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THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: January 30, 2008 REPORT NO.: 08-003

ATTENTION: Council President and City Council
Agenda of February 5, 2008

SUBJECT: KENSINGTON TERRACE. Project No. 105244.
Council District 3. Process 4.

REFERENCE: Planning Commission Report No. PC-07-140,
http://www.sandiego.gov/planning-commission/pcreports/07140.pdf

REQUESTED ACTION: Should the City Council deny the appeal and reaffirm the Planning Commission approval of a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential space in nine residential units at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area?

STAFF RECOMMENDATION:

1. **Deny** the appeal;
2. **Certify** Mitigated Negative Declaration No. 105244; and
3. **Approve** Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180.

SUMMARY:

Planning Commission Action:

On November 15, 2007 the Planning Commission heard a staff presentation and took public testimony in favor and opposition of the proposed project during a noticed public hearing. After considering the information presented and associated discussion, the Planning Commission voted 5:1:0 to approve the project.

Background:

The project site is located at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area and the Central Urbanized Planned District, approximately 0.18 mile east of State Route 15. The 0.78-acre site is adjacent to Adams Avenue on the south, Marlborough Drive on the west, an alley to the north, and Edgeware Road to the east. The project site, being composed of several properties, has two zones. The western portion of the site, a

total of 0.31 acres, is zoned CU-3-3 and the eastern portion of the site, 0.47 acres, is zoned CN-1-3. The project site has been previously graded and is currently developed with a gas station, convenience store, and four residential structures. All existing structures would be demolished to prepare the site for development.

The Mid-City Communities Plan designates the site for Commercial and Mixed-Use development at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The majority of the surrounding development is one- and two-story development; however, three-story structures exist adjacent to the project to the west, and to the south of Kensington Park, which is diagonally across Adams Avenue from the project site.

The project site is served by bus route, Route 11, with a 15 minute frequency. One bus stop currently exists adjacent to the site along Adams Avenue. The project site is located within walking distance of many restaurants, retail shops, a movie theater, and would be located diagonally across the street from Kensington Mini Park, which houses the Kensington – Normal Heights Branch Library.

Project Description:

The Kensington Terrace project requires a Planned Development Permit and Vesting Tentative Map to demolish the existing gas station, convenience store, and four residences and construct a 56,643 square-foot, three-story mixed-use development located at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road within the Mid-City Communities planning area and Central Urbanized Planned District. The development would include approximately 16,550 square feet of retail space, 16,255 square feet of office space, 19,614 square feet of residential space, and 4,224 square feet of ancillary uses. The residential component would include six, three-bedroom, three-bath penthouse units and three, three-bedroom, three-bath townhome units. All nine units would be sold for private ownership at market rates.

The third-floor penthouse units would range in size from 2,001 square feet to 2,122 square feet and the townhomes would be 2,138 square feet with 468 square feet of private open space in patios and balconies. Each townhome would have a private two-car garage. The project would also include fire-sprinklers throughout the development, residential private open space areas totaling approximately 5,000 square feet, and public and private commercial and office open space totaling approximately 6,000 square feet in plazas, courtyards, and terraces. Approximately 80 percent of the third level of the structure is set back 11 feet, creating a terraced effect.

San Diego Municipal Code Sections 142.0525 and 142.0530 require 90 vehicle parking spaces for the proposed development. Of the 90 parking spaces, four would be required as

accessible parking spaces, three as motorcycle spaces and seven as bicycle spaces. The proposed development would provide 112 parking spaces, which is twenty-two spaces in excess of the City's requirement. Within those 22 additional spaces, the applicant has included a car pool space and two, fuel efficient automobile spaces. The project would provide all vehicular access to and from the site within the alley north of and adjacent to the project site, which is a requirement of the Mid-Cities Community Plan. Except for the six vehicle spaces provided in the three townhome units, all parking required for the project would be located within a two-level underground parking garage. Grading would include approximately 22,100 cubic yards of excavated earth for export. Any contaminated soils would be transported and disposed of at appropriately permitted disposal facilities under monitoring by the County Department of Environmental Health.

The project incorporates a variety of various architectural features. These include features similar in design with historic craftsmen style, Spanish themed arches and a variety of materials reflecting the surrounding neighborhood. Two corner plazas of approximately 500 square feet each set the building back at the intersections to open up space and create public plazas. Each plaza features enhanced landscaping, seat walls and future outdoor seating areas relating to the retail uses adjacent to the plaza.

The project design incorporates a solar electricity generation system through the installation of photovoltaic solar panels sufficient to generate at least 50 percent of the on-site residential energy demand and 30 percent of the on-site commercial energy demand. In addition, approximately 10,000 square feet of the third floor is proposed as a "green roof." The green roof would be planted with drought tolerant grasses, herbaceous and succulent plant species and reduce surface water run-off during storm events by capturing the water in the roof top soil and making it available to the plants. Runoff in excess of the roof's capacity for absorption would be controlled and delivered to the neighboring storm drain system. Green roofs offer many environmental, economic and health benefits, including reduced urban stormwater runoff, reduced demand for air conditioning, smaller less costly mechanical systems, the production of oxygen from roof top plantings, and reduced building maintenance costs.

A traffic study was conducted by LOS Engineering to evaluate potential project impacts on surrounding streets and intersections within the study area shown in the analysis. The traffic study determined that direct and cumulative impacts would occur in the near and long term scenarios on Adams Avenue and Marlborough Drive and at the intersection of Adams Avenue & Kensington Drive. Impacts at these locations were evaluated and as a result, the project was conditioned to mitigate the traffic impacts resulting from implementation of the project to the surrounding street network. The mitigation measures included the construction of a raised median on Adams Avenue between State Route 15 to just east of Terrace Drive; the re-striping of Adams Avenue with a continuous center left-turn lane from just east of Terrace Drive to Aldine Drive; the widening of Marlborough Drive to 36 feet from Adams Avenue to the Alley just north of Adams Avenue; and the installation of a traffic signal at the intersection of Adams Avenue and Kensington Drive.

The implementation of the traffic mitigation listed above would improve traffic flow and provide safer vehicular and pedestrian movements at intersections along that entire corridor of Adams Avenue between State Route 15 and Aldine Drive. It would also address the community plan recommendation to restripe Adams Avenue to a three-lane collector street.

