 METAL WALL |
| 6 METAL RAILING | 12 METAL SCHEM |



WEST ELEVATION
BUILDING 2



EAST ELEVATION
BUILDING 2

SITE B
FAMILY APARTMENT/
BUILDING 2 ELEVATIONS

BUILDING 2 (SITE B) - ELEVATIONS

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure

13a



MATERIALS:

- | | |
|----------------------------|-------------------------|
| 1 WOOD | 7 METAL SKIN |
| 2 METAL OVERHEAD | 8 METAL CHANNEL TRIM |
| 3 ALUMINUM WINDOWS & DOORS | 9 ALUMINUM ROOF |
| 4 CMU BLOCK | 10 EXTENDED BRACK BRIMS |
| 5 VERTICAL METAL SKIN | 11 METAL GRILL |
| 6 METAL PANELS | 12 METAL SCREEN |




COMMERCIAL STREET (RETAIL EDGE)
NORTH ELEVATION
BUILDING 2

SITE B
 FAMILY APARTMENT/
 BUILDING 2 ELEVATIONS



BUILDING 2 (SITE B) - ELEVATIONS

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure
13b

MATERIALS:

- | | |
|-----------------------------|---------------------------|
| 1) BRICK | 7) METAL GATE |
| 2) METAL OVERHANG | 8) METAL G BRACKET TRIM |
| 3) ALUMINUM WINDOWS & DOORS | 9) ALUMINUM ROOF |
| 4) CMU BLOCK | 10) EXTENDED BRASS SCREWS |
| 5) VERTICAL METAL SLATS | 11) METAL GRILL |
| 6) METAL RAILING | 12) METAL SCREEN |



**COMMERCIAL STREET (RETAIL EDGE)
NORTH ELEVATION
BUILDING 3**

SITE B
FAMILY APARTMENT/
BUILDING 3 ELEVATION



BUILDING 3 (SITE B) - ELEVATIONS

COMM 22 – Project No. 122002
Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

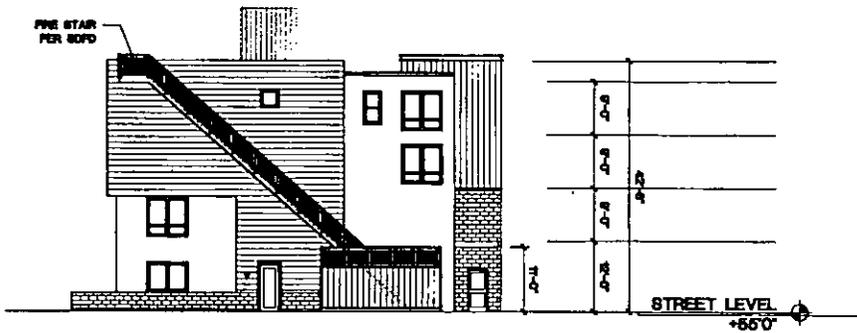
**Figure
14a**

MATERIALS:

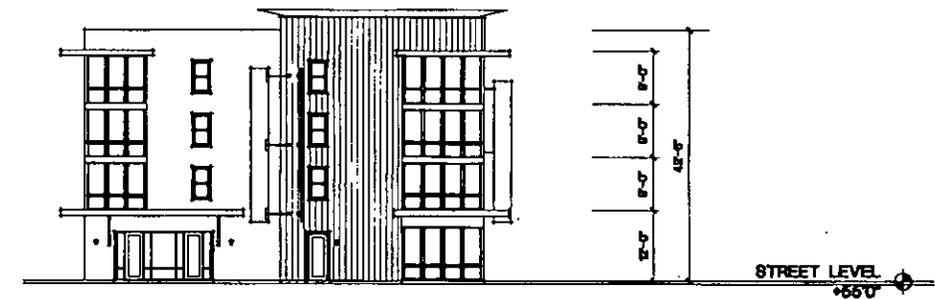
- | | |
|--------------------------|-------------------------|
| 1 WOOD | 7 METAL GATE |
| 2 METAL OVERHEAD | 8 METAL 2 CHANNEL TRAIL |
| 3 ALUMINUM WINDOW & DOOR | 9 ALUMINUM ROOF |
| 4 GIB BLOCK | 10 EXPOSURE GRADE BEAMS |
| 5 VERTICAL METAL BEAM | 11 METAL WALL |
| 6 METAL BALCONY | 12 METAL SCREEN |



SOUTH ELEVATION
BUILDING 3



EAST ELEVATION
BUILDING 3



WEST ELEVATION
BUILDING 3

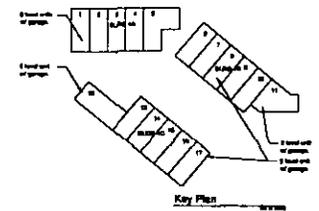
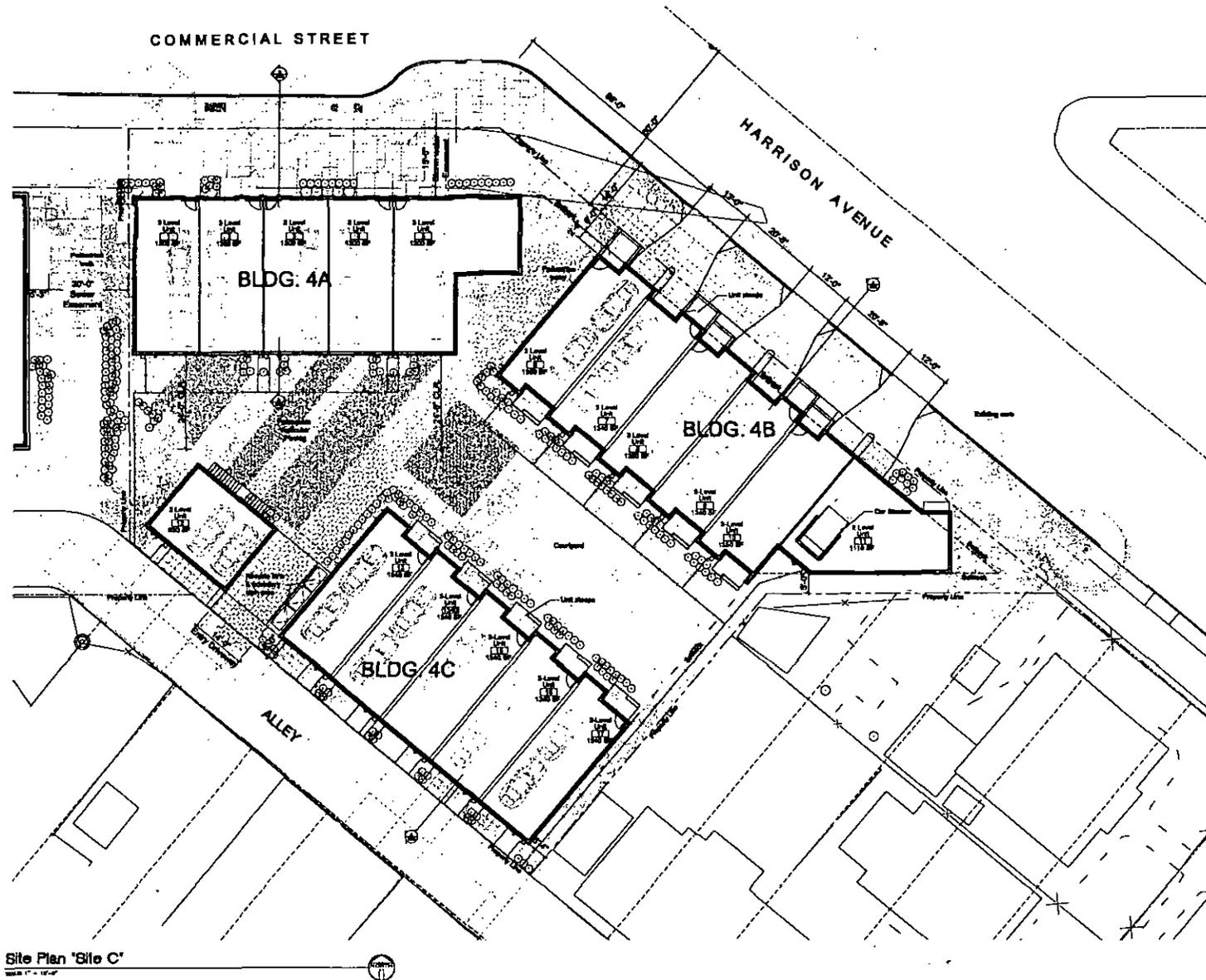
SITE B
FAMILY APARTMENT/
BUILDING 3 ELEVATIONS



BUILDING 3 (SITE B) - ELEVATIONS

COMM 22 – Project No. 122002
Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure
14b



Site "C" Bldgs 4A, 4B, & 4C Site Plan.

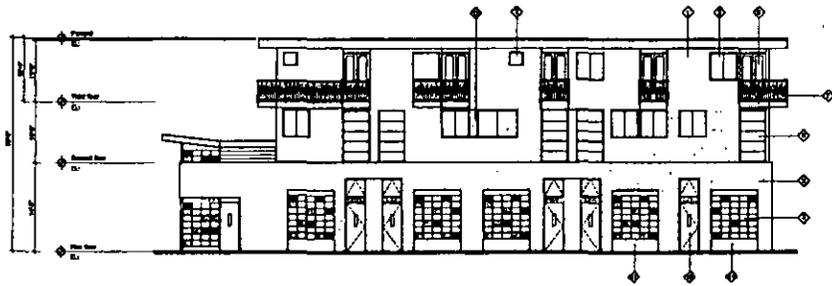


SITE C – SITE PLAN

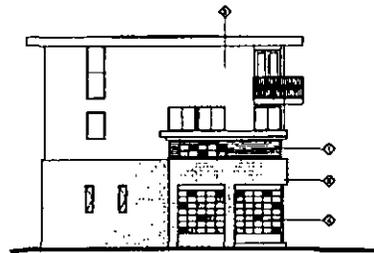
COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

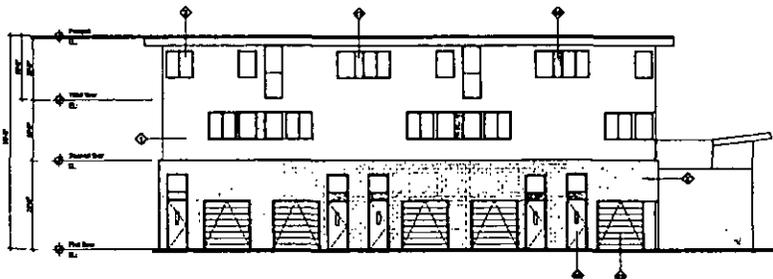
Figure
15



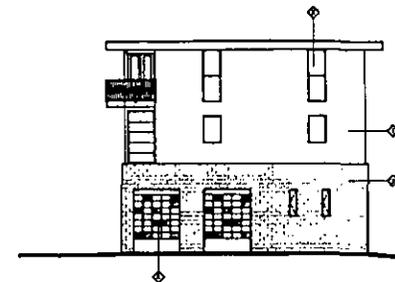
1 Bldg 4A - North Elevation



2 Bldg 4A - East Elevation



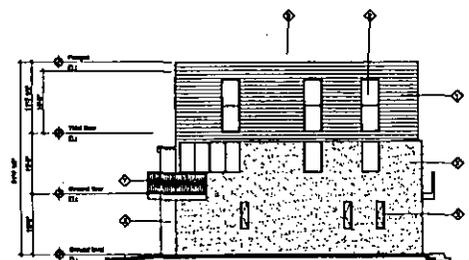
3 Bldg 4A - South Elevation



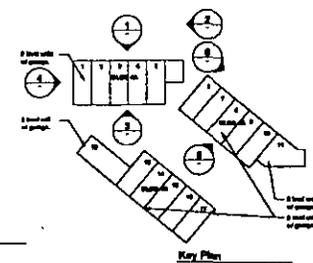
4 Bldg 4A - West Elevation



5 Bldg 4B - Southwest Elevation



6 Bldg 4B - Northwest Elevation



Elevation Keynotes:

1. Cement Board Siding
2. Aluminum Windows
3. Concrete Machinery Unit
4. Aluminum Stormfront - Painted
5. Stucco - Smooth Finish
6. Light and Air Box
7. Painted Metal Balcony Guardrail
8. French Door
9. Full Height Window
10. Painted Metal Door
11. Tiled Wall
12. Roll-Up Metal Garage Door
13. Painted Tfm
14. Overhang



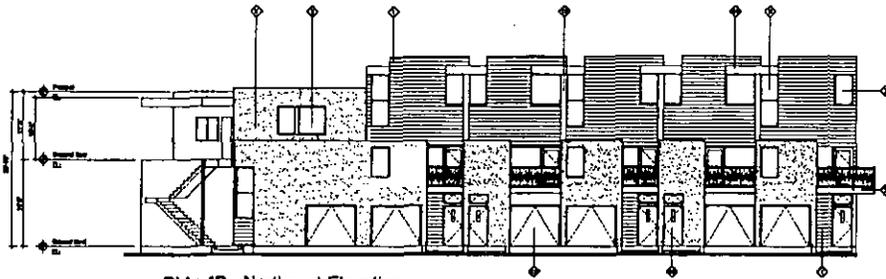
BUILDING 4A and 4B (SITE C) - ELEVATIONS

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure

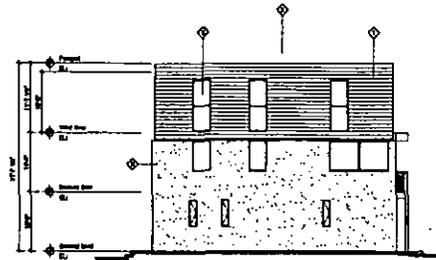
16a



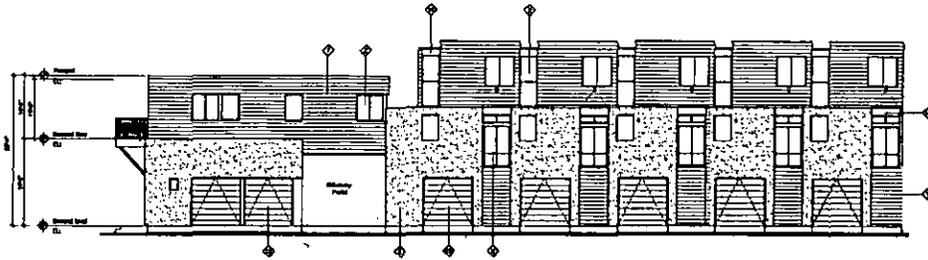
1 Bldg 4B - Northeast Elevation
Scale: 1/8" = 1'-0"



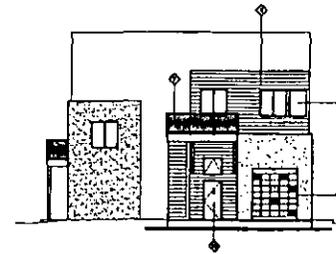
2 Bldg 4C - Northeast Elevation
Scale: 1/8" = 1'-0"



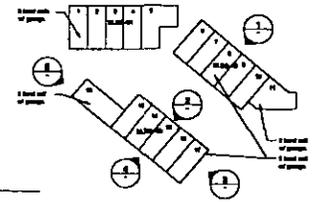
3 Bldg 4C Units - Southeast Elevation
Scale: 1/8" = 1'-0"



4 Bldg 4C - Southwest Elevation
Scale: 1/8" = 1'-0"



5 Bldg 4C Units - Northwest Elevation
Scale: 1/8" = 1'-0"



Key Plan

Elevation Keynotes:

1. Cement Board Siding
2. Aluminum Windows
3. Concrete Masonry Unit
4. Aluminum Storefront - Painted
5. Stucco - Smooth Finish
6. Light and Air Box
7. Painted Metal Balcony Guardrail
8. French Door
9. Full Height Window
10. Painted Metal Door
11. Tiled Wall
12. Roll-Up Metal Garage Door
13. Painted Trim
14. Overhang



BUILDING 4B and 4C (SITE C) - ELEVATIONS

COMM 22 – Project No. 122002

Commercial Street, between 21st Street and Harrison Avenue, San Diego, CA

Figure

16b

Initial Study Checklist

Date: August 9, 2007

Project No.: 122002

Name of Project: COMM 22

III. ENVIRONMENTAL ANALYSIS

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
I. AESTHETICS / NEIGHBORHOOD CHARACTER			
<i>Will the proposal result in:</i>			
1. The obstruction of any vista or scenic view from a public viewing area? <i>The site is not located in an area that would block any vista or scenic view from a public view area.</i>	_____	_____	X _____
2. The creation of a negative aesthetic site or project? <i>The proposed structures would be visually compatible with the surrounding commercial, industrial, and residential uses.</i>	_____	_____	X _____
3. Project bulk, scale, materials, or style which would be incompatible with surrounding development? <i>See A.2. The project would be in conformance with the urban design criteria outlined in the community plan.</i>	_____	_____	X _____
4. Substantial alteration to the existing character of the area?	_____	_____	X _____

See A.2. The project would redevelop an area currently vacant with a mixed-use project supporting residential and retail uses that would not substantially alter the character of the area.

5. The loss of any distinctive or landmark tree(s), or a stand of mature trees?

No such resources exist on-site.

X

6. Substantial change in topography or ground surface relief features?

Construction grading would not substantially change the site's topography or ground surface relief features.

X

7. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent?

No such resources have been identified on-site.

X

8. Substantial light or glare?

All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the San Diego Municipal Code (SDMC). Exterior building treatments would not produce a substantial amount of light or glare.

X

9. Substantial shading of other properties?

The proposed structures would not substantially shade adjacent properties.

X

B. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES

Would the proposal result in:

1. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state?

No such resources exist on-site.

X

2. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?

See B.1.

X

C. AIR QUALITY

Would the proposal:

<p>1. Conflict with or obstruct implementation of the applicable air quality plan? <i>Proposed residential, senior housing, child care facility and commercial/retail uses would not likely conflict with any air quality plans or standards.</i></p>	_____	_____	X
<p>2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <i>See C.1.</i></p>	_____	_____	X
<p>3. Expose sensitive receptors to substantial pollutant concentrations? <i>See C.1. During grading activities, the Property Mitigation Plan (PMP) and Health Risk Assessment would outline and identify specific measures to be followed and implemented in conformance with the Site Assessment Mitigation (SAM) Manual and required by Public Health and Safety Code to reduce and or prevent hazardous materials and/or vapors to be released.</i></p>	_____	_____	X
<p>4. Create objectionable odors affecting a substantial number of people? <i>The proposed development would not likely create objectionable odors.</i></p>	_____	_____	X
<p>5. Exceed 100 pounds per day of Particulate Matter 10 (dust)? <i>Project construction may temporarily create particulate matter (dust) but would be minimized with standard construction practices (i.e. dewatering) to prevent and or reduce the release of excess particulate matter that would exceed Air Pollution Control District (APCD) standards.</i></p>	_____	_____	X
<p>6. Alter air movement in the area of the project? <i>Proposed development would not likely alter the air movement.</i></p>	_____	_____	X
<p>7. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <i>Proposed development would not affect or change the climate.</i></p>	_____	_____	X

D. BIOLOGY

Would the proposal result in:

1. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?

X

No such resources exist within the development footprint.

2. A substantial change in the diversity of any species of animals or plants?

X

See D.1.

3. Introduction of invasive species of plants into the area?

X

No invasive plants are proposed.

4. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors?

X

See D.1 The site is located in an urbanized area.

5. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral?

X

See D.1.

6. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means?

X

No such resources have been identified on-site.

7. Conflict with the provisions of the City's Multiple Species Conservation Program (MSCP) Subarea Plan or other approved local, regional or state habitat conservation plan?

X

The project site is not located in or adjacent to the Multi-Habitat Planning Area and would not be in conflict with the City's MSCP Subarea Plan.

E. ENERGY

Would the proposal:

1. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)?

X

Proposed development would not likely use a substantially excessive amount of fuel or energy. The development proposes to self-generate at least 50 percent of their electrical energy needs through photovoltaic technology (solar panels) and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27.

2. Result in the use of excessive amounts of power?

X

See E.1.

F. GEOLOGY/SOILS

Would the proposal:

1. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

X

The property is mapped with a Geologic Hazard Rating of 13 (Downtown Special Fault Zone). A Preliminary Geotechnical and Fault Hazard Investigation (URS, December 2006) and an Addendum No. 1 to Preliminary Geotechnical and Fault Hazard Investigation (URS, April 13, 2007) were prepared. The report concludes that the site does not appear to be underlain by an active or potentially active fault because faults or fault-related features were not observed in the onsite trenching or inferred from stratigraphy logged in the borings. In addition, given the age of the unfaulted Pleistocene deposits (Bay Point formation), the geotechnical consultant opines that the risk of fault rupture is very low and the site is geotechnically suitable for the proposed development.

Proper engineering design of the proposed structures would be verified prior to building permits being issued. This would ensure that the potential for geologic impacts from regional hazards would be below a level of significance, and no mitigation would be required. See Initial Study Geology/Soils discussion.

2. Result in a substantial increase in wind or water erosion of soils, either on or off the site?

X

Minimal grading proposed and site drainage would not substantially increase wind or water erosion of soils. Temporary and permanent Best Management Practices (BMPs) would be implemented.

3. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

X

See F-1.

G. HISTORICAL RESOURCES

Would the proposal result in:

1. Alteration of or the destruction of a prehistoric or historic archaeological site?

X

Based on a records search, several known archaeological sites are recorded in close proximity to the project site. Qualified staff conducted a visual survey of the property to determine if a subsurface surface survey would be feasible. Since the majority of the site is paved and no known sites are located with the proposed development, a survey was not required however, standard archaeological monitoring mitigation measures have been included in the Mitigated Negative Declaration (MND) and Mitigation, Monitoring, and Reporting Program (MMRP) to mitigate potential impacts to archaeological resources to a level below significance.. See Historical Resources (Archaeology) Initial Study discussion.

2. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site?

X

A historical assessment was prepared and reviewed by staff. The report identified the four-story warehouse located on the corner of 21st Street and Commercial to have a potential to be historically significant and would be eligible for listing on a Federal, State, and local register. Since the property is owned by another public agency, the City's Historic Resource Board (HRB) can not proceed in designating the building on a local level; however the applicant does anticipate designating the site on the federal and state level. The structure (Building 1A) would remain and would be converted to live/work quarters. EAS has determined that the proposed alterations to the building (addition) would therefore create a significant impact to historical resources. Mitigation measures have been included in the MMRP to confirm that any alterations to the building would meet Secretary of Interior Standards. See Initial

Study Historical (Architecture) discussion.

3. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object?
See G.2.

X

4. Any impact to existing religious or sacred uses within the potential impact area?
No such uses are known to exist on-site.

X

5. The disturbance of any human remains, including those interred outside of formal cemeteries?
See G.1.

X

H. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS

Would the proposal:

1. Create any known health hazard (excluding mental health)?

X

Based on the Phase I Assessment and Subsurface Assessment (SCS Engineers) the underlying soils contain hazardous materials (petroleum hydrocarbons, heavy metals (including lead), and other regulated waste from previous uses on-site. The project will prepare a Property Mitigation Plan (PMP), a Health Risk Assessment, and monitoring reports prior to any construction activities which will recommend specific measures to be implemented to remediate the soil. It is anticipated the County of San Diego Department of Environmental Health (DEH) would be the administrating agency under Cal EPA Site Designation for the review and approval for site/violation case closure. Specific approval letters from the County DEH will be required prior to the construction of the building and at final inspection to confirm that the hazardous materials in the soil have been removed and no health risks associated with the hazardous materials would create a known health hazard to future occupants and surrounding neighbors. These measures are included in the Mitigation, Monitoring, and Reporting Program (MMRP). See Human Health and Public Safety Initial Study discussion

2. Expose people or the environment to a significant hazard through the routine transport, use or disposal of

X

hazardous materials?

See H.1. The removal and disposal of soils containing hazardous materials would be regulated in accordance to regulatory agency requirements. Soils would be disposed of at appropriately permitted California Regulated Waste and California Hazardous Waste disposal facilities. A Health Risk Assessment shall be required to verify that human health risk do not exceed health based standards.

3. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)?
See H.1. Proposed uses would not likely carry, store, or handle such hazardous materials.

4. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?
See H.1.

5. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment?
The project site is listed on the State's Leaking Underground Storage Tank (LUST) Violation Case Listing. The tanks have been removed and with the anticipation of development, soils and groundwater containing petroleum hydrocarbons would be remediate.

6. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
See H.1.

I. HYDROLOGY/WATER QUALITY

Would the proposal result in:

1. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants.
Due to the existing site conditions and drainage

X

X

X

X

X

patterns, the applicant would be required to implement construction and post-construction Best Management Practices (BMPs) that would control potential downstream water quality impacts. See Initial Study Water Quality and Hydrology discussions.

2. An increase in impervious surfaces and associated increased runoff?

See I.1. The project would not likely change or increase the impervious surface and associated increased runoff since the entire site is currently paved.

X

3. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

See I.1. Based on the drainage study calculations, downstream properties may be impacted. Therefore, the applicant is required to replace a smaller box culvert with a larger double-box culvert to adequately handle modeled 50-year and 100-year flows. See Initial Study Hydrology discussion.

X

4. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)?

See I.1. The Water Quality Technical Report (WQTR) Water Quality Technical Report (Nasland Engineering, July 23, 2007) disclosed that the San Diego Bay is a downstream impacted body of water for heavy metals and organic compounds. The report concluded that the project may reduce pollutants of concern that could potentially be discharges from the project site because the overall storm drain run-off is being reduced due to the increase of vegetated areas. Source-control and structural BMPs would be implemented as part of the project's conformance with the City's Storm Water Standards to reduce potential pollutants from the proposed development. See Initial Study Water Quality discussion

X

5. A potentially significant adverse impact on ground water quality?

See I.1. A Subsurface Assessment (SCS Engineers) identified petroleum hydrocarbons in the groundwater from a leaking underground storage tank that has since been removed from the property. As part of the remediation and with anticipation of development,

X

monitoring wells would test and determine the extent of materials in the groundwater table. It is important to note that the RWQCB designates the groundwater within this hydrologic sub area as having no potential or existing beneficial uses for municipal, agricultural, and industrial purposes. As part of the site remediation, groundwater affected by the leaking underground storage tank would be cleaned and/or materials extracted. See Initial Study Human Health and Safety discussion.

6. Cause or contribute to exceeding applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

See I.1. The project would not likely adversely affect or cause or contribute to exceeding applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses.

X

J. LAND USE

Would the proposal result in:

1. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project?

The proposed development would require a Community Plan Amendment and Rezone to allow mixed use residential/retail on-site. The property would be rezoned from SESDPD-I-1 (Industrial) to SESDPD-MF-3000 (Multi-family residential) to CC-3-5 (Community Commercial). The project would several deviations to the proposed zoning requirements which can be supported and the appropriate findings made.

X

2. A conflict with the goals, objectives and recommendations of the community plan in which it is located?

See J.1. A Community Plan Amendment (CPA) would change the land use designation from Industrial and Residential to Community Commercial to allow for a mixed-use development.

X

3. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an

X

environmental effect for the area?

See D.7. The project would not be in conflict with any such plans.

		X

4. Physically divide an established community?

See J.1.

		X

5. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan (CLUP)?

The site is not identified in or affected by any identified zones within a CLUP.

		X

K. NOISE

Would the proposal result in:

1. A significant increase in the existing ambient noise levels?

Proposed uses would not likely increase ambient noise levels or be identified as a significant noise generator.

		X

2. Exposure of people to noise levels which exceed the City's adopted noise ordinance?

Traffic noise levels would be below significance thresholds and noise ordinances for both interior and exterior usable areas. See Initial Study Noise discussion.

		X

3. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

See K-2.

		X

L. PALEONTOLOGICAL RESOURCES

Would the proposal impact a unique paleontological resource or site or unique geologic feature?

The project is underlain with Bay Point Formation which is assigned a high paleontological resource sensitivity rating. The project's proposed grading would meet/exceed the significance threshold and could result in significant impacts to buried fossil resources within the Bay Point Formation. Implementation of the Mitigation, Monitoring, and Reporting Program (MMRP) during site grading, as described in Section V of the attached Mitigated Negative Declaration (MND)

	X	

would therefore mitigate paleontological impacts to a level below significance.

M. POPULATION AND HOUSING

Would the proposal:

1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

X

The project would provide affordable housing and new business/retail/commercial opportunities/services to the community. The proposed development would not likely induce a substantial population growth to the area.

2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

X

See M.1.

N. PUBLIC SERVICES

Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

X

1. Fire protection?

X

Services in the area are adequate for the proposed development.

2. Police protection?

X

See N.1.

3. Schools?

X

See N.1.

4. Parks or other recreational

X

See N.1.

5. Maintenance of public facilities, including roads?

X

See N.1.

6. Other governmental services?

X

See N.1.

O. RECREATIONAL RESOURCES

Would the proposal result in:

1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

X

The project would not be required to provide additional parks for the community.

2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

X

See O.1.

P. TRANSPORTATION/CIRCULATION

Would the proposal result in:

1. Traffic generation in excess of specific community plan allocation?

X

A Traffic Impact Study was prepared and concluded a potential impact to street segments along Cesar Chavez Parkway. The applicant would be required to restripe Cesar Chavez Parkway to allow left turn pockets so potential traffic turning left toward the project site would be separated from the through movement along Caesar Chavez Parkway. These measures would mitigate significant direct impacts to a level below significance. See Initial Study Transportation/Circulation/Parking discussion.

2. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

X

See P.1.

3. An increased demand for off-site parking?

X

The project would adequately provide 485 parking spaces on-site, where 447 parking spaces would be required. Excess parking spaces would be allotted for visitor parking.

4. Effects on existing parking?

X

See P.3. Adequate parking would be provided on-site.

5. Substantial impact upon existing or planned transportation systems?

See P.3.

X

6. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas?

See P.1.

X

7. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)?

See P.1.

X

8. A conflict with adopted policies plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)?

The development would be in conformance with above-mentioned policies, plans, or programs.

X

Q. UTILITIES

Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:

1. Natural gas?

Services and the infrastructure are adequate for the proposed development.

X

2. Communications systems?

See Q.1.

X

3. Water?

See Q.1.

X

4. Sewer?

See Q.1.

X

5. Storm water drainage?

See Q.1.

X

6. Solid waste disposal?

See Q.1.

X

R. WATER CONSERVATION

Would the proposal result in:

1. Use of excessive amounts of water?

Services are adequate for the proposed development and would not likely require or use excessive amounts of water.

_____ X

2. Landscaping which is predominantly non-drought resistant vegetation?

The project would comply with City's Landscape Standards.

_____ X

S. MANDATORY FINDINGS OF SIGNIFICANCE

1. Does the project have the potential to degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

No substantial change.

_____ X

2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.)

No such impacts have been identified.

_____ X

3. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

No such cumulative impacts have been identified.

_____ X

4. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

No such impacts have been identified.

_____ X

**INITIAL STUDY CHECKLIST
REFERENCES**

- A. Aesthetics / Neighborhood Character**
 City of San Diego Progress Guide and General Plan.
 Community Plan.
 Local Coastal Plan.
- B. Agricultural Resources / Natural Resources / Mineral Resources**
 City of San Diego Progress Guide and General Plan.
 U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.
 California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.
 Division of Mines and Geology, Special Report 153 - Significant Resources Maps.
- C. Air**
 California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.
 Regional Air Quality Strategies (RAQS) - APCD.
- D. Biology**
 City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
 City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.
 City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
 Community Plan - Resource Element.
 California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
 "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
 City of San Diego Land Development Code Biology Guidelines.
 Site Specific Report:
- E. Energy (N/A).**
 City Council Policy 900-14
 City Council Policy 600-27
- F. Geology/Soils**
 City of San Diego Seismic Safety Study.
 U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
 Site Specific Report: 1) *Preliminary Geotechnical and Fault Hazard Investigation* (URS, December 2006) and 2) *Addendum No. 1 to Preliminary*

<hr/> <hr/>	<i>Geotechnical and Fault Hazard Investigation</i> (URS, April 13, 2007)
G.	Historical Resources
<hr/> <hr/>	City of San Diego Historical Resources Guidelines.
<hr/> <hr/>	City of San Diego Archaeology Library.
<hr/> <hr/>	City of San Diego Historical Inventory of Historical Architects, Structures, and People in San Diego (<i>July 2000</i>)
<hr/> <hr/>	Historical Resources Board List.
<hr/> <hr/>	Community Historical Survey:
<hr/> <hr/>	Site Specific Report: 1) <i>A Historical Assessment of the San Diego City Schools Warehouse Buildings</i> (Kathleen Crawford, M.A., April 2006) and 2) <i>San Diego City Schools Commercial Street Maintenance Center, Existing Conditions Analysis</i> (Milford Wayne Donaldson, August 2002)
<hr/> <hr/>	
H.	Human Health / Public Safety / Hazardous Materials
<hr/> <hr/>	San Diego County Hazardous Materials Environmental Assessment Listing, 1996.
<hr/> <hr/>	San Diego County Hazardous Materials Management Division
<hr/> <hr/>	FAA Determination
<hr/> <hr/>	State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
<hr/> <hr/>	Airport Comprehensive Land Use Plan.
<hr/> <hr/>	City of San Diego Landscape Standards.
<hr/> <hr/>	Site Specific Report: 1) <i>Phase I Environmental Site Assessment</i> (Geomatrix, August 2, 2005), 2) <i>Subsurface Assessment Report</i> (SCS Engineers, December 11, 2006; and 3) <i>Site Remediation Overview Report</i> (SCS Engineers, May 23, 2007)
<hr/> <hr/>	
I.	Hydrology/Water Quality
<hr/> <hr/>	Flood Insurance Rate Map (FIRM).
<hr/> <hr/>	Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
<hr/> <hr/>	Clean Water Act Section 303(b) list, dated May 19, 1999, http://www.swrcb.ca.gov/tmdl/303d_lists.html .
<hr/> <hr/>	City of San Diego Storm Water Standards.
<hr/> <hr/>	Site Specific Report: <i>Water Quality Technical Report</i> (Nasland Engineering, July 23, 2007)
<hr/> <hr/>	Site Specific Report: <i>Drainage Study</i> (Nasland Engineering, July 23, 2007)
<hr/> <hr/>	
J.	Land Use
<hr/> <hr/>	City of San Diego Progress Guide and General Plan.
<hr/> <hr/>	Community Plan.
<hr/> <hr/>	Airport Comprehensive Land Use Plan
<hr/> <hr/>	City of San Diego Zoning Maps
<hr/> <hr/>	FAA Determination
<hr/> <hr/>	City of San Diego, Multiple Species Conservation Program (MSCP), Subarea

_____	Plan, 1997

K.	Noise
<u>X</u>	Community Plan
<u>X</u>	San Diego International Airport - Lindbergh Field CNEL Maps.
_____	Brown Field Airport Master Plan CNEL Maps.
_____	Marine Corps Air Station (MCAS) Miramar CNEL Maps.
<u>X</u>	San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
<u>X</u>	San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
<u>X</u>	City of San Diego Progress Guide and General Plan.
<u>X</u>	Site Specific Report: <i>Acoustical Site Assessment</i> (Investigative Science and Engineering, Inc., April 3, 2007)

L.	Paleontological Resources
<u>X</u>	City of San Diego Paleontological Guidelines.
<u>X</u>	Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," <u>Department of Paleontology</u> San Diego Natural History Museum, 1996.
<u>X</u>	Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 ½ Minute Quadrangles," <u>California Division of Mines and Geology Bulletin 200</u> , Sacramento, 1975.
_____	Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.
_____	Site Specific Report

M.	Population / Housing
<u>X</u>	City of San Diego Progress Guide and General Plan.
<u>X</u>	Community Plan.
_____	Series 8 Population Forecasts, SANDAG.