Community Plan Analysis:

The Mid-City Communities Plan designates the proposed 0.78-acre site for Commercial and Mixed-Use development at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with neighborhood serving and specialty businesses. The recommendation to reinforce and enhance pedestrian character would be implemented by the creation of a sixteen foot wide sidewalk that would include tree wells for street trees along Adams Avenue. In addition, the project design would include plazas at the corners of Marlborough Drive and Edgeware Road with Adams Avenue, as well as an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road, and bicycle storage facilities would be provided within the two-story underground parking garage to accommodate both patrons and employees of the proposed commercial-retail and office uses. To further the goals of creating a pedestrian environment, the project would remove an existing gas service station and three driveways; two on Adams Avenue and one on Marlborough Drive. The removal of these driveways would create a safer and more defined pedestrian environment.

The Mid-City Communities Plan Land Use Element encourages new market-rate housing in a variety of types, sizes, and costs to the meet the needs of residents in a variety of socio-economic brackets. The project would create six penthouse residential units above the commercial office space and three townhomes at street level along Edgeware Road. The proposed project would also realize the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The 16,255 square feet of office space also creates the opportunity for additional employment within the community.

Properties to the north are designated for residential uses at a density range of six to ten dwelling units per acre and are currently developed with single-family homes. The properties to the east are designated for residential, commercial and mixed-use and are currently developed with single family homes and office uses. The properties to the south

are designated for commercial and mixed-use development and are currently developed with a mixture of commercial & single-family homes. Properties to the west are designated for commercial and mixed-use and are currently developed with mixed-use.

The Mid-City Communities Plan does not contain specific policies related to the incorporation of sustainable development measures within new development projects, yet it does embrace the vision of development contributing to the environmental quality of the area. The project would meet this goal by incorporating a "green roof" and the generation of electricity on site by solar photovoltaic technology, as described above

Although the community plan does not regulate building heights it does encourage lower scale, two- to three-story mixed-use developments with residential units above retail along Adams Avenue. The proposed project is consistent with this recommendation. The project would construct a three-story, mixed-use structure.

To comply with recommendations that new development reflect the neighborhood character the project includes several design features to meet this goal. Specifically regarding maximum height, building setbacks and massing, roof and window design, front porches, street façade, other architectural details and landscaping, the proposed project incorporates many features to assimilate into the existing neighborhood character. Along Edgeware Road the three proposed townhomes would emulate a Craftsman architectural style to achieve compatibility with existing residences along that street. To further articulate the street façade and reduce the scale of the building, the proposed building would utilize various materials and textures. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping rather than create a dead façade onto the alley. The design of this elevation would reduce the bulk and scale of the building when viewed from residences across the alley to the north.

The project implements many of the overall goals and recommendations of the Urban Design, Land Use, Transportation, Transportation, and Natural & Cultural Resources of the Mid-City Communities Plan; and therefore, would not adversely affect the community plan.

Environmental Analysis:

The City of San Diego conducted an Initial Study which resulted in a determination the proposed project could potentially result in significant, yet mitigable impacts in the areas of Paleontological Resources, Human Health and Public Safety, and Transportation/Circulation. These impact areas are discussed in detail in the Mitigated Negative Declaration and Initial Study documents.

During the environmental review of the project, it was determined that subsequent revisions in the project proposal created specific mitigation, which is identified in Section Five (Roman numeral) of the Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report was not required. Mitigated Negative Declaration Number 105244 was finalized for the project in accordance with the

State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for Paleontological Resources, Human Health and Public Safety, and Transportation/Circulation.

Project-Related Issues:

The project proposes to deviate from the height regulations of the CN-1-3 Zone. The CN-1-3 Zone allows a maximum height of 30 feet and the applicant is requesting a height of 38 feet. Through the processing of a Planned Development Permit, the San Diego Municipal Code allows an applicant to propose development that deviates from the strict application of the regulations. The intent of Planned Development Permit regulations is to encourage imaginative and innovative planning, to assure the development achieves the purpose and intent of the applicable land use plan, and that the design would be preferable to what would be achieved by strict conformance with the regulations. These goals would be achieved and are supported by the following information.

The western portion of the site adjacent to Marlborough Avenue is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet. The proposed building in this location on the site is a maximum height of forty feet, eight inches. The building on the CU-3-3 Zoned property is well below the maximum allowable height limit.

Rather than build to the maximum height allowed by the zones, the application proposes a deviation from the maximum height of the CN-1-3 Zone. On the western most portion of the project site, the height would be nine feet, four inches lower than the allowed maximum (40 feet 8 inches proposed, 50 feet allowed). On the eastern most portion of the site, the height would exceed the allowable height by eight feet for specific portions of the building (30 feet allowed, 38 feet proposed). The elevations of the proposed building illustrate the intended effect. To reduce the visual appearance of the building height at the western most portion of the site, the project design proposes a public plaza at the corner of Adams Avenue and Marlborough Drive, to build to substantially less than the maximum allowed height, and to step back the third floor from the intersection of Adams Avenue and Marlborough Drive. Combined, these design elements open up the massing of the building and reduce the bulk and scale. The project proposes this lower, terraced design on the western portion of the site in return for an eight-foot increase in height on the eastern part of the site.

Balancing of the two zoning height limitations has many positive results for the project and community. The consistent height across the site eliminates the need for an inefficient additional staircase and elevator access point, allows for the placement of residential units across the entire top floor rather than stacked only within the CU-3-3 zoned portion of the site, provides an unfettered level surface for the green stormwater rooftop technology, and allows for the generation of electricity through the installation of photovoltaic panels. Without the height deviation, the potential fifty-foot building would shadow the remaining

rooftop as well as increase the shadowing of neighboring properties. In addition to terracing the project at both corners (Adams Avenue with Marlborough Drive and Edgeware Road); the design has set the third floor back horizontally along eighty percent of the building. This setback horizontally creates a perception of the façade, when viewed from the sidewalk, that the majority of the building is a two-story structure. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the apparent scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varied building setbacks at each floor level and landscaping to harmonize the proposed project with neighboring residences across the alley to the north.

Other than the one proposed deviation described and as allowed through the Planned Development Permit process, the proposed development would comply with all applicable regulations of the San Diego Municipal Code and would be consistent with the recommended land-use, design guidelines, and development standards in effect for this site.