N.	Public Services (N/A)
<u>X</u>	City of San Diego Progress Guide and General Plan.
<u>X</u>	Community Plan.

O.	Recreational Resources
<u>X</u>	City of San Diego Progress Guide and General Plan.
<u>X</u>	Community Plan.
<u>X</u>	Department of Park and Recreation
_____	City of San Diego - San Diego Regional Bicycling Map

P.	Transportation / Circulation
<u>X</u>	City of San Diego Progress Guide and General Plan.

- X
- Community Plan.
- X
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- X
- San Diego Region Weekday Traffic Volumes, SANDAG.
- X
- Caltrans Project Report (1989)
- X
- Site Specific Report: *Traffic Impact Study* (Katz, Okitsu & Associates, August 2007)

Q. Utilities (N/A)

R. Water Conservation

- X
- City of San Diego Landscape Standards, December 1997.
- X
- Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

002127

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 337
12/04

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services

3. DATE:
October 12, 2007

4. SUBJECT:
COMM 22

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
John S. Fisher, 446-5231

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Mike Westlake, 446-5220

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.	1317			
ORGANIZATION	1672			
OBJECT ACCOUNT	4038			
JOB ORDER	424564			
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:
No cost to the City. All costs are recovered through a deposit account funded by the applicant.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT ^{msw}	PATTI BOENERT	10/10/07	8	DEPUTY CHIEF	WILLIAM ANDERSON	10-10-07
2	EAS	KEN TEASLEY	10-5-07	9			
3	PLANNING	MARY WRIGHT	10-12-07	10	CITY ATTORNEY		11-07-07
4	EOCP EXEMPT PER MEMO DATED 5/9/96			11	ORIG. DEPT	MIKE WESTLAKE	10/5/07
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

- Council resolution certifying the information contained in LDR File No. 122002 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Mitigated Negative Declaration No. 122002 reflects the independent judgment of the City of San Diego as Lead Agency, stating for the record the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project, adopting the Mitigation Monitoring and Reporting Program.
- Council ordinance rezoning 4.58 acres located on the southern side of Commercial Street between 21st Street and Harrison Avenue from I-1 and MF-3000 Zones to the CC-3-5 Zone.
- Council resolution approving Progress Guide and General Plan and Southeastern San Diego Community Plan Amendment No. 415854.
- Council resolution approving Public Right-of-Way Vacation No. 415855, Easement Vacation No. 454297 and Vesting Tentative Map No. 415852.
- Council resolution approving Planned Development Permit No. 454025, Site Development Permit No. 415853 and Conditional Use Permit No. 431367.

11A. STAFF RECOMMENDATIONS:
Approve the Ordinance and Adopt the Resolutions

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 8

COMMUNITY AREA(S): SOUTHEAST SAN DIEGO

ENVIRONMENTAL IMPACT: THE CITY OF SAN DIEGO AS LEAD AGENCY UNDER CEQA HAS COMPLETED MITIGATED NEGATIVE DECLARATION NO. 122002, DATED SEPT. 19, 2007, *and Mitigation, Monitoring, and Reporting Program covering this activity.*

HOUSING IMPACT: THE PROPOSED PROJECT WOULD CREATE 252 NEW HOUSING UNITS ON A CURRENTLY VACANT SITE. OF THE 252 UNITS, 197 WOULD BE AFFORDABLE TO LOWER INCOME HOUSEHOLDS. MORE SPECIFICALLY, 70 SENIOR CITIZEN UNITS AND 127 FAMILY HOUSING UNITS WOULD BE PROVIDED AT 60 PERCENT OF AREA MEDIAN INCOME. THE FAMILY HOUSING UNITS WOULD INCLUDE 34 UNITS WITH THREE BEDROOMS FOR LARGER FAMILIES OR HOUSEHOLDS. ALL OF THE 197 AFFORDABLE UNITS WOULD BE RENTALS. THERE WOULD ALSO BE 55 MARKET-RATE UNITS WHICH WOULD INCLUDE 17 TOWNHOUSE CONDOMINIUM UNITS, 11 STUDIO UNITS AND 27 LIVE-WORK LOFTS.

INSTRUCTIONS TO THE CITY CLERK:

1. PUBLIC NOTICING IS REQUIRED.
2. RETURN COPIES OF EACH RESOLUTION TO JOHN S. FISHER, MS 302 AND A COPY OF THE PLAN AMENDMENT RESOLUTION TO ~~BETSY MCCULLOUGH AND MARY WRIGHT AT MS 5A AND 4A, RESPECTIVELY.~~
3. COUNCIL ACTION REQUIRES A MAJORITY VOTE.
4. THE PLAN AMENDMENT IS BEING PROCESSED IN ACCORDANCE WITH SDMC 122.0101, THE VTM IN ACCORDANCE WITH SDMC 125.0450, THE PDP IN ACCORDANCE WITH 126.0601, THE SDP IN ACCORDANCE WITH 126-0501, AND THE CUP IN ACCORDANCE WITH 126.0301.

RECEIVED
 CITY CLERK'S OFFICE
 07 NOV 13 PM 3:21
 SAN DIEGO, CALIF.

CITY ATTORNEY
 07 OCT 15 AM 11:51
 CIVIL DIVISION

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Planning and Development Review Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 122002 **State Clearinghouse Number:** 2007081100
Permit Number: Rezone No. 415850, CPA No. 415854I, ROW Vacation No. 415855, Easement Vacation No. 454297, VTM No. 415852, PDP No. 454025, SDP No. 415853, and CUP No. 431367.

Project Title: COMM 22

Project Location: The project is located on three sites along Commercial Street, between 21st Street and Harrison Avenue, within the Southeastern San Diego Community Plan and Transit Area.

Project Description: Community Plan Amendment to change the project site's land use designation as identified in the Southeastern San Diego Community Plan from Industrial and Residential to Community Commercial; a Rezone from SESDPD I-1 and SESDPD-MF-3000 to CC-3-5; Public Right of Way Vacation to vacate a portion of Irving Avenue and 22nd Street; Easement Vacation to vacate drainage, sewer, and utility easements; and Vesting Tentative Map, Planned Development Permit, Conditional Use Permit, and a Site Development Permit to construct and allow uses for senior housing; a childcare facility, retail space; live/work quarters; and residential apartments and condominiums.

Project Applicant: COMM 22, LLC, 9191 Towne Centre Drive, #310, San Diego, CA 92122. (858) 535-0552.

This is to advise that the City of San Diego City Council on _____, approved the above described project and made the following determinations:

- 1. The project in its approved form will, X will not, have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
 X A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 An addendum to Negative Declaration No./Mitigated Negative Declaration No./Environmental Impact Report No. was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

- 3. Mitigation measures X were, were not, made a condition of the approval of the project.
- 4. (EIR only) Findings were, were not, made pursuant to CEQA Guidelines Section 15091.
- 5. (EIR only) A Statement of Overriding Considerations was, was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: JARQUE

Telephone: (619) 687-5961

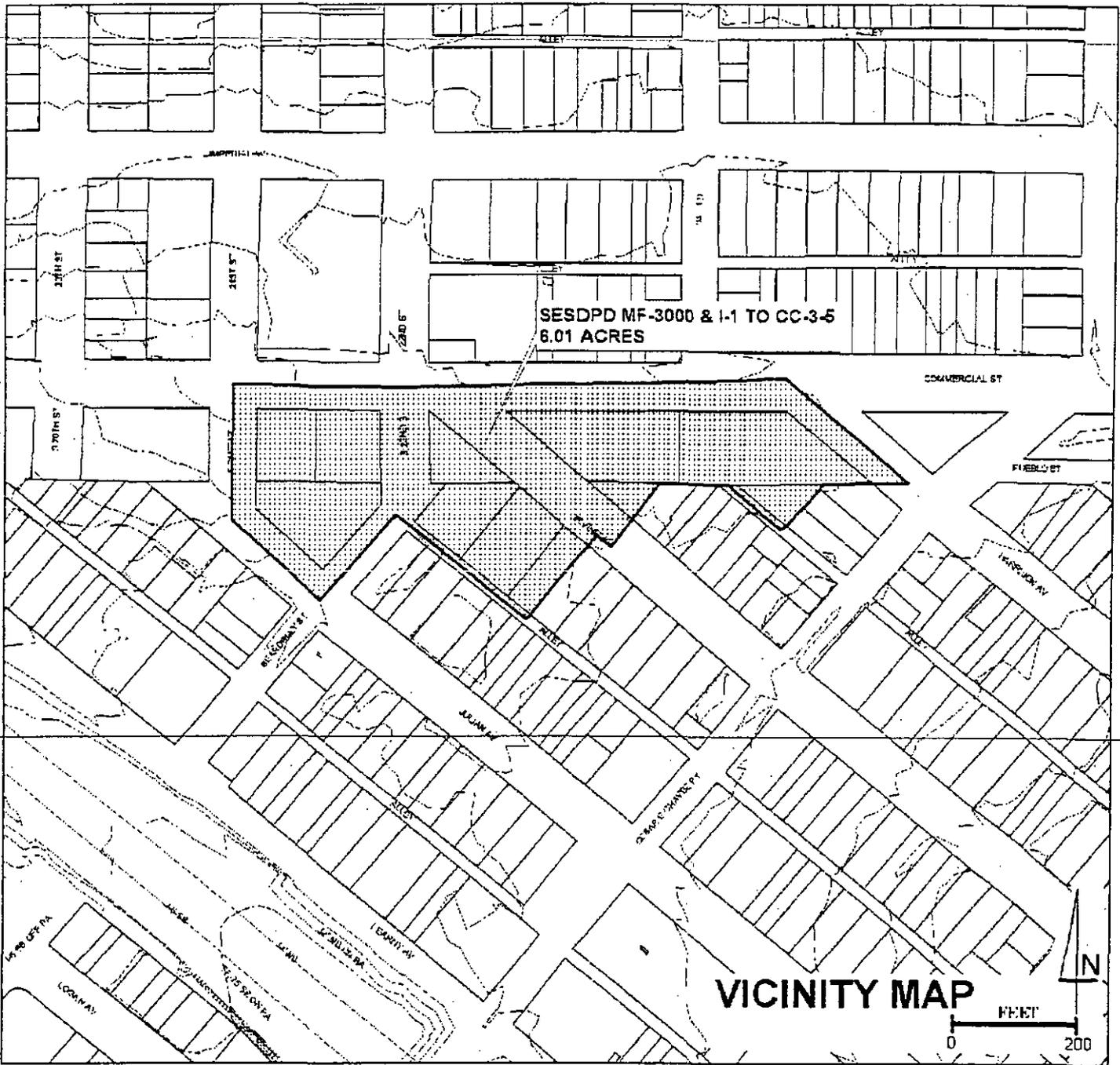
Filed by: _____
Signature

Title

Reference: California Public Resources Code, Sections 21108 and 21152.



PROPOSED REZONING



BLK 64, LOT 1-8, BLK 65 LOTS 1-3, 10-12 MAP 856, BLK 237, LOTS 1-11 MAP 478

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST CC-3-5
 PLANNING COMM. RECOMMENDATION _____
 CITY COUNCIL ACTION 03 DEC 10 09 10 20

CASE NO. 42-4564

DEVELOPMENT SERVICES MANAGER

B-4254

APN: 535-640-13-16, 535-660-34,
 538-100-26-26, 538-120-01 & 17

(196-1725) 4-30-07 ldj

Portion of Map Per C-732H.3

Legal Description**Exhibit "B"**

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel A:

Lots 39 to 44 inclusive in Block 227 of Mannasse and Schiller's Addition, according to the Map thereof No. 209 filed in the Office of the Recorder of San Diego County, July 11th, 1870.

Together with those portions of Fractional Lots 45 to 48, in Block 227 of Mannasse and Schiller's Addition, being a Subdivision of Pueblo Lot 1157, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 209 filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with those portions of Lots 1, 2 and 3 in Block 64 of Sherman's Addition, according to Map thereof No. 856 filed in the Office of the Recorder of San Diego County, February 18, 1899, lying South of the South line of Irving Avenue as conveyed to City of San Diego by John J. McCook by Deed dated June 15, 1893 and recorded in Book 222 Page 183 of Deeds in records of San Diego County, in the Office of the County Recorder of San Diego County.

Parcel B:

Fractional Lots eighteen (18) to twenty-two (22) inclusive in Block two hundred twenty-eight (228) of Mannasse and Schiller's Addition, according to Map thereof made by Chas A. Fox, No. 209, filed in the Office of the County Recorder of said San Diego County, July 11, 1870, excepting therefrom that portion of Lots eighteen (18) and nineteen (19) conveyed to the City of San Diego, and also excepting those portions of Lots eighteen (18), nineteen (19) and twenty (20), lying North of a line running parallel with and twelve (12) feet distant Southerly from the Northerly boundary line of said Mannasse and Schiller's Addition.

Together with Lots twenty-three and twenty-four in Block two hundred twenty-eight of Mannasse and Schiller's Subdivision of Pueblo Lot 1157, according to the Map thereof No. 209, filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with that portion of Beardsley St. vacated in Resolution No. 49206 dated February 25, 1929.

Parcel C:

Lots eight, nine, ten and eleven in Block two hundred thirty-eight of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870.

Together with that portion of Lots three to eight inclusive lying Northeasterly of Irving Avenue as now extended in Block sixty-four of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of San Diego County, February 18, 1899.

Parcel D:

Fractional Lots 1 to 5 inclusive and Lots 6 to 8 inclusive in Block 237 of Lincoln Park, in the City of San Diego, County of San Diego, State of California, according to Map No. 478 filed in the Office of the Recorder of said San Diego County, January 4, 1888; also Fractional Lots 30 to 33 inclusive in Block 238 of San Diego Land and Town Company's Addition, in the City of San Diego, County of San Diego, State of California, according to Map No. 379 filed in the Office of the Recorder of said San Diego County, October 30, 1886.

Together with that portion of Lots nine, ten and eleven in Block two-hundred thirty-seven of Lincoln Park, according to Map thereof No. 478 filed in the Office of the Recorder of San Diego County, January 4, 1888, which lie within the Southwest Quarter of Pueblo Lot 1154.

Parcel E:

Lots ten, eleven and twelve (10, 11 and 12) of Fractional Block sixty-five (65), heretofore conditionally deeded to the City of San Diego Board of School Trustees, of Sherman's Addition to San Diego as per official Map on file in County Recorder's Office of the County of San Diego and State of California.

Together with Lots one (1) and two (2) in Block sixty-five of Sherman's Addition, according to the Map thereof No. 856, filed in the Office of the Recorder of said San Diego County, February 18, 1899.

Also together with Lot three (3) in Block sixty-five (65) of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of said San Diego County, February 18, 1899.

Also all those portions of Lots eighteen (18), nineteen (19) and twenty (20), in Block two hundred twenty-eight (228) of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of said San Diego County July 11, 1870, that lie North of a line parallel with and 12 feet distant at right angles Southerly from the North boundary line of said Mannasse and Schiller's Addition. Excepting from said portion of Lot 16 that portion thereof that was conveyed to the City of San Diego by Deed from Celia Schiller recorded in Book 237, Page 75 of Deeds.

538-100-26, 27, 28 and 29; 538-120-01 and 17; 535-660-34; 535-640-13, 14, 15 and 16

RESOLUTION NUMBER R- _____

DATE OF FINAL PASSAGE _____

WHEREAS, on January 19, 2007, San Diego Unified School District, a school district organized and existing under the laws of the State of California, Owner, and COMM 22, LLC, a California limited liability corporation, Permittee, submitted an application to the City of San Diego for a rezone, Progress Guide and General Plan and Southeastern San Diego Community Plan Amendment, a vesting tentative map/public right-of-way vacation/easement vacation, and site development permit/planned development/conditional use permit for the COMM 22 project; and

WHEREAS, on October 11, 2007, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 122002; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 122002; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 122002, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this City Council in connection with the approval of a rezone, Progress Guide and General Plan and Southeastern San Diego Community Plan Amendment, a vesting tentative map/public right-of-way vacation/easement vacation, and site development permit/planned development/conditional use permit for the COMM 22 project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
10/16/07
Or.Dept:DSD
R-2008-336
MMS #5477
ENVIRONMENTAL - MND 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

REZONE, PROGRESS GUIDE AND GENERAL PLAN AND SOUTHEASTERN SAN DIEGO COMMUNITY PLAN AMENDMENT, PUBLIC RIGHT-OF-WAY VACATION, EASEMENT VACATION, VESTING TENTATIVE MAP, SITE DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT; AND CONDITIONAL USE PERMIT

PROJECT NO. 122002

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 122002) shall be made conditions of Rezone, Progress Guide And General Plan And Southeastern Sand Diego Community Plan Amendment, Public Right-Of-Way Vacation, Easement Vacation, Vesting Tentative Map, Site Development Permit, Planned Development Permit; and Conditional Use Permit, as may be further described below.

GENERAL

1. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, the Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading *Environmental Requirements*: "COMM 22 project is subject to a Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, Paleontologist, Archaeologist, Historic Architect (when applicable), and the City's Mitigation Monitoring Coordination (MMC) Section.

PALEONTOLOGICAL RESOURCES**I. Prior to Permit Issuance**

- A. Land Development Review (LDR) Plan Check
 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project

and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. *The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.*

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night Work

- A. If night work is included in the contract
 - 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI.V. Post Construction

- A. Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the

search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern

disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
 2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
 3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 4. The PI shall coordinate with the MLD for additional consultation.
 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. **Night Work**

- A. If night work is included in the contract
1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. **No Discoveries**
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVN and submit to MMC via fax by 9am the following morning, if possible.
 - b. **Discoveries**
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
 - c. **Potentially Significant Discoveries**
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HISTORICAL (ARCHITECTURE)

1. Prior to issuance of a demolition or building permit for Site A, as shown on the approved Exhibit A, the applicant/owner/permittee shall submit to the Assistant Deputy Director (ADD) of Land Development Review (LDR) Division detailed construction plans for Building 1A. The plans shall indicate and note that the building has been designed to be consistent with the Secretary of Interior Standards for the Treatment of Historic Properties and related Guidelines.
2. Prior to issuance of certificates of occupancy, the ADD of LDR or Environmental Analysis Section (EAS) staff shall verify through a site inspection that the exterior building rehabilitation is consistent with Exhibit A and complies with the Secretary of Interior Standards for the Treatment of Historic Properties and related Guidelines.