Appeal Issues: The appeal (Attachment 8) filed raises several issues. All appeal issues have been listed in bold followed by staff response and included as Attachment 4 to the City Council Report.

FISCAL CONSIDERATIONS: All costs associated with the processing of this project are recovered from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: On October 10, 2007, the Kensington-Talmadge Planning Committee voted 9-0-0 to approve the project as presented (Attachment 21 of the attached Planning Commission Report). On November 14, 2007 City staff participated in a community meeting held at a church in the community to answer community questions and provide information regarding the entitlement process. Attendance was estimated to be between 250 and 300 community residents.

KEY STAKEHOLDERS:

Terrace Partners, L. P. (See Attachment 5)

Kelly Broughton
Director
Development Services Department

William Anderson
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

1. Aerial Photograph/Location Map
2. Planning Commission Report No. PC-07-140

3. Planning Commission Resolution (PDP) No. 4333-PC-3
4. Appeal Issues, including Staff Responses
5. Ownership Disclosure Statement
6. Planning Commission Resolution (VTM) No. 4333-PC-2
7. Planning Commission Environmental Resolution No. 4333-PC-1
8. Appeal by Margaret B. McCann

Development Services Department
Project Management Division

Aerial Photograph

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THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 1, 2007 **REPORT NO. PC-07-140**

ATTENTION: **Planning Commission, Agenda of November 8, 2007**

SUBJECT: KENSINGTON TERRACE- PROJECT NO. 105244. PROCESS FOUR

OWNER: Terrace Partners, L. P. (See Attachment 22).

APPLICANT: Allard Jansen, AIA

SUMMARY

Issue: Should the Planning Commission approve a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential space in nine residential units at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 105244; and
2. **Approve** Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180.

Community Planning Group Recommendation: On October 10, 2007, the Kensington-Talmadge Planning Committee voted 9-0-0 to approve the project as presented (See Attachment 21).

Environmental Review: Mitigated Negative Declaration No. 105244 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

DIVERSITY BRINGS US ALL TOGETHER

Fiscal Impact Statement: All costs associated with the processing of this project are recovered from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The Mid-City Communities Plan designates the proposed 0.78-acre site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus. The proposed project would construct 9 for-sale, market-rate units within a mixed-use development and would result in the demolition of 7 existing units within the project site. The project meets the requirements of the Affordable Inclusionary Housing Ordinance by agreeing to pay an in-lieu fee.

BACKGROUND

The project site is located at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area and the Central Urbanized Planned District, approximately 0.18 mile from Interstate 15 (Attachment 3). The 0.78-acre site is surrounded by Adams Avenue on the south, Marlborough Drive on the west, an alley to the north, and Edgeware Road to the east (Attachment 1). The property is split zoned with the western portion of the site (0.31-acre) zoned CU-3-3 and the eastern portion of the site (0.47-acre) zoned CN-1-3. The project site has been previously graded and is currently developed with a gas station, convenience store, and four residential structures that would be demolished to prepare the site for development.

Properties to the north are designated for residential uses (6-10 dwelling units/acre) and are currently developed with single-family homes. The properties to the east are designated for residential, commercial, and mixed-use and are currently developed with single family homes and office uses. The properties to the south are designated for commercial and mixed-use development and are currently developed with a mixture of commercial & single-family homes. Properties to the west are designated for commercial and mixed-use and are currently developed with mixed-use.

The elevation of the project site is relatively flat with approximate elevations ranging from 369 feet Above Mean Sea Level (AMSL) along the western property line to 367 feet AMSL along the eastern property line; and approximately 368 AMSL from the north and south property lines. The site is not located within or adjacent to the Multi-Habitat Planning Area 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.

DISCUSSION

Project Description:

The Kensington Terrace project would require a Planned Development Permit and a Vesting Tentative Map to demolish the existing gas station, convenience store, and four residences, to construct a 56,643 square-foot, three-story mixed-use development located at 4142 Adams Avenue, within the Mid-City Communities planning area and Central Urbanized Planned District. The development would include approximately 16,550 square feet of retail space, 16,255 square feet of office space, 19,614 square feet of residential space, and 4,224 square feet of ancillary uses. The residential component would include six, three-bedroom, three-bath penthouses and three, three-bedroom, three-bath townhome units that would be sold for private ownership.

The penthouses would range in size from 2,001 square-feet to 2,122 square feet and the townhomes would be 2,138 square feet with 468 square feet of private open space in patios and balconies; each housing a two-car garage. The project would also include fire-sprinklers throughout the development; residential private open space areas totaling approximately 5,000 square feet, and public and private commercial and office open space totaling approximately 6,000 square feet in plazas, courtyards, and terraces.

A traffic study was conducted by LOS Engineering to evaluate potential project impacts on surrounding streets and intersections within the study area shown in the analysis. It was determined that direct and cumulative impacts would occur in the near and long term scenarios on Adams Avenue and Marlborough Drive and at the intersection of Adams Avenue & Kensington Drive. Impacts at these locations were studied and evaluated, and as a result, the project was conditioned to mitigate its impacts by: constructing a raised median on Adams Avenue between I-15 and Marlborough Drive; restriping Adams Avenue with a continuous center left-turn lane between Marlborough Drive and Edgeware Road; widening Marlborough Drive to 36 feet from Adams Avenue north to the Alley; and installing a traffic signal at the intersection of Adams Avenue and Kensington Drive.

Based on City of San Diego Municipal Code Sections 142.0525 and 142.0530, the parking requirement for the proposed Kensington Terrace Development is 90 spaces. Of the 90 parking spaces, there would be a requirement for four (4) accessible parking spaces, three (3) motorcycle spaces and seven (7) bicycle spaces. The proposed development is providing 112 parking spaces, or 22 spaces in excess of the requirements of the City of San Diego Municipal Code. The project would provide vehicular access to the site from the alleyway on the north side of the project to a two-level underground parking garage.

The project site is served by one bus routes (Route 11) with a 15 minute frequency. One bus stop currently exists adjacent to the site along Adams Avenue. The project site is located within walking distance of many restaurants, retail shops, a movie theater, and would be located diagonally across the street from Kensington Mini Park, which houses the Kensington – Normal Heights Branch Library.

Grading would include approximately 22,100 cubic yards of soil cut for export within the site. Any contaminated soils would be transported and disposed of at appropriately permitted disposal facilities.

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 53 (Level or sloping terrain, unfavorable geologic structure, low to moderate risk) as shown on the City's Seismic Safety Study Geologic Hazards Maps. 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, requiring no mitigation.

Proposed landscaping for the site would include trees such as Canary Island Palms; Jacaranda, and Australian willows; shrubs such as fortnight lilies, heavenly bamboo, and English Boxwood; and groundcover such as star jasmine and white balsam.

The project incorporates various architectural features. The east side features three craftsmen-style townhomes; the west side has Spanish colonial architecture; and the south side features a variety of styles to reflect the surrounding neighborhood. Two corner plazas of approximately 500 square feet each relieve building scale at each street intersection, creating public plazas. Each plaza features enhanced landscaping, seat walls and future outdoor seating areas relating to the retail uses adjacent to the plaza.

The project design incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption for the residential portion, and 30 percent of the project's projected energy consumption for the commercial portion of the project. In addition, aapproximately 10,000 square feet of the third floor is proposed as a Green Roof. Green roofs offer environmental, economic and health benefits by the following:

- Retaining 40 to 70% of storm water and thus reduce runoff pollution and combined sewage outflow.
- Reducing energy use by 10 to 30%. Green roof temperatures can be as much as 100° F lower than conventional roofs in the summer, thus reducing air conditioning demand and providing a source of cooler air for building ventilation.
- Requiring smaller air conditioning systems and use them less intensively, lowering both initial system and replacement/maintenance costs.
- Increasing roof durability, as the green roof can last 50 years or more, while a conventional roof needs to be replaced every 10-15 years. Once established, green roofs typically require very little maintenance.

Runoff generated from precipitation falling onto the project's rooftops will be treated by a live vegetation (Green Roof) system installed thereon. The live vegetation system will retain most of this runoff, thereby reducing overall runoff from the site. Other runoff generated on-site will be

treated by filtration devices satisfactory to the City Engineer. Runoff from the site will be discharged to the existing storm drain system.

The current design is deviating from the San Diego Municipal Code regulations governing zone height, and staff is in support of the requested deviation. For further discussion of the requested deviation, please see the Project Related Issues section of the report below. Other than the proposed deviation described, the proposed development would comply with the applicable regulations of the San Diego Municipal Code.

Community Plan Analysis:

The 0.78-acre project site is located in the Kensington-Talmadge community of the Mid-City Communities Planning Area. The Mid-City Communities Plan designates the proposed 0.78-acre site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground 2-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking to proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to the meet the needs of all residents in all socio-economic brackets. The project would include 6 penthouse units above commercial-retail and 3 craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more

goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community as well.

Although the Mid-City Communities Plan does not contain specific policies related to the incorporation sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project would meet this vision by incorporating a "green roof" feature that would reduce surface run-off. This "green roof" feature would be planted with drought tolerant grasses and herbaceous and succulent plant species. Additionally, the proposed project would self-generate 50 percent of its electrical needs through the incorporation of photovoltaic panels.

The project proposes to seek a deviation to exceed the height limit of the eastern portion of the project by 8 feet where the maximum height limit is 30 feet. Although the community plan does not regulate building heights it does encourage lower scale, two to three-story mixed-use developments with residential units above retail along Adams Avenue. The project would implement this recommendation and maintain the existing character along Adams Avenue by constructing a three-story, mixed-use structure that would contain 6 units above commercial-retail and office space.

Additionally, in order to meet the recommendation of ensuring that new development reflects neighborhood character in such characteristics such as height, setbacks, massing, landscaping, roofs, windows, front porches, street façade and other architectural details, the proposed project would incorporate setbacks at the third story and landscaping, as well as trellises and arched features similar to adjacent commercial buildings. The three townhomes proposed along Edgeware Road would include a Craftsman architectural style that would be compatible with similar residences along the street. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed 3-story building from neighboring residences to the north.

Based on the proposed features that would be utilized throughout the proposed project, the proposed deviation would not have an adverse impact on the goals and recommendations of the community plan. As proposed, the project implements many of the overall goals and recommendations of the Urban Design, Land Use, Transportation, Transportation, and Natural & Cultural Resources of the Mid-City Communities Plan; and therefore, would not adversely affect the community plan.

Environmental Analysis:

The City of San Diego conducted an Initial Study, which determined that the proposed project construction could potentially result in significant but mitigable impacts in the areas of Paleontological Resources, Human Health and Public Safety, and Transportation/Circulation. These impact areas are discussed in the Mitigated Negative Declaration and Initial Study documents.

During the environmental review of the project, it was determined that Subsequent revisions in the project proposal created specific mitigation, which is identified in Section V of the Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report was not required. Mitigated Negative Declaration Number 105244 was finalized for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for Paleontological Resources, Human Health and Public Safety, and Transportation/Circulation.

Project-Related Issues:

Height Deviation – The project proposes a deviation to the height regulations of the CN-1-3 Zone. The CN-1-3 Zone allows a maximum height of 30 feet and the applicant is requesting a height of 38 feet. Through the processing of a Planned Development Permit, the SDMC allows applicants to propose development that requires flexibility from the strict application of the regulations. The intent of Planned Development Permit regulations is to encourage imaginative and innovative planning, to assure the development achieves the purpose and intent of the applicable land use plan, and that the design would be preferable to what would be achieved by strict conformance with the regulations. Staff believes that the Planning Commission can make the appropriate findings based on the following information.

The western portion of the site adjacent to Marlborough Avenue (0.31-acre) is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road (0.47-acre) is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet, and the project proposes a maximum height of 40 feet, 8 inches for this portion of the project, which is well under the allowable height limit.

The applicant is proposing the deviation to the height of the CN-1-3 Zone to comply with community character and public concerns regarding excessive height in the neighborhood. The project design proposes to terrace back from the intersection of Adams Avenue and Marlborough Drive to mitigate the visual impact of a potential 50-foot building height at the corner. The project proposes a lowered and terraced building in the western portion of the site, with an eight foot increase above the zone's height limit in the eastern portion of the site, thereby balancing the overall height to match the existing building on the west side of Marlborough Drive, which varies in height between 35 feet and 49 feet.