HUMAN HEALTH AND PUBLIC SAFETY (Hazardous Materials)

1. The Applicant/Owner/Permittee shall provide the Assistant Deputy Director (ADD)/Development Services Department (DSD), a copy of the Property Mitigation Plan (PMP), Health Risk Assessment (included in the PMP or may be a separate document), and any Monitoring reports provided to the County of San Diego Department of Environmental Health (DEH) in conjunction with the County's review through the Voluntary Assistance Program (VAP) and/or California Environmental Protection Agency (Cal EPA) Site Designation Process.
2. Prior to the foundation inspection approval for each building, or project phase, the Applicant/Owner/Permittee shall submit to the ADD of LDR, a Letter of Concurrence from the Administering Agency under the California EPA Site Designation Process confirming that the mitigation measures recommended in the PMP for the building(s), or project phase, have been implemented and that construction of the building(s), or project phase, can proceed. If further remedial action is required during construction activities, based on site assessment activities performed under the direction of the Administering Agency, specific measures shall be incorporated in the remedial action work plan to ensure human health and public safety issues are adequately addressed.
3. Prior to the final building inspection approval, the Applicant/Owner/Permittee shall submit to the ADD of LDR, the Property Closure Report (PCR) documenting environmental assessment and mitigation activities implemented under the PMP and a Letter of Concurrence from the Administering Agency under the California EPA Site Designation Process that the implementation of the PMP has been completed.

TRANSPORTATION/CIRCULATION

1. Prior to the issuance of any building permits, applicant shall assure by permit and bond restriping of Cesar Chavez Parkway with left turn pockets at each intersection from Commercial Street to Julian Avenue, satisfactory to the City Engineer.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.58 ACRES, LOCATED BETWEEN COMMERCIAL STREET, BEARDSLEY STREET AND IRVING AVENUE, AND BETWEEN 21ST STREET AND HARRISON AVENUE, WITHIN THE SOUTHEASTERN SAN DIEGO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE SOUTHEAST SAN DIEGO PLANNED DISTRICT MF-3000 AND I-1 ZONES INTO THE COMMERCIAL CC-3-5 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0507, AND REPEALING ORDINANCE NOS. O-17410 (NEW SERIES) ADOPTED JANUARY 8, 1990 AND O-18478 (NEW SERIES), ADOPTED APRIL 7, 1998, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

This ordinance approves the rezoning of 4.58 acres from the Southeast San Diego Planned District MF-3000 and I-1 zones to the Commercial CC-3-5 zone, in connection with property located between Commercial and Beardsely Streets, between 21st Street and Harrison Avenue, in the Southeastern San Diego Community Plan, in the City of San Diego, California.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

SRE:pev
10/16/2007
Or.Dept:DSD
O-200854

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.58 ACRES, LOCATED BETWEEN COMMERCIAL STREET, BEARDSLEY STREET AND IRVING AVENUE, AND BETWEEN 21ST STREET AND HARRISON AVENUE, WITHIN THE SOUTHEASTERN SAN DIEGO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE SOUTHEAST SAN DIEGO PLANNED DISTRICT MF-3000 AND I-1 ZONES INTO THE COMMERCIAL CC-3-5 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0507, AND REPEALING ORDINANCE NOS. O-17410 (NEW SERIES) ADOPTED JANUARY 8, 1990 AND O-18478 (NEW SERIES), ADOPTED APRIL 7, 1998, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

WHEREAS, under Charter section 280(a)(2) this ordinance 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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 4.58 acres, located between Commercial and Beardseley Streets, between 21st Street and Harrison Avenue, (see legal description attached as Exhibit "B"), in the Southeastern San Diego Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4254, on file in the office of the City Clerk as Document No. OO-_____, are rezoned from the Southeast San Diego Planned District MF-3000 and I-1 zones into the Commercial CC-3-5 zone, , as the zone is described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 5. This action amends the Official Zoning Map

adopted by Resolution No. R-301263 on February 28, 2006, with final passage date of March 14, 2006.

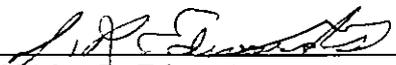
Section 2. That Ordinance No. O-17410 (New Series) adopted January 8, 1990 and Ordinance No. O-18478 (New Series) adopted April 7, 1998, of the ordinances of the City of San Diego are repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
10/16/07
Or.Dept:DSD
O-2008-54
MMS #5477

Legal Description**Exhibit "B"**

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel A:

Lots 39 to 44 inclusive in Block 227 of Mannasse and Schiller's Addition, according to the Map thereof No. 209 filed in the Office of the Recorder of San Diego County, July 11th, 1870.

Together with those portions of Fractional Lots 45 to 48, in Block 227 of Mannasse and Schiller's Addition, being a Subdivision of Pueblo Lot 1157, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 209 filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with those portions of Lots 1, 2 and 3 in Block 64 of Sherman's Addition, according to Map thereof No. 856 filed in the Office of the Recorder of San Diego County, February 18, 1899, lying South of the South line of Irving Avenue as conveyed to City of San Diego by John J. McCook by Deed dated June 15, 1893 and recorded in Book 222 Page 183 of Deeds in records of San Diego County, in the Office of the County Recorder of San Diego County.

Parcel B:

Fractional Lots eighteen (18) to twenty-two (22) inclusive in Block two hundred twenty-eight (228) of Mannasse and Schiller's Addition, according to Map thereof made by Chas A. Fox, No. 209, filed in the Office of the County Recorder of said San Diego County, July 11, 1870, excepting therefrom that portion of Lots eighteen (18) and nineteen (19) conveyed to the City of San Diego, and also excepting those portions of Lots eighteen (18), nineteen (19) and twenty (20), lying North of a line running parallel with and twelve (12) feet distant Southerly from the Northerly boundary line of said Mannasse and Schiller's Addition.

Together with Lots twenty-three and twenty-four in Block two hundred twenty-eight of Mannasse and Schiller's Subdivision of Pueblo Lot 1157, according to the Map thereof No. 209, filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with that portion of Beardsley St. vacated in Resolution No. 49206 dated February 25, 1929.

Parcel C:

Lots eight, nine, ten and eleven in Block two hundred thirty-eight of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870.

Together with that portion of Lots three to eight inclusive lying Northeasterly of Irving Avenue as now extended in Block sixty-four of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of San Diego County, February 18, 1899.

Parcel D:

Fractional Lots 1 to 5 inclusive and Lots 6 to 8 inclusive in Block 237 of Lincoln Park, in the City of San Diego, County of San Diego, State of California, according to Map No. 478 filed in the Office of the Recorder of said San Diego County, January 4, 1888; also Fractional Lots 30 to 33 inclusive in Block 238 of San Diego Land and Town Company's Addition, in the City of San Diego, County of San Diego, State of California, according to Map No. 379 filed in the Office of the Recorder of said San Diego County, October 30, 1886.

Together with that portion of Lots nine, ten and eleven in Block two-hundred thirty-seven of Lincoln Park, according to Map thereof No. 478 filed in the Office of the Recorder of San Diego County, January 4, 1888, which lie within the Southwest Quarter of Pueblo Lot 1154.

Parcel E:

Lots ten, eleven and twelve (10, 11 and 12) of Fractional Block sixty-five (65), heretofore conditionally deeded to the City of San Diego Board of School Trustees, of Sherman's Addition to San Diego as per official Map on file in County Recorder's Office of the County of San Diego and State of California.

Together with Lots one (1) and two (2) in Block sixty-five of Sherman's Addition, according to the Map thereof No. 856, filed in the Office of the Recorder of said San Diego County, February 18, 1899.

Also together with Lot three (3) in Block sixty-five (65) of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of said San Diego County, February 18, 1899.

Also all those portions of Lots eighteen (18), nineteen (19) and twenty (20), in Block two hundred twenty-eight (228) of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of said San Diego County July 11, 1870, that lie North of a line parallel with and 12 feet distant at right angles Southerly from the North boundary line of said Mannasse and Schiller's Addition. Excepting from said portion of Lot 16 that portion thereof that was conveyed to the City of San Diego by Deed from Celia Schiller recorded in Book 237, Page 75 of Deeds.

538-100-26, 27, 28 and 29; 538-120-01 and 17; 535-660-34; 535-640-13, 14, 15 and 16

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, COMM 22, LLC, requested an amendment to the Southeastern San Diego Community Plan and an amendment to the Progress Guide and General Plan in order to redesignate land uses located at 2101 Commercial Street, from Industrial and Residential to Community Commercial, (see attached legal description, Exhibit "B"); and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, on October 11, 2007, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering an amendment to the Southeastern San Diego Community Plan and the Progress Guide and General Plan; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the Progress Guide and General Plan; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body 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; and

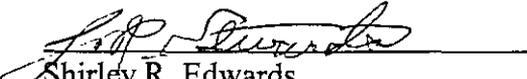
WHEREAS, on _____, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the Progress Guide and General Plan and the Southeastern San Diego Community Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council adopts the amendments to the Southeastern San Diego Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego solely to incorporate the above amended plan.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
10/16/07
Or.Dept:DSD
R-2008-337
MMS #5477
Community Plan Amend – Applicant Initiated Amendment 11-01-04

NOV 18 2007
CITY OF SAN DIEGO

Legal Description**Exhibit "B"**

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel A:

Lots 39 to 44 inclusive in Block 227 of Mannasse and Schiller's Addition, according to the Map thereof No. 209 filed in the Office of the Recorder of San Diego County, July 11th, 1870.

Together with those portions of Fractional Lots 45 to 48, in Block 227 of Mannasse and Schiller's Addition, being a Subdivision of Pueblo Lot 1157, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 209 filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with those portions of Lots 1, 2 and 3 in Block 64 of Sherman's Addition, according to Map thereof No. 856 filed in the Office of the Recorder of San Diego County, February 18, 1899, lying South of the South line of Irving Avenue as conveyed to City of San Diego by John J. McCook by Deed dated June 15, 1893 and recorded in Book 222 Page 183 of Deeds in records of San Diego County, in the Office of the County Recorder of San Diego County.

Parcel B:

Fractional Lots eighteen (18) to twenty-two (22) inclusive in Block two hundred twenty-eight (228) of Mannasse and Schiller's Addition, according to Map thereof made by Chas A. Fox, No. 209, filed in the Office of the County Recorder of said San Diego County, July 11, 1870, excepting therefrom that portion of Lots eighteen (18) and nineteen (19) conveyed to the City of San Diego, and also excepting those portions of Lots eighteen (18), nineteen (19) and twenty (20), lying North of a line running parallel with and twelve (12) feet distant Southerly from the Northerly boundary line of said Mannasse and Schiller's Addition.

Together with Lots twenty-three and twenty-four in Block two hundred twenty-eight of Mannasse and Schiller's Subdivision of Pueblo Lot 1157, according to the Map thereof No. 209, filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with that portion of Beardsley St. vacated in Resolution No. 49206 dated February 25, 1929.

RECORDED
JUL 12 1870
COUNTY RECORDER
SAN DIEGO COUNTY
CALIFORNIA

Parcel C:

Lots eight, nine, ten and eleven in Block two hundred thirty-eight of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870.

Together with that portion of Lots three to eight inclusive lying Northeasterly of Irving Avenue as now extended in Block sixty-four of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of San Diego County, February 18, 1899.

Parcel D:

Fractional Lots 1 to 5 inclusive and Lots 6 to 8 inclusive in Block 237 of Lincoln Park, in the City of San Diego, County of San Diego, State of California, according to Map No. 478 filed in the Office of the Recorder of said San Diego County, January 4, 1888; also Fractional Lots 30 to 33 inclusive in Block 238 of San Diego Land and Town Company's Addition, in the City of San Diego, County of San Diego, State of California, according to Map No. 379 filed in the Office of the Recorder of said San Diego County, October 30, 1886.

Together with that portion of Lots nine, ten and eleven in Block two-hundred thirty-seven of Lincoln Park, according to Map thereof No. 478 filed in the Office of the Recorder of San Diego County, January 4, 1888, which lie within the Southwest Quarter of Pueblo Lot 1154.

Parcel E:

Lots ten, eleven and twelve (10, 11 and 12) of Fractional Block sixty-five (65), heretofore conditionally deeded to the City of San Diego Board of School Trustees, of Sherman's Addition to San Diego as per official Map on file in County Recorder's Office of the County of San Diego and State of California.

Together with Lots one (1) and two (2) in Block sixty-five of Sherman's Addition, according to the Map thereof No. 856, filed in the Office of the Recorder of said San Diego County, February 18, 1899.

Also together with Lot three (3) in Block sixty-five (65) of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of said San Diego County, February 18, 1899.

Also all those portions of Lots eighteen (18), nineteen (19) and twenty (20), in Block two hundred twenty-eight (228) of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of said San Diego County July 11, 1870, that lie North of a line parallel with and 12 feet distant at right angles Southerly from the North boundary line of said Mannasse and Schiller's Addition. Excepting from said portion of Lot 16 that portion thereof that was conveyed to the City of San Diego by Deed from Celia Schiller recorded in Book 237, Page 75 of Deeds.

538-100-26, 27, 28 and 29; 538-120-01 and 17; 535-660-34; 535-640-13, 14, 15 and 16

Residential Objectives

1. Respect the housing character, scale, style and density of existing residential neighborhoods.
2. Preserve, restore and rehabilitate residences and/or neighborhoods with historical significance. (Information on historic structures and districts is detailed in the Neighborhood Element of the Plan.)
3. Encourage and accommodate orderly new development that is consistent with the community goals and objectives.
4. Require high quality developments in accordance with the design guidelines as established within the plan and as recommended by Project First Class.
5. Maintain or increase the level of owner occupancy in the community to increase maintenance of properties and to increase pride in individual neighborhoods.

Residential Recommendations

1. Residential Density Designations

- a. To maintain the scale and spacing of development, approximately 30 percent of the community should be developed as "very low" (0-5 du/ac) or "low" (5-10 du/ac) density residential as shown on the community plan map (Figure 47) and Figure 7.
- b. Areas designated for 10-15 dwelling units per acre generally coincide with areas presently zoned R-3000. This density is recommended for a majority of the central and western subareas, where the existing land use is typically 12-15 units per acre. In order to maintain the low visual scale of the community, the 30-foot height limitation of the R3000 Zone should be adhered to.
- c. Provision of higher density residential use should not conflict with existing low scale, low density areas. Portions of the plan area are designated for densities of up to 30 dwelling units per acre with an additional area designated for densities between 30 and 74 dwelling units per acre. The areas designated for ~~these densities of up to 30 dwelling units per acre~~ include parts of Shelltown, and Southcrest, the northern portion of Lincoln Park, and along portions of Naranja Street, Imperial Avenue, National Avenue, and Market Street. This plan has designated areas for this density to reflect existing development, provide incentives for redevelopment and to take advantage of access to the trolley corridor. ~~The development of higher density residential development should be restricted to these areas.~~ The areas designated for densities of 30 to 74 dwelling units per acre include the southern portion of Commercial Street between 21st Street and Commercial Avenue (Figure 7).
- d. Preserve the existing low residential densities in areas where a low density residential development pattern already exists and where the existing zoning is R1-5000, R1-6000 R110000 or R1-20000.

The community plan designations for land use could result in a total of 29,000 to 31,000 dwelling units or a decrease of about 18 percent in the existing zoning capacity.

- b. Publicly sponsored redevelopment, with an emphasis on rehabilitating existing commercial buildings, is provided for in the Preliminary Dells Imperial Redevelopment Plan and the Central Imperial Redevelopment Plan. The community plan recommends that priority be given to redevelopment efforts along Imperial Avenue from 25th Street to State Highway 15.
 - c. Logan-Euclid Professional Business Association. This area should be given priority for landscaping improvements and other assistance because of the owner's willingness to invest. This area could serve as a model for a joint public/private revitalization project. The traffic island here could be landscaped.
9. Public Parking. Public parking lots are needed in areas of higher density or more intense commercial activities, such as Imperial Avenue between 25th and 30th, and 63rd and 66th Streets. The funding of these parking areas and their maintenance could be obtained through Business Improvement Districts or Special Assessment Districts. These parking areas should be highly visible from the public streets to increase safety and should be well-lighted and landscaped. In addition, the Euclid Trolley Station should be expanded to the west if this additional area is determined to be needed by MTDB.
 10. Alcohol Sales - Conditional Use Permit. The Alcohol Beverage Conditional Use Permit pilot program for new liquor licenses or a change in license should be continued. The number of commercial establishments selling alcoholic beverages in Southeastern San Diego should be reduced in neighborhoods experiencing high level of crime.
 11. Multiple-Use. Areas designated for multiple use (commercial/residential) should be established along major streets near residential areas as illustrated in the Neighborhood Element of this plan (p. 157-315), and in redevelopment areas. Areas designated for multiple-use may be developed commercially or residentially. Careful site planning will be required to provide a buffer area between residential and commercial development. This blending of uses will act as a buffer between the commercial and residential zones, can aid in the preservation and re-use of historically significant structures and allows for development flexibility to create new opportunities for redevelopment. All other commercially designated areas should not be permitted to develop residentially to assure that needed commercial services are provided.
 12. Urban Plazas and Landscaped Settings. Create urban plazas in park-like setting along Chollas Creek from Imperial Avenue near Interstate 805 on the north to National Avenue on the south which consist of landscaping, enhanced paving, and a location for public art.
 13. Commercial Street Revitalization. The southern portion of Commercial Street, between 21st and Harrison Avenue is designated Community Commercial (see Figure 7). The Community Commercial Designation provides for mixed use areas with retail, service, civic, office and residential uses for the community along transit corridors. The residential density range associated with the Community Commercial Designation is 30 to 74 dwelling units per acre.

Industrial Recommendations

1. Proposed Industrial Sites. The community plan land use map will provide for a slight increase in the total of industrial land use acreage allowed by existing zoning. Industrial sites in the community plan are designated in six consolidated industrial development centers. These include:

1. Commercial Street (Generally from Interstate 5 to approximately Bancroft Street);
2. National Avenue (33rd Street to State Highway 15);
3. Southcrest East (41st Street to 43rd Street);
4. Market Street East (Market Street generally from 49th Street to Merlin Drive, with the exception of the intersection Market Street and Euclid Avenue);
5. Gateway Center West (32nd Street to State Highway 15);
6. Gateway Center East (State Highway 15 to Boundary Street);
7. Market Street Industrial Park (Market Street from Boundary Street to 41st Street);
8. Federal Boulevard (just east of 60th Street to the City Limits);
9. Imperial Avenue (State Highway 15 to 36th Street).