The consistent height avoids inefficient additional stair and elevator access, makes all the residential units top-floor rather than stacked in the CU-3-3 zone, and provides unfettered and level surface for green rooftop technology and photo-voltaic collection. Without the deviation, the allowable 50-foot tower would potentially shadow the remaining rooftop as well as neighboring properties. In addition to terracing the project at both corners of Adams Avenue with Marlborough Drive and Edgeware Road, the design has a stepped-back third floor along 80% of the building, which creates a perception with the façade that the majority of the building is a two-story structure.

Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north.

Other than the proposed deviation described as allowed through the Planned Development Permit process, the proposed development would comply with the applicable regulations of the SDMC, and be consistent with the recommended land-use, design guidelines, and development standards if effect for this site.

Critical Project Features to Consider During Substantial Conformance Review

Site Design and Height – The project site design and architectural style, including the proposed density and requested height deviation, should be fully analyzed for any revisions to the proposed density and the requested height to ensure compatibility with the surrounding community.

Environmental Document: The project design should remain within the parameters of the scope of the Mitigated Negative Declaration.

Conclusion:

The project proposes to demolish the existing structures and construct a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential space on a 0.78-acre site. The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements of the Mid-City Communities Plan, and the project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses.

The project design incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption for the residential portion, and 30 percent of the project's projected energy consumption for the commercial portion of the project. The project also proposes the installation of approximately 10,000 square feet of Green Roof technology, fire-sprinklers throughout the development, residential private open space areas totaling approximately 5,000 square feet, and public and private commercial and office open space totaling approximately 6,000 square feet in plazas, courtyards, and terraces.

The project has been reviewed in accordance with all applicable development regulations and the Mid-City Communities Plan, the City's Progress Guide and General Plan, and the California Environmental Quality Act. Staff has determined the project complies with the applicable development regulations and would be consistent with the purpose and intent of the underlying zones. Staff believes the mixed-use infill project is well designed and would be an asset to the neighborhood. Staff has provided the required findings to affirm the project and recommends that the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Certify** Mitigated Negative Declaration No. 105244, **Adopt** the Mitigation Monitoring and Reporting Program, and **Approve** Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180, **with modifications.**

2. **Do Not Certify** Mitigated Negative Declaration No. 105244, **Do Not Adopt** the Mitigation Monitoring and Reporting Program, and **Deny** Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Daniel Stricker
Project Manager
Development Services Department

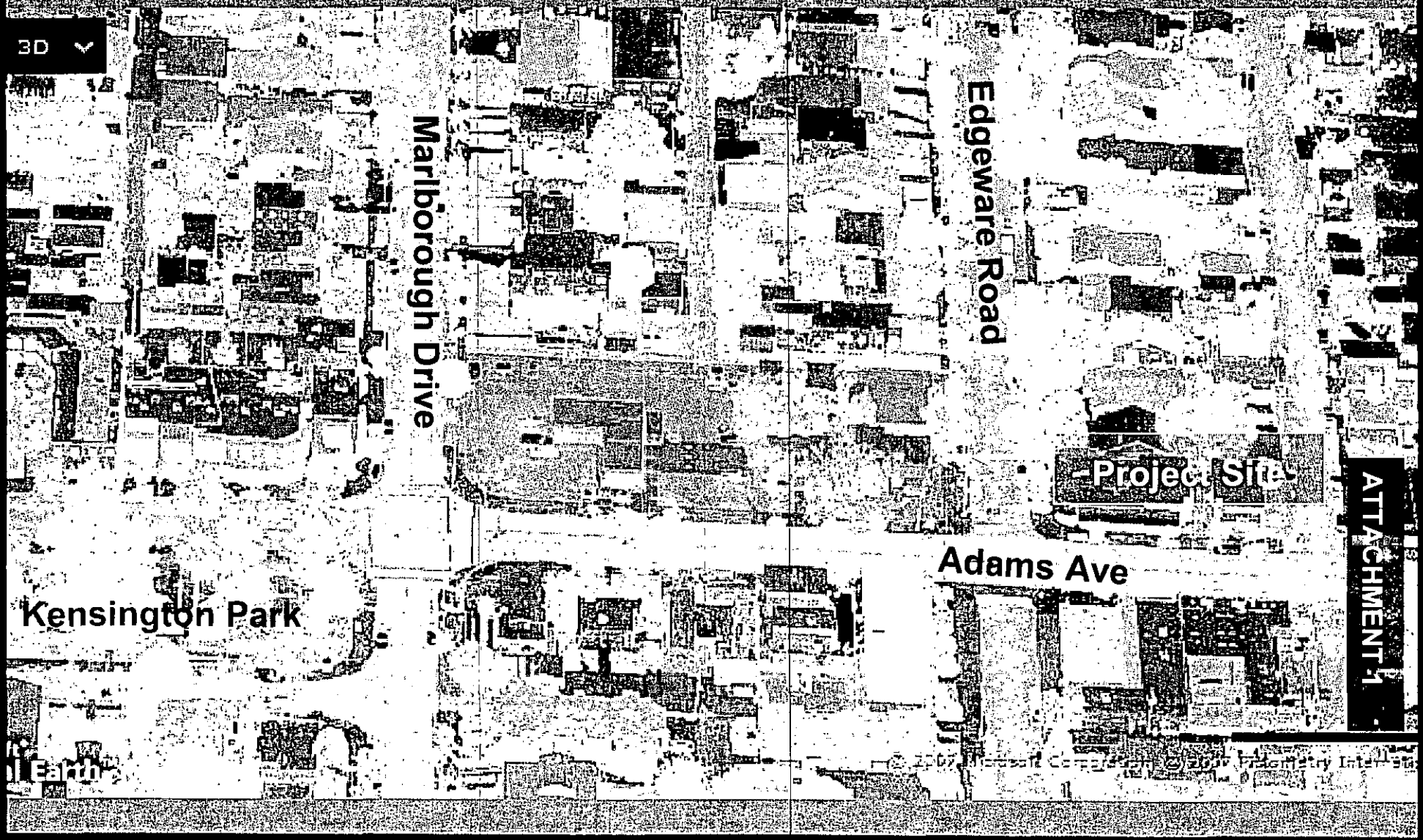
BOEKAMP/DES

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Cover Sheet
6. Demolition Plan
7. Site Plan
8. Topographic Survey
9. Vesting Tentative Map
10. Floor Plans
11. Roof Plan
12. Elevations
13. Sections
14. Perspective Views
15. Street Context Elevation
16. Shadow Plan
17. Landscape Plans
18. Draft Permit with Conditions
19. Draft Permit Resolution with Findings
20. Draft Vesting Tentative Map Resolution
21. Community Planning Group Recommendation
22. Ownership Disclosure Statement
23. Project Chronology

Development Services Department
Project Management Division

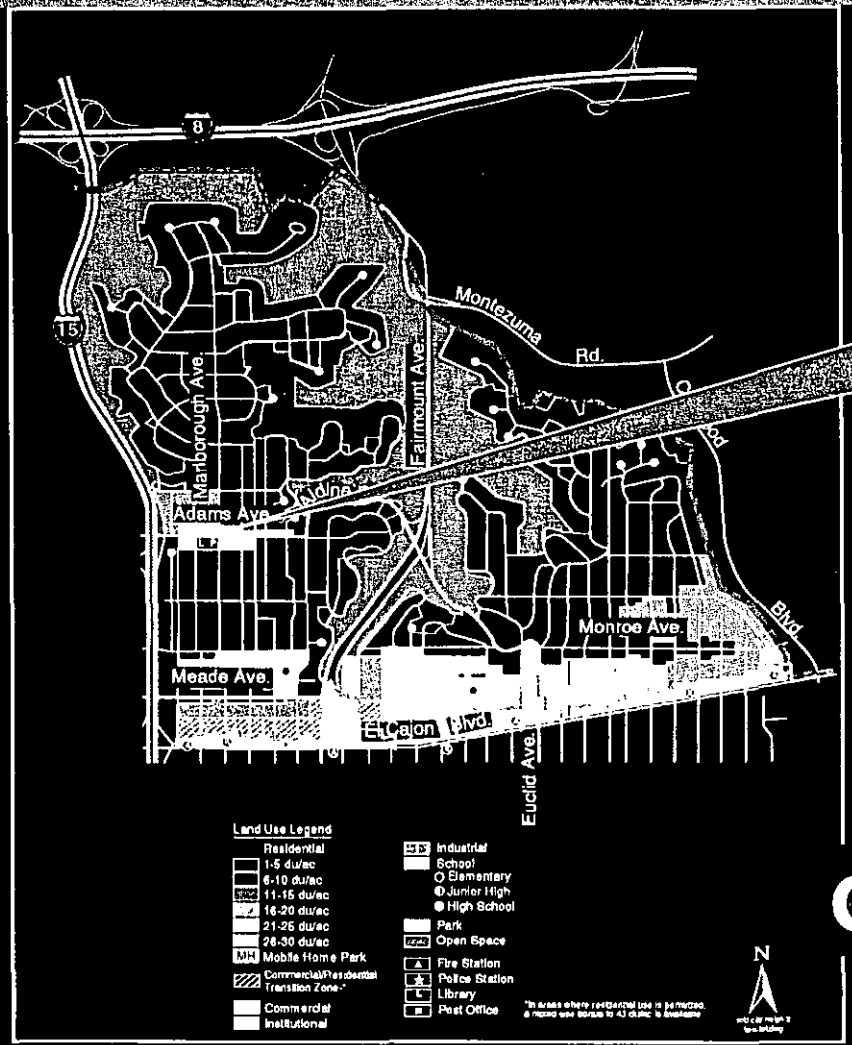
Aerial Photograph



ATTACHMENT 1

Development Services Department
Project Management Division

Kensington-Talmadge
Mid-City Communities Plan
Commercial & Mixed-Use

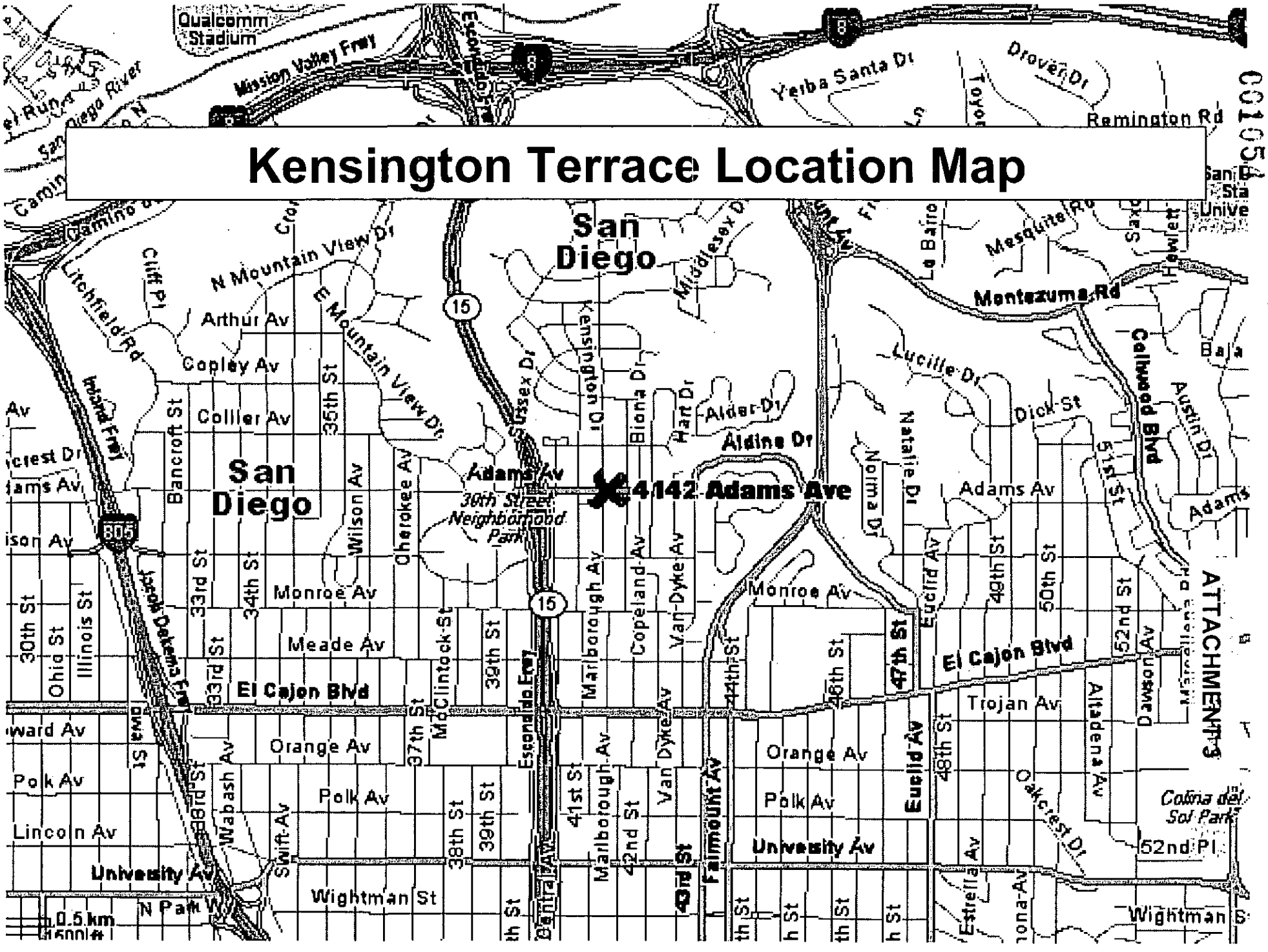


Community Plan Map

ATTACHMENT 2

Mid-City Community Plan Area - Kensington - Talmadge
City of San Diego • Community and Economic Development Dept.

Kensington Terrace Location Map



C01056

ATTACHMENT 4

PROJECT DATA SHEET

PROJECT NAME:	Kensington Terrace, Project 105244
PROJECT DESCRIPTION:	Demolition of the existing structures and construction of a mixed use condominium project containing approximately 33,000 square feet of office and retail space, and 9 for-sale dwelling units.
COMMUNITY PLAN AREA:	Kensington Talmadge Neighborhood of The Mid City Communities Plan
DISCRETIONARY ACTIONS:	Vesting Tentative Map and Planned Development Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial and Mixed-Use (Allows residential development of 29 dwelling units per acre).

ZONING INFORMATION:

ZONE: CU-3-3 and CN-1-3 in the Central Urbanized Planned District:
- CU-3-3 allows one dwelling unit per 1000 square feet
- CN-1-3 allows one dwelling unit per 1500 square feet