Most of the industrial centers listed above lie within the Redevelopment Agency project areas. The Redevelopment Agency should provide assistance for the assembly of land parcels in these areas. The Redevelopment Agency involvement should also assist in the application of design review for industrial parks at these centers.

2. Lot Sizes. The industrial centers listed above should be designed to allow the assembly of large parcels for major industrial users.
3. Use Restrictions.
 - a. Industrially designated areas should be reserved for industrial and/or office park uses and should not be pre-empted by commercial or residential uses. This should be implemented through zoning or planned district regulations.
 - b. Auto dismantling, junk yards, outdoor open storage and recycling industries should be prohibited in the Southeastern San Diego community. Compliance with this restriction should be required within ten years of adoption of the applicable zoning regulations.

During preparation for the arrival of the San Diego Trolley, many of the industrial developments along Commercial Street participated in a revitalization program which resulted in a general cleanup of the area. However, many of the properties remain in a state of disrepair and are in need of redevelopment.

Schools

The neighborhood has one elementary school, Burbank Elementary School, located on Evans Street between Irving Avenue and Julian Avenue. With an enrollment of over 600, the school has increased beyond district projections and now has plans for expansion. (See Public Facilities section.)

Logan Heights Objectives

1. Revitalize the commercial uses along Imperial Avenue and Commercial Street, improving building facades and landscaping.
2. Improve the appearance of Imperial Avenue, Commercial Street, and Oceanview Boulevard.
3. Rehabilitate the industrial uses along Commercial Street and increase the amount and quality of screening of industrial uses.
4. Preserve this community's well-maintained and historically significant residential units. Allow redevelopment on underutilized or poorly maintained lots, but preserve the area's development pattern of small houses along the street with additional units towards the rear of lots.

Logan Heights Recommendations

- A. Rezone both sides of Commercial Street to a light industrial zone that limits the range of uses permitted and requires aesthetic screening of all industrial uses, with the exception of the southern portion of Commercial Street between 21st Street and Harrison Avenue, which should be rezoned to CC-3-5.

Commercial Street is presently occupied with industrial uses including auto dismantling facilities, heavy manufacturing, boat building, and outdoor storage. Although these uses play an important role of the economy of Southeastern San Diego, it is important that these uses not be offensive or in conflict with surrounding land uses. This plan recommends that Commercial Street be rezoned from the existing M-2 and M-1 zones to a light industry and service zone for uses such as small and incubator businesses, wholesaling and office space. The alley system should be used as much as possible for service and parking access, reducing conflict with the trolley. Development regulations should ensure that industrial uses are screened by walls or berms.

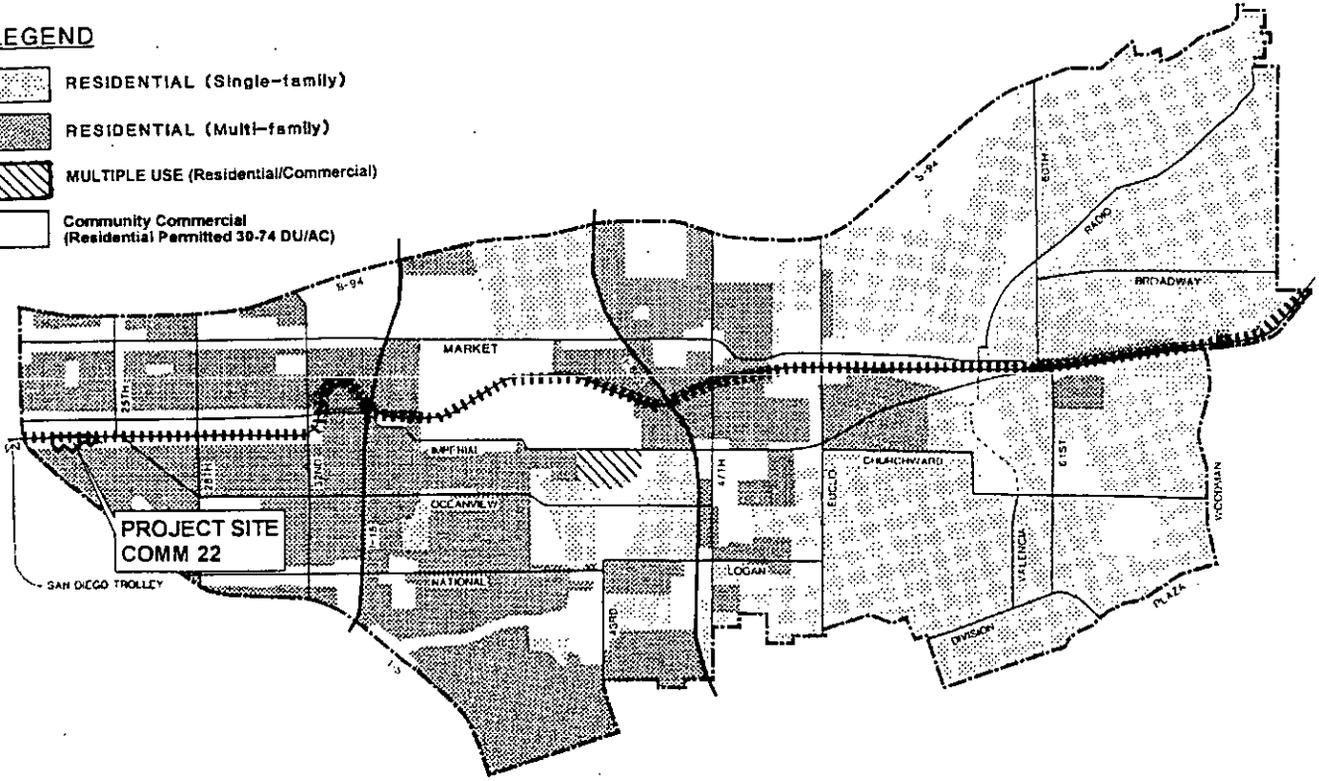
compatible private development. In the event that residential development is considered for the site, the density should be compatible with the density recommended in this plan (15-17 units per acre).

- F. The low-medium density (10-17 dwelling units per net acre, MF-2500 and MF-3000 zones) multi-family portions of the neighborhood should be identified as "Special Character Multi-Family Neighborhoods" that would be protected with development standards recommended by the Urban Design Element.
- G. Rezone the southern side of Commercial Street between 21st Street and Harrison Avenue to CC-3-5 to allow a mix of pedestrian-oriented, community serving commercial uses and high density residential uses. Revitalization efforts may incorporate mixed-use development with residential densities greater than 30 dwelling units per acre. Revitalization effort should also incorporate transit oriented design to maximize the use of the existing trolley system.

RECOMMENDED RESIDENTIAL LAND USE

LEGEND

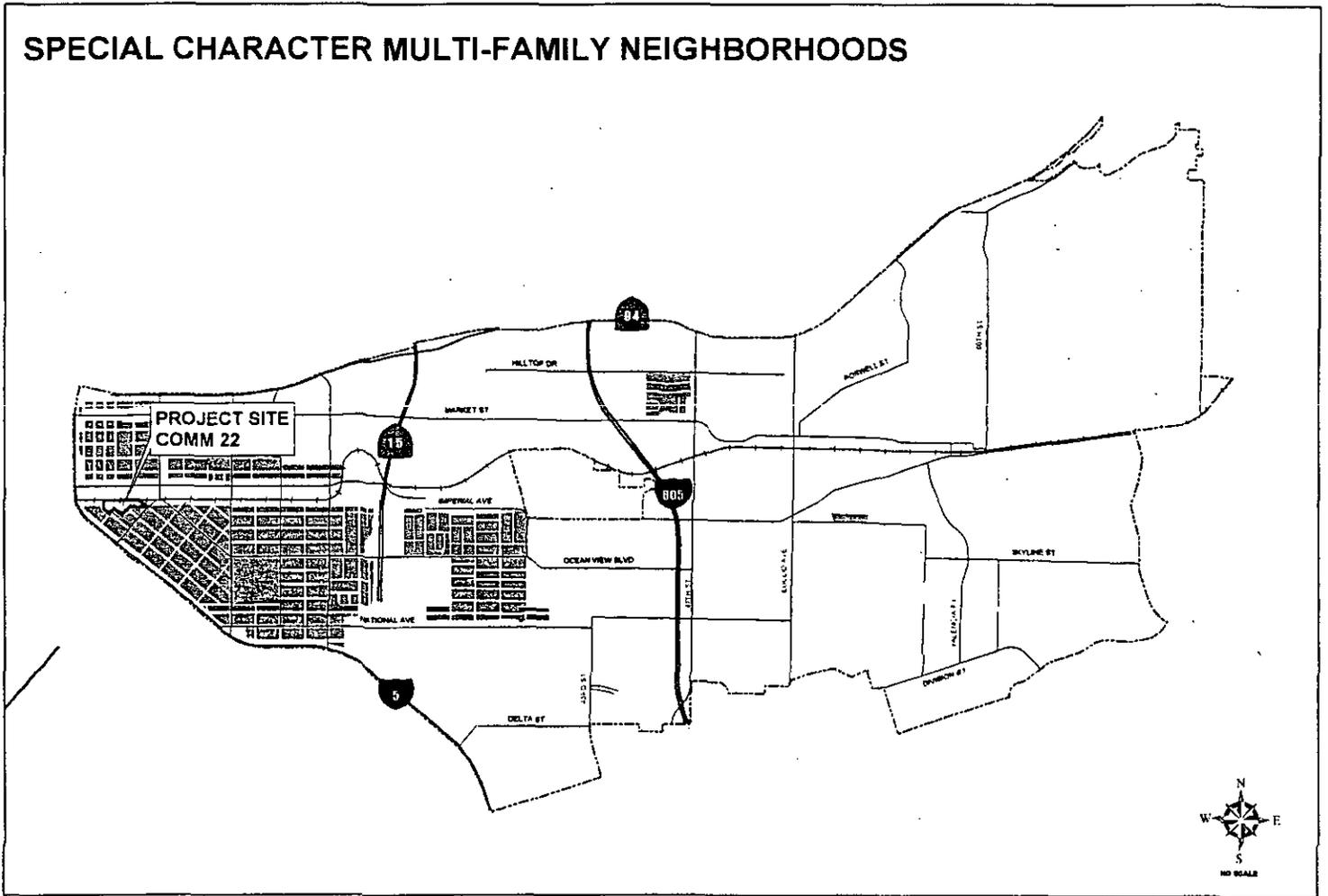
-  RESIDENTIAL (Single-family)
-  RESIDENTIAL (Multi-family)
-  MULTIPLE USE (Residential/Commercial)
-  Community Commercial
(Residential Permitted 30-74 DU/AC)



SOUTHEAST SAN DIEGO
CITY OF SAN DIEGO · PLANNING DEPARTMENT

PROPOSED
FIGURE 7

SPECIAL CHARACTER MULTI-FAMILY NEIGHBORHOODS

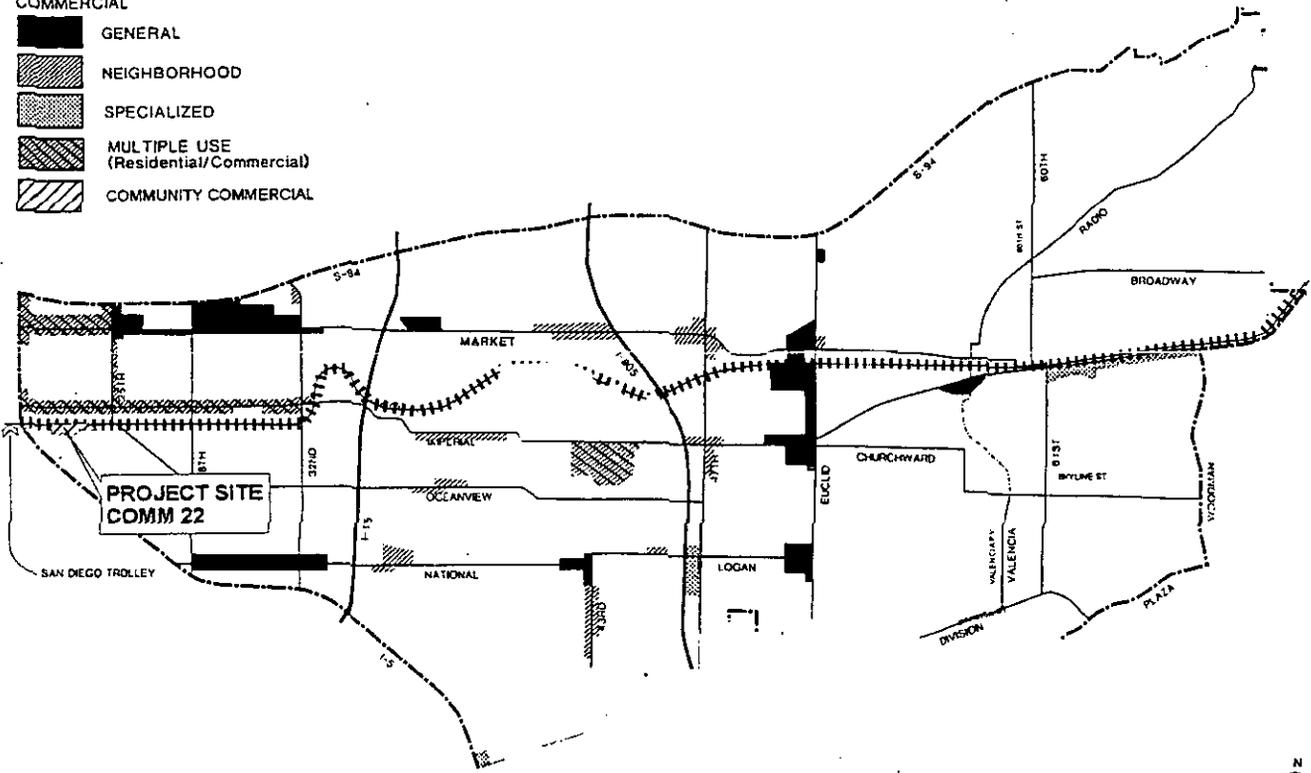


SOUTHEASTERN SAN DIEGO
CITY OF SAN DIEGO · PLANNING DEPARTMENT

PROPOSED
FIGURE 7B

RECOMMENDED COMMERCIAL DESIGNATIONS

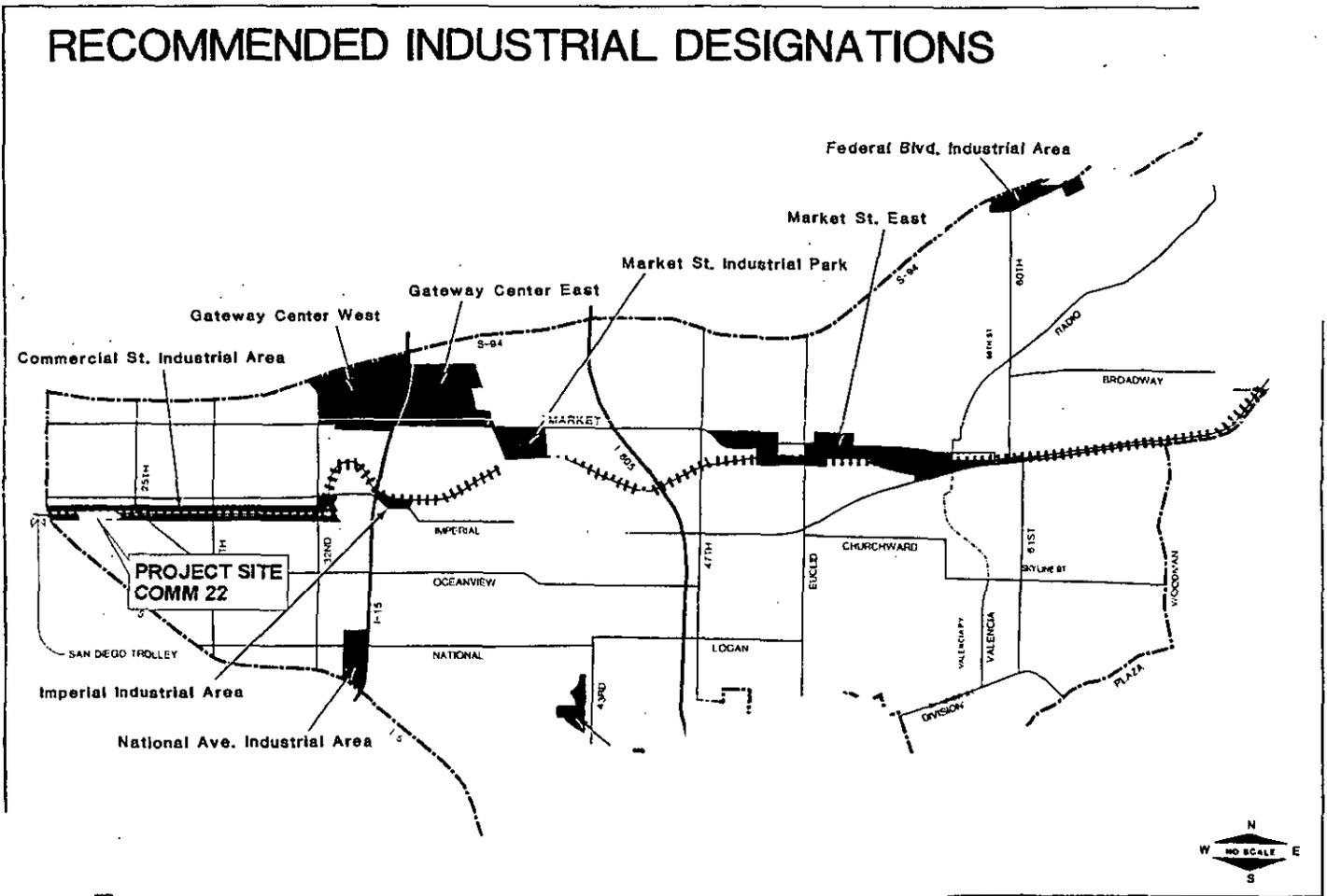
- COMMERCIAL
-  GENERAL
 -  NEIGHBORHOOD
 -  SPECIALIZED
 -  MULTIPLE USE
(Residential/Commercial)
 -  COMMUNITY COMMERCIAL