HEIGHT LIMIT: CU-3-3 = 50 feet, CN-1-3 = 30 feet

LOT SIZE: CU- 3-3 = 2,500 sq. ft., CN-1-3 = 5,000 sq. ft.

FLOOR AREA RATIO: CU-3-3 = 1.0 plus 0.5 mixed-use bonus,
CN-1-3 1.0 plus 0.75 mixed-use bonus

FRONT SETBACK: Zero with a 10 foot maximum (both zones)

SIDE SETBACK: 10 feet, option for 0 feet (both zones)

STREETSIDE SETBACK: Zero with a 10 foot maximum (both zones)

REAR SETBACK: 10 feet, option for 0 feet (both zones)

PARKING: 90 parking spaces required, 112 parking spaces provided.

ADJACENT PROPERTIES	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential (6-10 du/ac), RS-1-7 across alley	Single dwelling units
SOUTH:	Commercial & Mixed-Use, CU-3-3 & CN-1-3 across Adams Avenue	Mixture of commercial & single dwelling units
EAST:	Residential (6-10 du/ac), Commercial & Mixed-Use, RS-1-7 and CN-1-3 across Edgeware Road	Single dwelling units and office

ATTACHMENT 4

WEST:	Commercial and Mixed Use, CU-3-3	Mixed-Use
DEVIATIONS OR VARIANCES REQUESTED:	A deviation from San Diego Municipal Code (SDMC) Section 131.0531 for structure height of 38 feet where a maximum of 30 feet is permitted.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 10, 2007, the Kensington-Talmadge Community Planning Committee voted 9-0-0 to approve the project as proposed.	