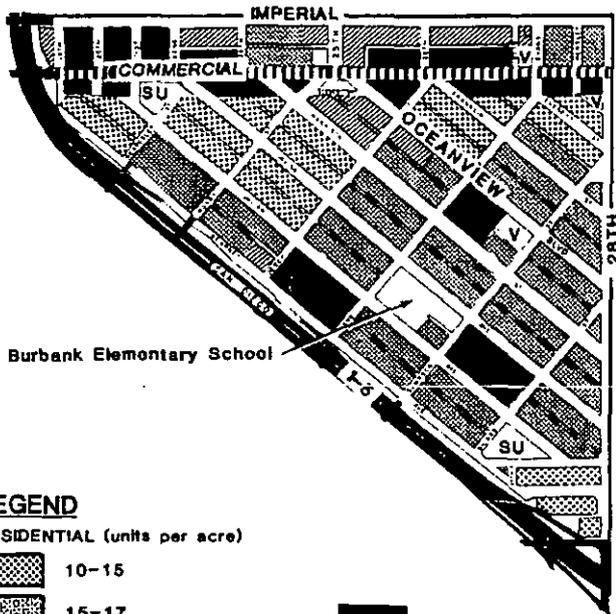
SOUTHEAST SAN DIEGO
CITY OF SAN DIEGO · PLANNING DEPARTMENT

PROPOSED
FIGURE 9

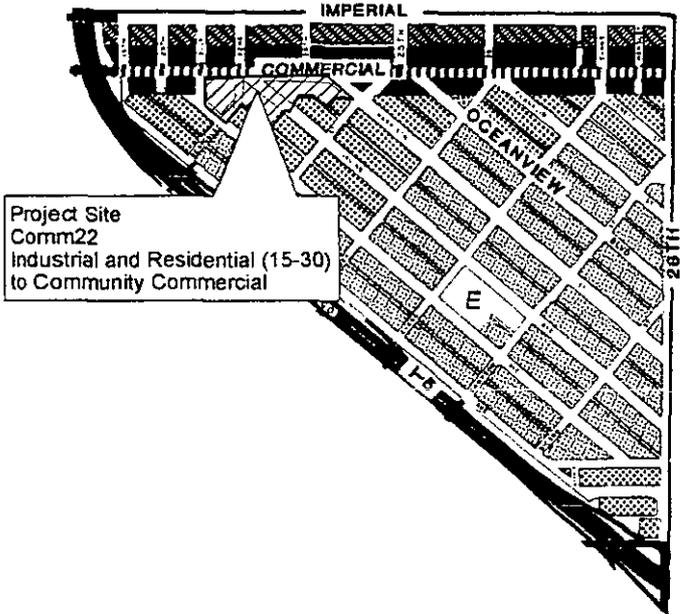
RECOMMENDED INDUSTRIAL DESIGNATIONS



EXISTING LAND USE



RECOMMENDED LAND USE



LEGEND

RESIDENTIAL (units per acre)

- 10-15
- 15-17
- 30-45

MULTIPLE USE (Residential/Commercial)

COMMERCIAL

- G-GENERAL
- N-NEIGHBORHOOD
- COMMUNITY COMMERCIAL

INDUSTRIAL

INSTITUTIONAL

Schools

- E Elementary
- J Junior High
- S Senior High
- P Private
- SU School Use

VACANT

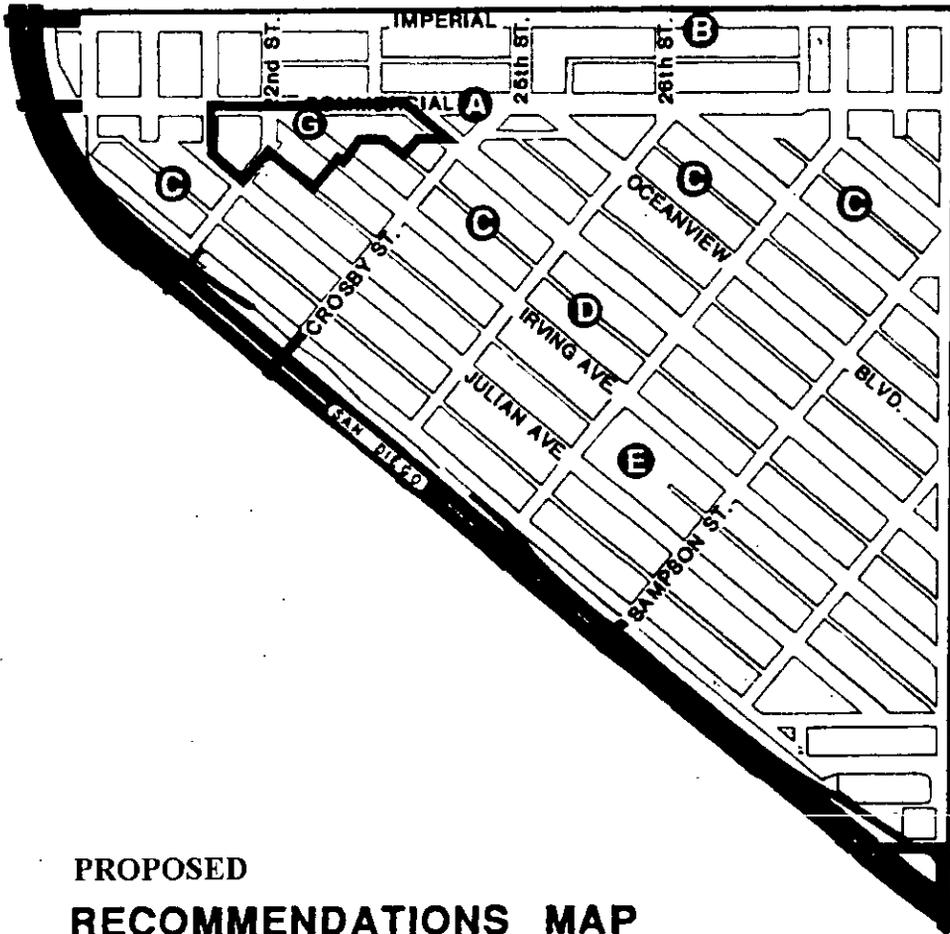


LOGAN HEIGHTS

SOUTHEAST SAN DIEGO

CITY OF SAN DIEGO · PLANNING DEPARTMENT

PROPOSED
FIGURE 28



PROPOSED
RECOMMENDATIONS MAP

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Unified School District, a school district organized and existing under the laws of the State of California, and COMM 22, LLC [collectively, the Applicant/Subdivider], and Robert C. Haynes, Engineer, submitted an application to the City of San Diego for a vesting tentative map, public right-of-way vacation, and easement vacation (Vesting Tentative Map No. 415852, Public Right-of-Way Vacation No. 415855 and Easement Vacation No. 454297) for the subdivision of existing lots into four lots for the COMM 22 project [Project], located at 2101, 2107, 2145 Commercial Street and 1826 Irving Avenue, (see attached legal description, Exhibit "B"), in the Southeastern San Diego Community Plan area, in the CC-3-5 zone; and

WHEREAS, the applicant seeks to waive the requirement to underground existing overhead utilities, pursuant to Council Policy 600-25; and

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.0910, in conjunction with the findings of Section 125.0941, provide a procedure for the vacation of a public right-of-way by City Council resolution;

WHEREAS, the applicant/subdivider, as the affected property owner, has requested a vacation of public rights-of-way running along a portion of Irving Avenue and 22nd Street adjacent to the Applicant/Subdivider's property, as specifically described in Exhibit "A" as shown on Vesting Tentative Map No. 415852, specifically shown on Sheet 4 of 8;

WHEREAS, the Map proposes the subdivision of a 4.58-acre site into four lots; and

WHEREAS, on October 11, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 415852, Public Right-of-Way Vacation No. 415855, and Easement Vacation No. 454297, and pursuant to Resolution No. 4323-PC voted to recommend City Council approval; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision of lot 7 is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium units is seventeen; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body 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; and

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

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 415852:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable general plan, specific plans and other applicable land use plans (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b));
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b));
3. The site is physically suitable for the proposed type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d));
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious public health problems (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e));
5. The design and types of subdivision improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f));
6. The design and the types of subdivision improvements will not conflict with public easements for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g));
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision consistent with the requirements of the California Government Code Section 66473.1 (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1);
8. The City Council has considered the effects of the proposed subdivision on the housing needs of the region and those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3); and,
9. Discharge of waste from the proposed subdivision would not violate existing requirements prescribed by the San Diego Regional Water Quality Control Board.

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Public Right-of-Way Vacation No. 415855:

1. The vacation of these drainage and sewer easements are made under the provisions and authority found in Section 8300 et seq. of the California Streets and Highways Code and Subdivision Map Act section 66499.20 1/2;
2. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
3. The public will benefit from the action through improved use of the land made available by the vacation;
4. The vacation does not adversely affect any applicable land use plan; and,
5. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Easement Vacation No. 454297:

1. The vacation of these drainage and sewer easements are made under the provisions and authority found in Section 8300 et seq. of the California Streets and Highways Code and Subdivision Map Act section 66499.20 1/2;
2. There is no present or prospective use for the drainage and sewer easements for which the drainage and sewer easements were originally acquired, or for any other public use of a like nature that can be anticipated;
3. The public will benefit from the vacation through improved utilization of land made available by the abandonment;
4. The vacation of the drainage and sewer easements is consistent with any applicable land use plan; and
5. The drainage and sewer easements for which the easements were originally acquired will not be detrimentally affected by this abandonment, or the purpose for which the easements were acquired no longer exists.

BE IT FURTHER RESOLVED, that the above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council has considered the General Plan, the applicable Community Plan and all other applicable land use plans prior to granting these drainage and sewer easement vacations.

BE IT FURTHER RESOLVED, that as a condition of this approval, the Applicant/Subdivider shall ensure that any and all deeds or conveyances of title to or an interest in the property are subject to, and governed by, the reservations and exceptions recited in this resolution and the deed or conveyance shall contain a recital to that effect.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 415852 is granted to the Applicant/Subdivider subject to all attached conditions which are made a part of this resolution by this reference.

BE IT FURTHER RESOLVED, That the public rights-of-way, as described and referenced herein, are ordered vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that pursuant to the California Government Code, the following public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 415852, collectively referred to herein as Easement Vacation No. 454297 are ordered vacated, contingent upon the recordation of the approved final map for the project:

- a. A drainage easement granted to the City of San Diego, recorded May 2, 1930 in Book 1752 of Deeds, Page 469.
- b. A drainage easement granted to the City of San Diego, recorded December 14, 1948 in Book 3049, Page 107.
- c. A sewer easement granted to the City of San Diego, recorded January 10, 1949 in Book 3074, Page 359.
- d. A drainage easement granted to the City of San Diego, recorded May 24, 1949 in Book 3205, Page 383.

- e. A sewer easement granted to the City of San Diego, recorded May 24, 1949 in Book 3205, Page 386.

BE IT FURTHER RESOLVED, That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder consistent with the conditions and findings applicable herein.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev

10/16/07

11/29/07 COR.COPY

Or.Dept:DSD

R-2008-338

I:\Civil\FORM FILLS; RESO_ORD FORMS\MAPS\Tentative Map 09-20-05.doc

CONDITIONS FOR VESTING TENTATIVE MAP NO. 415852/
PUBLIC RIGHT-OF-WAY VACATION NO. 415855/
EASEMENT VACATION NO. 454297

COMM 22 PROJECT

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire _____.
2. Compliance with all of the following conditions shall be 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, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Site Development Permit No. 415853/Planned Development Permit No. 454025/Conditional Use Permit No. 431367.
5. The Applicant/Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any and all actions to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City, acting through the City Attorney, will promptly notify Applicant/Subdivider of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Applicant/Subdivider shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City, acting through the City Attorney, may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant/Subdivider shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City, acting through the City Attorney, shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant/Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by Applicant/Subdivider.

6. The property contains a right-of-way and easements which must be vacated to implement the Final Map in accordance with San Diego Municipal Code section 125.0430.

AFFORDABLE HOUSING

7. Prior to recording the Final Map, the Applicant/Subdivider shall enter into an Affordable Housing Agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

STREETS DIVISION

8. Prior to the issuance of any improvement or grading permits the Applicant/Subdivider shall assure a drainage easement is granted over the 15 foot box culvert between Harrison Avenue and 22nd Street. The easement shall run parallel to Commercial Street and the width shall be from the northern property line to the parking structure wall.
9. Prior to the issuance of any construction, improvement or grading permits, the Applicant/Subdivider shall assure by permit and bond the installation of a cleanout on the box culvert at approximately station 18+00. The location of the cleanout shall be to the satisfaction of the City Engineer.
10. Prior to the issuance of any construction, improvement or grading permits the Applicant/Subdivider shall enter into an Encroachment and Maintenance Removal Agreement [EMRA] for all private landscaping, enhanced pavement, or other private improvements located within the drainage easement.

ENGINEERING

11. The Applicant/Subdivider shall replace the existing curb, gutter, and sidewalk along the subdivisions public street frontages, maintaining the existing sidewalk scoring pattern and preserving all contractor's stamps, satisfactory to the City Engineer.
12. The Applicant/Subdivider shall obtain an EMRA, for proposed private or public improvements located in the public right-of-way including: the double box culvert storm drain located in the Commercial Street public right-of-way and the enhance paving located in the 22nd Street, Beardsley Street, and the proposed alley extension public right-of-way and for other proposed surface improvements located in the public right-of-way. The following language shall also be included in the Encroachment Maintenance and Removal Agreement:

At the owner's request, portions of the sewer main are being relocated to non-standard locations with surface improvements other than asphalt. In return, the owner agrees to replace any and all surface improvements (including landscaping and irrigation systems but excluding standard asphalt pavement) at the owner's sole cost and

expense, whenever the City of San Diego repairs or replaces all or a portion of the sewer mains fronting the property and located less than ten feet from or behind the curb. Such improvements will be installed by the owner to the City standards in effect at the time the work is performed.

13. The Applicant/Subdivider shall dedicate and improve an additional 5 feet of adjacent right-of-way along the projects Commercial Street and Beardsley Street frontages.
14. The Applicant/Subdivider shall dedicate and improve a City standard alley to extend the existing alley from Cesar Chavez Parkway to an intersection with Irving Avenue.
15. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Applicant/Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant/Subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
16. The Applicant/Subdivider shall reconstruct the existing curb ramp(s) adjacent to the project to meet current City standards.
17. The onsite drainage system proposed for this subdivision, as shown on the approved Vesting Tentative Map, is private and subject to approval by the City Engineer.
18. The Applicant/Subdivider shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer
19. The Applicant/Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
20. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented prior to and concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received and prior to commencement of any work; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order

No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08 DWQ.

21. Prior to the issuance of any construction permit, the Applicant/Subdivider shall comply with and incorporate any construction Best Management Practices [BMP] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. The Applicant/Subdivider shall enter into a Maintenance Agreement with the City of San Diego for the ongoing permanent BMP maintenance.
23. Prior to the issuance of any construction permit, the Applicant/Subdivider shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
24. The Applicant/Subdivider shall obtain from the City of San Diego an encroachment maintenance and removal agreement for all nonstandard driveways shown on the approved Exhibit "A."
25. The Applicant/Subdivider shall underground any new service run to any new or proposed structures within the subdivision prior to final completion of project.
26. The Applicant/Subdivider shall ensure that all on-site utilities serving the subdivision shall be undergrounded with appropriate permits prior to final completion of project. The Applicant/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 prior to final completion of project and before any units are sold or leased.
27. The Applicant/Applicant/Subdivider shall comply with and conform the project to 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 shall be authorized by the City.

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. 769830.

MAPPING

28. "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].
29. "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."

30. 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 Third Order accuracy or better. 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.

WATER

31. Prior to the recordation of the right-of-way vacation, the Applicant/Subdivider shall provide proof of the Water Department's operational acceptance of the abandonment of the portion of water mains located within the vacated Irving Avenue right-of-way, in a manner satisfactory to the Water Department Director and the City Engineer.
32. The Applicant/Applicant/Subdivider shall prepare a City approved and accepted water study, and shall design and construct all public water facilities, as required in the accepted water study, necessary to serve this development. Water facilities, as shown on the approved tentative map, will require modification based on the accepted water study and to maintain redundancy throughout construction phasing, if any, at final engineering.
33. Prior to recording the Final Map, the Applicant/Subdivider, after obtaining City approval of work plans, shall cut, plug, and abandon the existing public water facilities, located within the proposed Irving Avenue right-of-way to be vacated traversing the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
34. The Applicant/Subdivider, with prior written approval from the City's Fire Chief, shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants or thirty dwelling units are located on a dead-end main then the Applicant/Subdivider shall install a redundant water system satisfactory to the Water Department Director and Fire Department.
35. The Applicant/Subdivider shall process an EMRA for all acceptable encroachments, including but not limited to, structures, enhanced paving, or landscaping, into any public right-of-way containing public water facilities. No

structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

36. The Applicant/Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
37. The Applicant/Subdivider agrees to design and construct all proposed public water facilities, including but not limited to services, meters and easements, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City and state rules and regulations, standards and practices pertaining thereto. Water facilities shall be modified at final engineering to comply with standards.

WASTEWATER

38. The Applicant/Subdivider shall relocate and install onsite public sewer mains, satisfactory to the Metropolitan Wastewater Department Director. All associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director and in accordance with the San Diego Municipal Code.
39. The Applicant/Subdivider shall perform a City approved and accepted sewer study, and shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved tentative map shall require modification based on the accepted sewer study.
40. The Applicant/Subdivider shall grant and record adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within the public right of way, satisfactory to the Metropolitan Wastewater Department Director. The easements shall be located within single lots. Vehicular access roadbeds shall be surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.
41. No structures or landscaping that would inhibit vehicular or City access shall be installed in or over any sewer access easement.
42. No improvements or landscaping, including private sewer facilities, grading and enhanced paving, shall be installed in or over any public easement prior to the applicant obtaining a City approved Encroachment Maintenance and Removal Agreement.
43. All onsite sewer facilities that serve only this development shall be private.
44. The Applicant/Subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.
45. The Applicant/Subdivider shall design and construct all proposed public sewer facilities in accordance with the most current edition of the City of San Diego's Sewer Design Guide and applicable local and state law.

GEOLOGY

46. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's "Technical Guidelines for Geotechnical Reports."

INFORMATION:

- The approval of this Vesting Tentative Map by the Council of the City of San Diego does not authorize the Applicant/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 Section 1531 et seq.).
- If the Applicant/Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Applicant/Subdivider shall first obtain City approval and 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 and state 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 City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed, the Applicant/Applicant/Subdivider shall at no cost to the City obtain the required permits for work in the public right-of-way, and shall repair or replace the public facilities to the satisfaction of the City Engineer. San Diego Municipal Code section 142.0607.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Unified School District, a school district organized and existing under the laws of the State of California, Owner/COMM 22, LLC, a California limited liability corporation, Permittee, filed an application with the City of San Diego for a site development permit, planned development permit, and conditional use permit to construct 252 residential units with commercial-retail known as the COMM 22 project, located at 2101 Commercial Street, (see attached legal description, Exhibit "B"), in the Southeastern San Diego Community Plan area, in the MF-3000 and I-1 zones which are proposed to be rezoned to the CC-3-5 zone; and

WHEREAS, on October 11, 2007, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 415853, Planned Development Permit [PDP] No. 454025, and Conditional Use Permit [CUP] No. 431367, and pursuant to Resolution No. 4323-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body 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; and

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

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 415853, Planned Development Permit No. 454025, and Conditional Use Permit No. 431367:

A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504

1. Findings for all Site Development Permits

a. The proposed development will not adversely affect the applicable land use plan. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. The office space and live-work lofts will be housed in a rehabilitated warehouse building. The remainder of the development will consist of new construction. In addition to the proposed uses on site, the development will include enhanced plaza areas for public gathering, strong pedestrian connectivity throughout the site, and convenient access to public transportation.

The project site is situated on surplus San Diego City Schools property along the southern side of Commercial Street, between 21st Street and Harrison Avenue. The proposed project site is a mixed use commercial development on a 4.58-acre site that is proposed to be designated for Community Commercial uses in the Southeastern San Diego Community Plan. The community commercial designation of the CC-3-5 zone is intended to accommodate development with a high intensity, pedestrian orientation with a maximum of one dwelling unit per 1,500 square feet of lot area where the minimum lot coverage is 35 percent, the allowed floor area ratio [FAR] is 2.0 and the maximum height of the buildings may be 100 feet. With the adoption of the amendment to the Progress Guide and General Plan and Southeastern San Diego Community Plan, the proposed project would be designated from Industrial and Residential uses to Community Commercial uses therefore allowing a high density housing component and commercial development consistent with the policies and guidelines of the Progress Guide and General Plan and Southeastern San Diego Community Plan. Being determined the project is consistent with the Progress Guide and General Plan and Southeastern San Diego Community Plan, the proposed development will not adversely affect the Progress Guide and General Plan and Southeastern San Diego Community Plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. The office space and live-work lofts will be housed in a rehabilitated warehouse building. The remainder of the development will consist of new construction. In addition to the proposed uses on site, the development will include enhanced plaza areas for public gathering, strong pedestrian connectivity throughout the site, and convenient access to public transportation.

The proposed development includes the vacation of right-of-way easements and contributes to its fair share cost towards construction of improvements in the Southeastern San Diego community. The proposed development will construct necessary sewer and water facilities to serve the users and residents of the development; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP] maintenance; will comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity; and will provide a geotechnical report in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports for the review and approval by the City Engineer. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. The office space and live-work lofts will be housed in a rehabilitated warehouse building. The remainder of the development will consist of new construction. In addition to the proposed uses on site, the development will include enhanced plaza areas for public gathering, strong pedestrian connectivity throughout the site, and convenient access to public transportation.

In order to design the COMM 22 project in a manner which reflects the Southeastern San Diego Community Plan's intended development pattern, deviations from the regulations of the Land Development Code are required at this unique site. The Southeastern San Diego Community Plan goal of creating a synergistic environment facilitating economic and social health and vibrancy in the community in turn encourages the use of creative solutions to those regulations of the Land Development Code. The deviations are required due in large part as a response to the existing infrastructure at and adjacent to the site, the preservation of a significant historically important building in the community and to achieve a density and intensity of use at the site to create a vibrant dynamic development. This level of detail is consistent with the purpose and intent of the planned district and planned development regulations; however, in order to implement the site plan and architecture at this site; to preserve the existing significant structures; and to maximize the density and intensity of development at the site to contribute to the housing stock of the City of San Diego and commercial development in the community, the proposed deviations are granted.

B. DEVIATIONS FOR AFFORDABLE/IN-FILL HOUSING PROJECTS AND SUSTAINABLE BUILDINGS

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-

generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. The existing warehouse building will be renovated and expanded to accommodate approximately 62,180 square feet of office and live-work space. These spaces will be leased to local artist, small businesses, and professionals and will include the BRIDGE Southern California office as well as a 4,800 square foot community bank. Seventy dwelling units of affordable senior housing and a 5,447 square foot day care facility will be built above a single-level underground parking garage on the remainder of the lot. One hundred twenty-seven dwelling units of affordable family housing and 12,945 square feet of retail space will be developed on the former maintenance facility and storage yard sites. Family units will be constructed as stacked flats over retail and two levels of underground parking. Two levels of subterranean parking are possible due to native soil being as deep as 18 feet throughout the site. Seventeen for-sale town-homes will be developed on the remaining property. These project features and goals will provide needed housing and development in an area of the city replete with redevelopment opportunity. The provision of 127 dwelling units affordable to persons at the income range described as 30-50 percent average area median income will contribute in a real and meaningful way towards the goals of providing affordable housing in the City.

2. The development will not be inconsistent with the purpose or the underlying zone. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. The office space and live-work lofts will be housed in a rehabilitated warehouse building. The remainder of the development will consist of new construction. In addition to the proposed uses on site, the development will include enhanced plaza areas for public gathering, strong pedestrian connectivity throughout the site, and convenient access to public transportation.

The project site is situated on surplus San Diego City Schools property along the southern side of Commercial Street, between 21st Street and Harrison Avenue. Other than the deviations approved for the project through the Planned Development and Site Development Permit process, the COMM 22 project meets all the relevant development regulations of the CC-3-5 zone and is an appropriate use of the property within the Southeastern San Diego community.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development complies with the Southeastern San Diego Community Plan as amended. The proposed deviations are necessary to maximize the use of the land and to provide the highest quality affordable housing development. The deviations are required due in large part as a response to the existing infrastructure at and adjacent to the site, the preservation of a significant historically important building in the community and to achieve a density and intensity of use at the site to create a vibrant dynamic development. The proposed project includes architectural plans that have extensive articulation and fenestration. This level of detail is consistent with the purpose and intent of the planned district and planned development regulations; however, in order to implement the site plan and architecture at this site; to preserve the existing significant structures; and to maximize the density and intensity of development at the site to contribute to the housing stock of the City of

San Diego and commercial development in the community, the proposed deviations are granted. All other requirements comply with the regulations which apply to the project site in accordance with the Land Development Code. Many of the deviations are required in large part as a response to the existing infrastructure at and adjacent to the site, the preservation of a significant historically important building in the community and to achieve a density and intensity of use at the site to create a vibrant dynamic development.

Nine deviations are requested for the project from the Land Development Code sections, tables and one deviation each from the adopted Street Design Manual, Sewer Design Guide and Water Department Facility Design Guidelines. The deviations are to provide relief from the following Land Development Code regulations: 1) 131.0531 and Table 131-5E, 2) 131.0531 and Table 131-5E, 3) Section 131.0531 and Table 131-05E, 4) Section 131.0540(c), 5) Section 131.0552, 6) Section 131.0554 and Table 131-05F, 7) Section 132.0905, 142.0510, 142.0525, 142.0530 and 142.0560, 8) Landscape Regulations Table 142-04D and 9) Section 142.0409(a)1.

1) The project proposes to develop Site C at a residential density permitted by the land use plan, where the CC-3-5 zone allows one dwelling unit per 1,500 square feet of lot area or 16.34 units. The project density proposed is 63 units per acre, and the land use plan density range is 30-74 units per acre or 17 dwelling units on Site C. A deviation from the maximum residential density permitted under the CC-3-5 zone is necessary in order to provide an optimum number of affordable housing units over the total project site, Sites A, B and C;

2) The project proposes a maximum front setback of 15 feet where the CC-3-5 Zone allows a maximum front setback of 10 feet. A deviation from the maximum front setback is necessary in order to accommodate a drainage easement along the Commercial Street frontage;

3) The project proposes a side and rear setback of 5 feet where the structure on Site C would be required either be placed at the property line or shall be set back at least ten feet. A deviation from the minimum side and rear setbacks is necessary in order to provide public improvements such as sewer and drainage easements, while achieving maximum residential usage of the site;

4) The project proposes zero to four offsetting planes on building facades fronting the public right-of-way where a minimum of six offsetting planes are required per building façade. Without a deviation from the building articulation requirement for individual buildings, three bedroom family dwelling units would be reduced in floor area, to provide the necessary articulation, and would become two bedroom dwelling units. The articulation of the project has been viewed from a perspective of the whole development rather than individual buildings. The provision of articulation on a building by building basis rather than the view of the whole development is not favored over the loss of family oriented dwelling units. The provision of open spaces, courts, and building placement over the whole has been considered rather than a finite examination of the individual buildings. Articulation has been examined in a manner that would examine the sum of the entire development, not just the pieces making up the building units of the development. Staff supports the deviation to realize the greater benefits from implementing the project;

5) The project proposes less than 50 percent of the street wall between 3 and 10 feet above the sidewalk to be transparent where the CC-3-5 zone requires a minimum of 50 percent to be transparent. A deviation from the transparency requirement is necessary since garage areas are provided above the sidewalk in-lieu of commercial and residential areas. Garage areas were designed along the street frontage in order to meet parking requirements while maximizing use of the land;

6) The project proposes residential use and residential parking on the ground floor in the front 30 feet of the lot where these uses are prohibited. A deviation from the ground floor restriction necessary in order to maximize the use of the land and to produce an optimum number of units;

7) The project proposes to implement alternative parking standards. Four specific deviations are included in this request. The project will reduce the parking ratio for the senior housing component from 1.0 per unit to 0.60 spaces per unit and provide six total guest parking stalls. The project will provide all of the parking required for Building 1 on Site B. The parking ratio for the commercial retail uses will be 2.1 spaces per 1000 square feet. The project will count tandem parking spaces as two stalls where tandem spaces are normally counted as one space. The project will allow residential parking along the first 30 feet of the lot for Site C where the CC-3-5 zone prohibits parking in this area. The alternative parking standards are requested to facilitate the project's transit-oriented design and inconsideration of the site's *irregular lot shapes and the unique site constraints presented by infill development in an older neighborhood which also serves as a telecommunications hub and transit corridor for the City of San Diego.* The transit-oriented design focuses on pedestrian activity and use of the trolley system in an effort to alleviate the need to provide parking on each site at the standards presently in effect. The current parking design creates greater efficiencies in the garage plan and allows other uses on the property such as courtyards and open areas and the development of an affordable housing project;

8) The project proposes to allow less than one tree within 30 feet of each parking space along the alley on the southwestern side of Site B. A deviation from the tree planting requirement is necessary due to a SDG&E easement located in this area; and

9) The project proposes to allow unconventional tree spacing along the western portion of Commercial Street. A deviation from the tree spacing requirement is necessary in order to preserve the historic building characteristics, including preservation of the existing ramp, and the deviation is needed for emergency fire access requirements. In order to off-set the tree spacing deficiency, the applicant has incorporated enhanced planting in other areas of the project site.

The Street Design Manual deviation will result in greater utilization of the site for the provision of affordable housing and will not negatively impact the provision of public services or facilities. Commercial Street is a 2-Lane Collector as shown in the Southeastern San Diego Community Plan's Transportation element. The curb-to-property line distance in the current Street Design Manual for this street classification is 12 to 15 feet. In the case of a 12 foot parkway, a 5 foot general utility easement is required. The project will provide a 10 foot

parkway to allow the right-of-way to remain at the edge of the proposed drainage culvert and not reduce the area available for development of the site.

The Sewer Design Guide deviation will allow a new public improvement while preserving the existing trolley line without disruption to service and result in a safe facility. The project will install the new wastewater line on Commercial as close to the south curb line as possible. The ideal location would normally be beneath the parking lane within the right-of-way. To preserve the integrity of the trolley line, the new wastewater line will be located as far from the trolley tracks as possible to facilitate construction with the least impact on the tracks and the east bound driving lane of Commercial Street.

The Water Department Facility Design Guidelines deviation will locate a new water main in the 22nd Street right-of-way yet beneath the curb and sidewalk under the pedestrian pop-outs at the intersection of 22nd and Commercial Street. This will facilitate the reconnection of the water main to the existing 10-inch main at the vacated Irving and Commercial Streets. Locating the water main further into Commercial Street could require construction extremely close to the existing trolley tracks potentially resulting in an interruption of service.

Without the approval of the proposed deviations the applicant will not be able to provide the 197 affordable housing units. The existing site is extremely constrained by existing improvements in the right-of-way, the San Diego trolley in Commercial Street, several existing easements crossing the property and other infrastructure improvements necessary to construct the project. These existing conditions and required improvements impact the area of the site available to develop the project. If required to adhere to the strict requirements of the regulations the project site area will be reduced and result in a direct causal reduction of the number of affordable housing units provided in the project. The applicant is a non-profit organization dedicated to building affordable housing projects and no correlation exists between the quantity of dwelling units and any goal of achieving gross profit, as none exists. The deviations are absolutely necessary to provide the greatest number of affordable housing units in the project on a very constrained urban infill site. When considering the benefits the proposed project would bring to the community and City, staff supports these deviations. Other than the deviations listed above, the proposed project will comply with all other regulations of the Land Development Code and all Council policies relevant to the site.

C. SOUTHEAST SAN DIEGO PLANNED DISTRICT – SDMC SECTION 103.1701

1. The proposed use and project design meet the general purpose and intent of this division of the Municipal Code, complies with the recommendations of the Southeast San Diego Planned District for this site, and will not adversely affect the Southeast San Diego Community Plan, the City's Progress Guide and General Plan or other applicable plans adopted by the City Council in effect for this site. With the adoption of the amendment to the Southeastern San Diego Community Plan the proposed project will be consistent with the land use plan, the Progress Guide and General Plan. The commercial project with a residential component will encourage community serving retail, civic and office uses at the site. The deviations granted through the Planned Development and Site Development Permit are required due in large part as a response to the existing infrastructure at and adjacent to the site, the preservation of a significant historically important building in the community and to achieve a

density and intensity of use at the site to create a vibrant dynamic development. The balance of uses, design of the structures and use of proposed materials will result in a quality development consistent with the urban design standards contained in the Southeastern San Diego Planned District Ordinance. The site is zoned CC-3-5 and the project meets the criteria of the zoning regulations, as allowed through the approval of a Planned Development Permit.

2. The proposed development shall be compatible with existing and planned land uses on adjoining properties and shall not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable. The project will be compatible with and not constitute a disruptive element to the surrounding neighborhood and community. The surrounding land uses include commercial and residential uses. The proposed project will provide both commercial and residential uses. Commercial uses exist to the west and north, residential uses exist to the east and south. Necessary parking will be provided on the site, all lighting will be shielded, trash bins will be enclosed and screened, fencing will be discreet and screened with landscaping, buildings will be articulated and constructed using quality materials and discreet colors, signage will be the minimum necessary and comply with the City-wide regulations, open space uses in patios and courtyards will include seating, urban art forms, landscaping and plaza water features.

The project will create long term value and offers flexibility in terms of architectural design, parking access and phasing in the community. Unique roof forms will provide an opportunity for creation of solar generated power while creating a new building typology in forms reinterpreting the historic character of the warehouse district. Diverse window patterns, contemporary materials of metals, glass and textures will be incorporated into the final design and construction. Building articulation and variety in colors will provide a dynamic urban aesthetic. Each of the buildings will present a unique architectural quality composing a sense of individuality. Convenient retail and commercial services will provide necessary neighborhood enterprise and social opportunity. The height of the proposed project will be consistent with other commercial buildings in the neighborhood. Direct and focused pedestrian connections from the public rights-of-way through the project will create an openness to the project and encourage pedestrian activity from existing adjacent uses. Massing, articulation, detailing, materials and colors will create a harmonious project in the community and will provide proper balance and contrast.

3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The permit granted for the project includes conditions to address health, safety and welfare of persons residing and or working in the area. The project will enhance other properties in the vicinity. The existing construction at the project site included BMP for the construction activity to address storm water runoff and is conditioned by Site Development Permit No. 415853, Planned Development Permit No. 454025 and Conditional Use Permit No. 431367 to continue the ongoing permanent Best Management Practices maintenance, will comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity.

All individual structures will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structure will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The recent amendment of the Southeastern San Diego Community Plan includes provisions to facilitate the project. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

4. The proposed use will comply with the relevant regulations of the municipal code in effect for this site. The project has been determined to comply with the Southeastern San Diego Community Plan and the CC-3-5 zone use and development regulations relevant to the COMM 22 parcel, except as specifically allowed through the approval of a Planned Development and Site Development Permit. Nine deviations are approved with this project from the Land Development Code sections, tables and one deviation each from the adopted Street Design Manual, Sewer Design Guide and Water Department Facility Design Guidelines, as allowed in the Planned Development and Site Development Permit regulations. All other regulations of the CC-3-5 zone will be complied with for the life of the development. No deviations are granted which will endanger or threaten the safety or health of any persons living or working in the neighborhood or community.

D. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. Refer to Site Development Permit Finding No. 1.a above for additional detail.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. Refer to Site Development Permit Finding No. 1.b above for additional detail.

3. The proposed development will comply with the regulations of the Land Development Code. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial

and retail space, office space, market rate live-work lofts, and for-sale town homes. Refer to Site Development Permit Finding No. 1.c above for additional detail.

4. The proposed development, when considered as a whole, will be beneficial to the community. The existing warehouse building will be renovated and expanded to accommodate approximately 62,180 square feet of office and live work space. These spaces will be leased to local artists, small businesses and professionals and a 4,800 square foot bank in the community. Seventy dwelling units of affordable senior housing and a 5,447 square foot day care facility will be built above a single level underground parking garage on the remainder of the lot. One hundred twenty-seven dwelling units of affordable family housing and 12,945 square feet of retail space will be developed on the former maintenance facility and storage yard sites. Family units will be constructed as stacked flats over retail and two levels of underground parking. Two levels of subterranean parking are possible due to native soil being as deep as eighteen feet throughout the site. Seventeen for-sale town-homes will be developed on the remaining property. These project features and goals will provide needed housing and development in the community. The provision of 127 dwelling units affordable to persons at the income range described as 30-50 percent average median income will contribute in a real and meaningful way towards the goals of providing affordable housing in the City. Though the project will include several deviations to accommodate the design of the project, the resulting benefits of the project will be positive for the community and City of San Diego.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. Granting the proposed deviations will result in the development of an affordable, senior and market rate housing and mixed commercial project at an urban infill site owned by the San Diego School District which has several utility and drainage easements transecting the site in addition to the adjacent San Diego Trolley line which is aligned down the center of Commercial Street. The project site is situated on San Diego School District property along the southern side of Commercial Street, between 21st Street and Harrison Avenue. The proposed development complies with the Southeastern San Diego Community Plan and site-specific development regulations for the COMM 22 parcels, except as allowed through the approval of a Planned Development and Site Development Permit. Refer to Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings, Finding number B.3 for additional information.

The current site plan allows the project to achieve an optimal density and creates open space areas and courtyards rather than dedicating these spaces for parking uses. These deviations have been determined to result in a superior project which will amplify the positive effects emanating from the project without which the project would not be constructed. The deviations will result in a more desirable project and without these minor deviations the benefits of providing the project would not be realized.

E. CONDITIONAL USE PERMIT – SDMC SECTION 126.0305

1. The proposed development will not adversely affect the applicable land use plan. The COMM 22 project is a mixed-use, transit-oriented development combining affordable

and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. Refer to Site Development Permit Finding No. 1.a above for additional detail.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. Refer to Site Development Permit Finding No. 1.b above for additional detail.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. The COMM 22 project is a mixed-use, transit-oriented development combining affordable and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. Refer to Site Development Permit Finding No. 1.c above for additional detail.

4. The proposed use is appropriate at the proposed location. The COMM 22 project is a mixed-use, transit-oriented development combining affordable family and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live-work lofts, and for-sale town homes. The office space and live-work lofts will be housed in a rehabilitated warehouse building. The remainder of the development will consist of new construction. In addition to the proposed uses on site, the development will include enhanced plaza areas for public gathering, strong pedestrian connectivity throughout the site, and convenient access to public transportation.

The project site is surplus San Diego City Schools property along the southern side of Commercial Street, between 21st Street and Harrison Avenue. The proposed mixed-use commercial development on 4.58 acres of a site is designated for Community Commercial uses in the Southeastern San Diego Community Plan. The community commercial designation and the application of the CC-3-5 zone to the site is intended to accommodate development with a high intensity, pedestrian orientation with a maximum of one dwelling unit per 1,500 square feet of lot area where the minimum lot coverage is 35 percent, the allowed FAR is 2.0 and the maximum height of the buildings may be one hundred feet. With the adoption of the amendment to the Southeastern San Diego Community Plan, the proposed project is consistent with the policies and guidelines of the Plan. The senior housing segment of the project will be located adjacent to a child care center, community serving retail uses and will have convenient access to public transportation and the San Diego Trolley line within Commercial Street. The proposed project is an excellent use for the unused site and will provide a substantial benefit to the community and City of San Diego. For additional supporting information refer to Southeast San Diego Planned District Finding No. D.2 above.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 415853/Planned Development Permit No. 454025/Conditional Use Permit No. 431367 is granted to San Diego Unified School District, Owner/COMM 22, LLC, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley-R. Edwards
Chief Deputy City Attorney

SRE:pev

10/16/07

Or.Dept:DSD

R-2008-339

MMS #5457

I:\Civil\FORM FILLS; RESO_ORD FORMS\PERMITS\Permit Resolution 09-20-05.doc

Legal Description**Exhibit "B"**

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel A:

Lots 39 to 44 inclusive in Block 227 of Mannasse and Schiller's Addition, according to the Map thereof No. 209 filed in the Office of the Recorder of San Diego County, July 11th, 1870.

Together with those portions of Fractional Lots 45 to 48, in Block 227 of Mannasse and Schiller's Addition, being a Subdivision of Pueblo Lot 1157, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 209 filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with those portions of Lots 1, 2 and 3 in Block 64 of Sherman's Addition, according to Map thereof No. 856 filed in the Office of the Recorder of San Diego County, February 18, 1899, lying South of the South line of Irving Avenue as conveyed to City of San Diego by John J. McCook by Deed dated June 15, 1893 and recorded in Book 222 Page 183 of Deeds in records of San Diego County, in the Office of the County Recorder of San Diego County.

Parcel B:

Fractional Lots eighteen (18) to twenty-two (22) inclusive in Block two hundred twenty-eight (228) of Mannasse and Schiller's Addition, according to Map thereof made by Chas A. Fox, No. 209, filed in the Office of the County Recorder of said San Diego County, July 11, 1870, excepting therefrom that portion of Lots eighteen (18) and nineteen (19) conveyed to the City of San Diego, and also excepting those portions of Lots eighteen (18), nineteen (19) and twenty (20), lying North of a line running parallel with and twelve (12) feet distant Southerly from the Northerly boundary line of said Mannasse and Schiller's Addition.

Together with Lots twenty-three and twenty-four in Block two hundred twenty-eight of Mannasse and Schiller's Subdivision of Pueblo Lot 1157, according to the Map thereof No. 209, filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with that portion of Beardsley St. vacated in Resolution No. 49206 dated February 25, 1929.

Parcel C:

Lots eight, nine, ten and eleven in Block two hundred thirty-eight of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870.

Together with that portion of Lots three to eight inclusive lying Northeasterly of Irving Avenue as now extended in Block sixty-four of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of San Diego County, February 18, 1899.

Parcel D:

Fractional Lots 1 to 5 inclusive and Lots 6 to 8 inclusive in Block 237 of Lincoln Park, in the City of San Diego, County of San Diego, State of California, according to Map No. 478 filed in the Office of the Recorder of said San Diego County, January 4, 1888; also Fractional Lots 30 to 33 inclusive in Block 238 of San Diego Land and Town Company's Addition, in the City of San Diego, County of San Diego, State of California, according to Map No. 379 filed in the Office of the Recorder of said San Diego County, October 30, 1886.

Together with that portion of Lots nine, ten and eleven in Block two-hundred thirty-seven of Lincoln Park, according to Map thereof No. 478 filed in the Office of the Recorder of San Diego County, January 4, 1888, which lie within the Southwest Quarter of Pueblo Lot 1154.

Parcel E:

Lots ten, eleven and twelve (10, 11 and 12) of Fractional Block sixty-five (65), heretofore conditionally deeded to the City of San Diego Board of School Trustees, of Sherman's Addition to San Diego as per official Map on file in County Recorder's Office of the County of San Diego and State of California.

Together with Lots one (1) and two (2) in Block sixty-five of Sherman's Addition, according to the Map thereof No. 856, filed in the Office of the Recorder of said San Diego County, February 18, 1899.

Also together with Lot three (3) in Block sixty-five (65) of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of said San Diego County, February 18, 1899.

Also all those portions of Lots eighteen (18), nineteen (19) and twenty (20), in Block two hundred twenty-eight (228) of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of said San Diego County July 11, 1870, that lie North of a line parallel with and 12 feet distant at right angles Southerly from the North boundary line of said Mannasse and Schiller's Addition. Excepting from said portion of Lot 16 that portion thereof that was conveyed to the City of San Diego by Deed from Celia Schiller recorded in Book 237, Page 75 of Deeds.

538-100-26, 27, 28 and 29; 538-120-01 and 17; 535-660-34; 535-640-13, 14, 15 and 16

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 424564

SITE DEVELOPMENT PERMIT NO. 415853/
PLANNED DEVELOPMENT PERMIT NO. 454025/
CONDITIONAL USE PERMIT NO. 431367
COMM 22 [MMRP] PTS #122002

CITY COUNCIL

This Site Development Permit [SDP] No. 415853/Planned Development Permit [PDP] No. 454025/Conditional Use Permit [CUP] No. 431367 is granted by the City Council of the City of San Diego to San Diego Unified School District, a school district organized and existing under the laws of the State of California, Owner, and COMM 22, LLC, a California limited liability corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0501, 126.0601, and 126.0301. The 4.58-acre site is located at 2101, 2107, 2145 Commercial Street and 1826 Irving Avenue in the CC-3-5 zone of the Southeastern San Diego Community Plan area. The project site legal description is attached as Exhibit "B."

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to develop a project with 252 dwelling units, 27,835 square feet of commercial retail and office space and a 5,447 square foot child day care facility for a maximum of seventy-four children and thirteen staff. Of the 252 dwelling units, the project would provide twenty-seven market rate live/work lofts, eleven studio apartments, 127 affordable family and seventy senior housing apartments, and seventeen for-sale market rate condominiums. The office space and live/work lofts will be housed in a rehabilitated warehouse building. The remainder of the development will consist of new construction, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include:

- a. A mixed use commercial and residential development with 252 dwelling units, 27,835 square feet of commercial retail and office space and a 5,447 square foot child day care facility for a maximum of seventy-four children

and thirteen staff. Of the 252 dwelling units, the project would provide twenty-seven market rate live/work lofts, eleven studio apartments, 127 affordable family and seventy senior housing apartments, and seventeen for-sale market rate condominiums. The office space and live/work lofts will be housed in a rehabilitated warehouse building. The remainder of the development will consist of new construction;

Nine deviations are approved with this project from the Land Development Code sections, tables and one deviation each from the adopted Street Design Manual, Sewer Design Guide and Water Department Facility Design Guidelines. The deviations are to provide relief from the following Land Development Code regulations:

1) Section 131.0531 and Table 131-5E; 2) Section 131.0531 and Table 131-5E; 3) Section 131.0531 and Table 131-05E; 4) Section 131.0540(c); 5) Section 131.0552; 6) Section 131.0554 and Table 131-05F; 7) Sections 132.0905, 142.0510, 142.0525, 142.0530 and 142.0560; 8) Landscape Regulations Table 142-04D; and 9) Section 142.0409(a)1. Specifically these deviations are:

- 1) Develop Site C with seventeen dwelling units;
- 2) Maximum front setback of 15 feet where the CC-3-5 zone allows a maximum front setback of 10 feet;
- 3) Side and rear setback of 5 feet where the structure on Site C would be required either be placed at the property line or shall be set back at least 10 feet;
- 4) Zero to four offsetting planes on building facades fronting the public right-of-way where a minimum of six offsetting planes are required per building façade;
- 5) Less than 50 percent of the street wall between 3 and 10 feet above the sidewalk to be transparent where the CC-3-5 zone requires a minimum of 50 percent to be transparent;
- 6) Residential use and residential parking on the ground floor in the front 30 feet of the lot where these uses are prohibited;
- 7) Implement alternative parking standards. Four specific deviations are included in this request: reduce the parking ratio for the senior housing component from 1.0 per unit to 0.60 spaces per unit and provide six total guest parking stalls; provide all of the parking required for Building 1A on Site B; parking ratio for the commercial retail uses will be 2.1 spaces per 1000 square feet; count tandem parking spaces as two stalls where tandem spaces are normally counted as one space; and allow residential parking along

the first thirty feet of the lot for Site C where the CC-3-5 zone prohibits parking in this area.

- 8) Less than one tree within 30 feet of each parking space along the alley on the southwestern side of Site B; and
 - 9) Unconventional tree spacing along the western portion of Commercial Street.
 - 10) The Street Design Manual deviation allows for a ten foot parkway along Commercial Street; the Sewer Design Guide deviation allows installation of the new wastewater line on Commercial as close to the south curb line as possible; and the Water Department Facility Design Guidelines deviation allows a new water main in the 22nd. Street right-of-way yet beneath the curb and sidewalk under the pedestrian pop-outs at the intersection of 22nd. and Commercial Street and at Harrison Avenue and Commercial Street.;
- b. Landscaping (planting, irrigation and landscape related improvements);
 - c. Off-street parking facilities; and
 - d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or

employees, including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 122002 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 122002 satisfactory to the City Manager and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Paleontological Resources
- Historical (Archaeological and Architecture)
- Human Health and Public Safety (Hazardous Materials) and
- Transportation/Circulation

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

16. Prior to foundation inspection, the Owner/Permittee shall submit a copy of the approval of the property mitigation plan from the lead agency under the California EPA Site Designation Program, to the satisfaction of the City Manager.

17. Prior to the final inspection, the Owner/Permittee shall submit evidence of the approval of the implementation of the property mitigation plan by the lead agency under the California EPA Site Designation Program, to the satisfaction of the City Manager.

AFFORDABLE HOUSING REQUIREMENTS:

18. The project is subject to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance, Chapter 14, Article 2, Division 13 of the Land Development Code). The Owner/Permittee will meet these requirements by providing at least 10 percent of project's units (twenty-six units) as affordable per SDMC section 142.1309. In addition, the Owner/Permittee has elected to provide an additional 171 affordable housing units on-site as detailed on the conceptual plans and in the project description. Prior to receiving the first residential building permit, the Owner/Permittee must enter into an agreement with the San Diego Housing Commission to assure that the affordable units are built and occupied by the appropriate households.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of any engineering permits for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

20. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A."

21. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

22. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

24. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

25. No fewer than 485 off-street parking spaces (447 spaces required) of which thirteen spaces are accessible parking spaces, twenty-one motorcycle spaces, and seventy-eight bicycle spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

This will provide the project the flexibility to repond to necessary and unavoidable changes in design as long as the total number of parking spaces is between the required 447 and proposed 485 spaces.

26. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

27. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

28. The Owner/Permittee shall post a copy of the approved discretionary permit and Vesting Tentative Map in the sales office for consideration by each prospective buyer.

29. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

30. The Owner/Permittee shall provide a shared parking agreement between Site A and Site B in order to provide 112 parking spaces in buildings 2 and 3 to be utilized by proposed uses in buildings 1 and 1 A as described on Exhibit A, satisfactory to the City Engineer.

31. Prior to the issuance of the first building permit, the Owner/Permittee shall revise floor plans of proposed units in buildings 4A and 4C to modify dimensions of tandem garages to a minimum clear parking area of 9.5' (width) x 37' (depth), satisfactory to the City Engineer.

32. Prior to the issuance of the first building permit, the Owner/Permittee shall provide enhanced vehicular paving within property boundaries only and not within the public right-of-way including public alleys and streets, satisfactory to the City Engineer.
33. Prior to the issuance of the first building permit, the Owner/Permittee shall provide a minimum of 12 feet from the edge line of the existing trolley line and where on-street parking is provided there shall be a minimum of 20 foot separation, satisfactory to the City Engineer.
34. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 by Resolution R-296141, satisfactory to the City Engineer. This may require, yet not be limited to, installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

WASTEWATER REQUIREMENTS:

35. Prior to the issuance of any grading permits, the Owner/Permittee shall relocate onsite public sewer mains, satisfactory to the Metropolitan Wastewater Department Director. All associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
36. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the upgrade and construction of all public sewer facilities deemed necessary by the accepted sewer study, satisfactory to the Metropolitan Wastewater Department Director.
37. Prior to the issuance of any grading permits, the Owner/Permittee shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public the right of way, satisfactory to the Metropolitan Wastewater Department Director.
38. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.
39. Prior to the issuance of any public improvement or building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for all approved structures or landscaping, including private sewer facilities and enhanced paving, installed in or over any sewer easement.
40. Prior to the issuance of any grading permits, the Owner/Permittee shall provide a letter of permission from each property owner whose private lateral will be relocated due to this development.
41. Prior to the issuance of any grading permits, the existing public sewer mains that are to be relocated shall be inspected using a closed-circuit television (CCTV) by a

California Licensed Plumbing Contractor to verify all laterals are reconnected to the proposed new public sewer main.

42. Prior to the issuance of any grading permits, the Owner/Permittee shall record a permanent Encroachment Removal and Maintenance Agreement [EMRA] for the curbs and surface improvements located within 10 feet of public sewer mains, satisfactory to the Metropolitan Wastewater Department Director.

43. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.

44. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

45. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

46. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of the public water facilities, as identified in the accepted water study, necessary to serve this development, in a manner satisfactory to the Water Department Director and the City Engineer, maintaining redundancy throughout the phasing of construction.

47. Prior to the issuance of any building permits, the Owner/Permittee shall cut, plug, and abandon the existing public water facilities, located within the portion of Irving Avenue right-of-way proposed to be vacated traversing the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

48. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), including domestic, fire and irrigation, in a manner satisfactory to the Water Department Director and the City Engineer.

49. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPD] on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director and the City Engineer. The Water Department will not allow the BFPDs to be located below grade or within any proposed structure.

50. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water

Department Director, and the City Engineer. Any proposed fire hydrant installation not conforming to Water Department standards for public fire hydrants, shall be private.

51. Prior to the issuance of any building permits, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot.

52. Prior to the issuance of any building permits, the Owner/Permittee shall process an EMRA for all acceptable encroachments of structures or landscaping into any easement containing public water facilities. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

53. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

54. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

MTS REQUIREMENTS:

55. Before construction begins the Owner/Permittee must contact Tim Allison MTS right-of-way manager, at (619-699-4903) to determine if a right-of-entry permit will be required.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____ by Resolution No. R-_____.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/ Permittee hereunder.

SAN DIEGO UNIFIED SCHOOL DISTRICT, a School District organized and existing under the laws of the State of California
Owner

By _____
Peter M. Iverson
Interim Executive Director, Facilities
San Diego Unified School District

COMM 22, LLC
A California Limited Liability Corporation
Permittee

By _____
Arnulfo Manriquez
COMM 22, LLC
Chief Operating Officer
Metropolitan Area Advisory Committee
On Anti Poverty of San Diego County,
Inc., a California nonprofit public benefit
corporation

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.