KENSINGTON TERRACE

A MIXED USE PROJECT FOR THE COMMUNITY OF KENSINGTON

RETAIL * OFFICE * RESIDENTIAL

4142 ADAMS AVE.
SAN DIEGO, CA 92116

A.P.N: 440-552-11,12,13,25

- INITIAL SUBMITTAL
JUNE 12, 2007

- RESUBMITTAL
AUGUST 09, 2007

PROCESS UNDER THE SUSTAINABLE EXPEDITE PROGRAM

AREA SUMMARY

PARKING SUMMARY

ADDITIONAL NOTES

ZONING ANALYSIS

BUILDING CODE ANALYSIS

SHEET INDEX

PROJECT OWNER

PROJECT TEAM

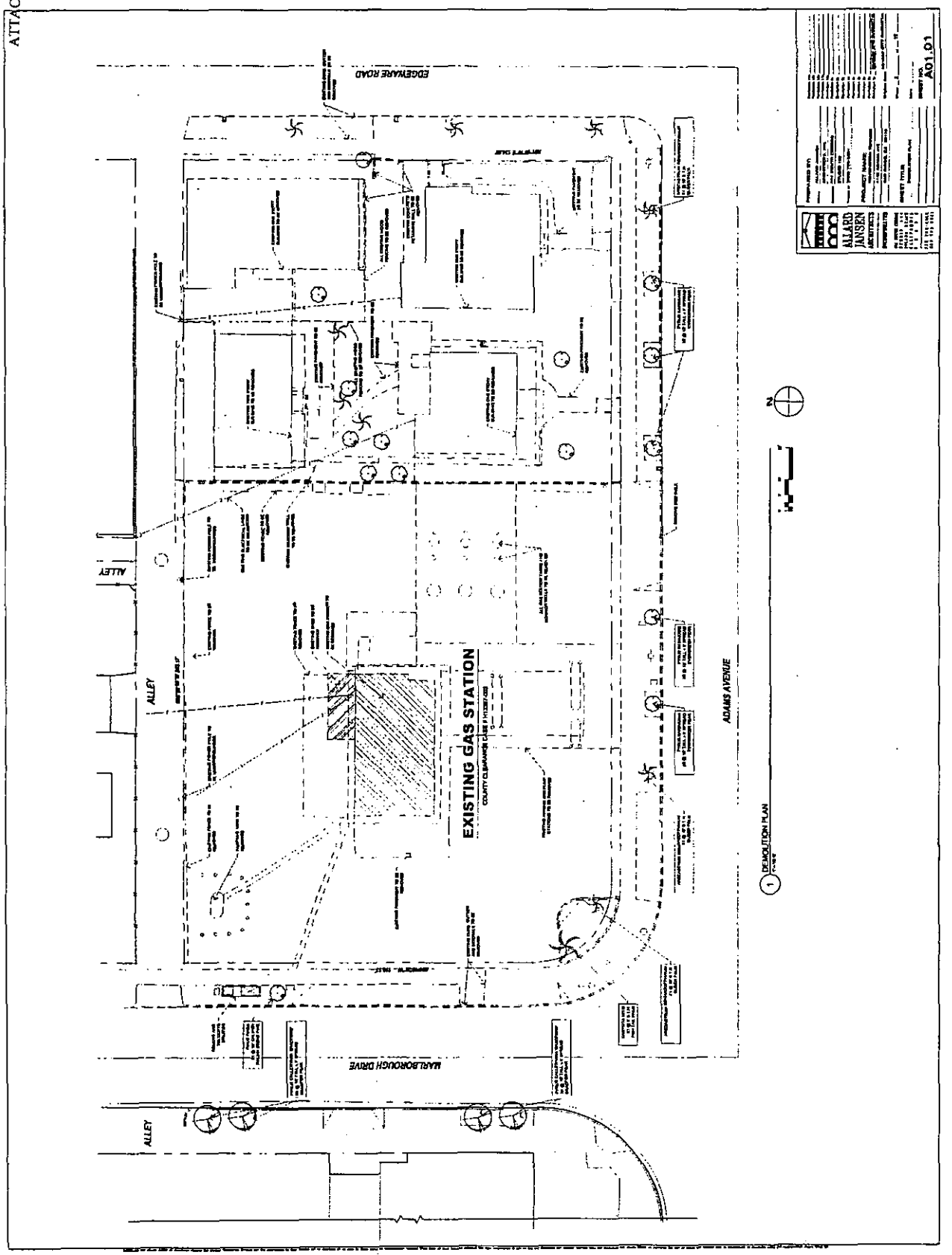
PROJECT PROGRAM

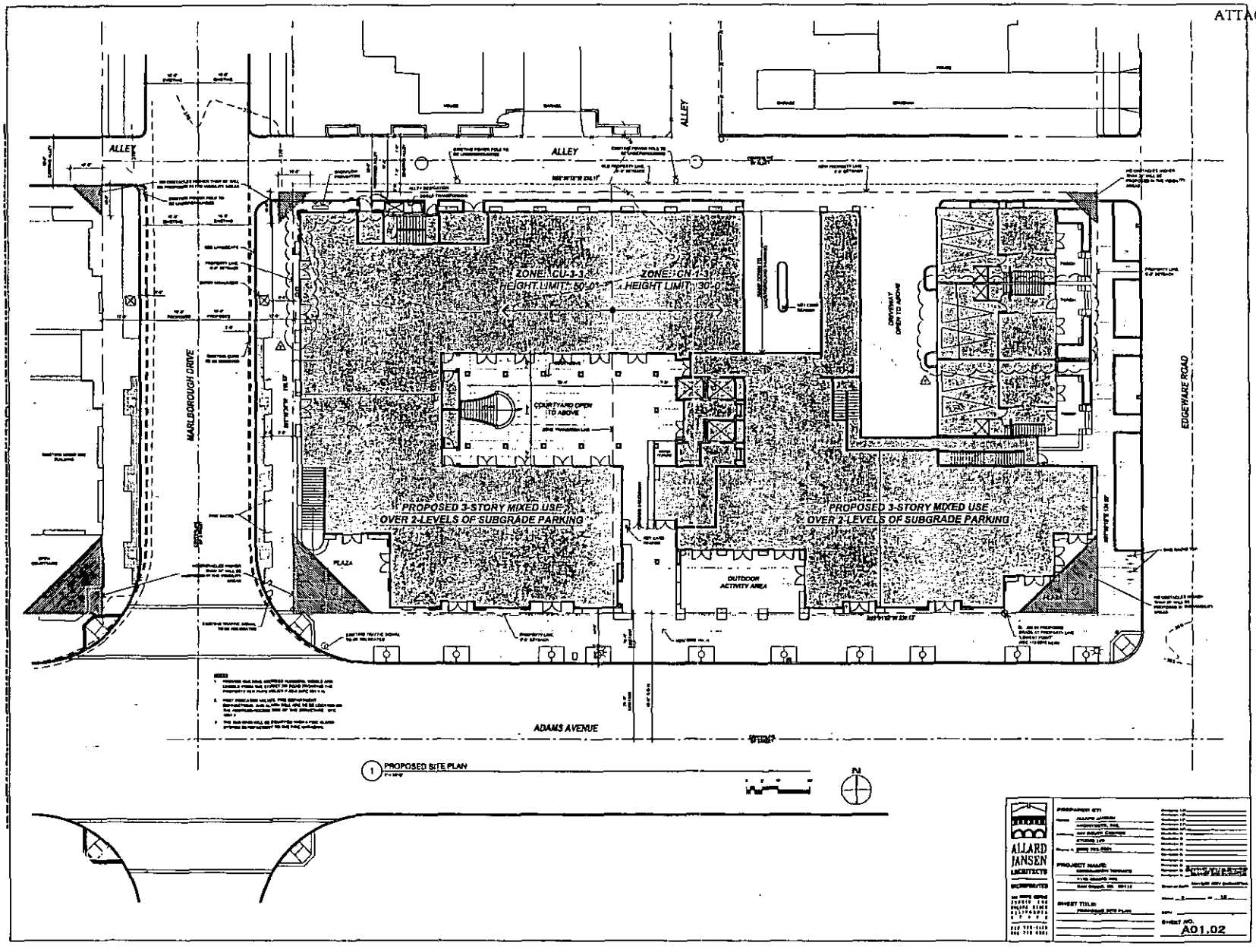
VICINITY MAP

ALLARD JANSEN ARCHITECTS

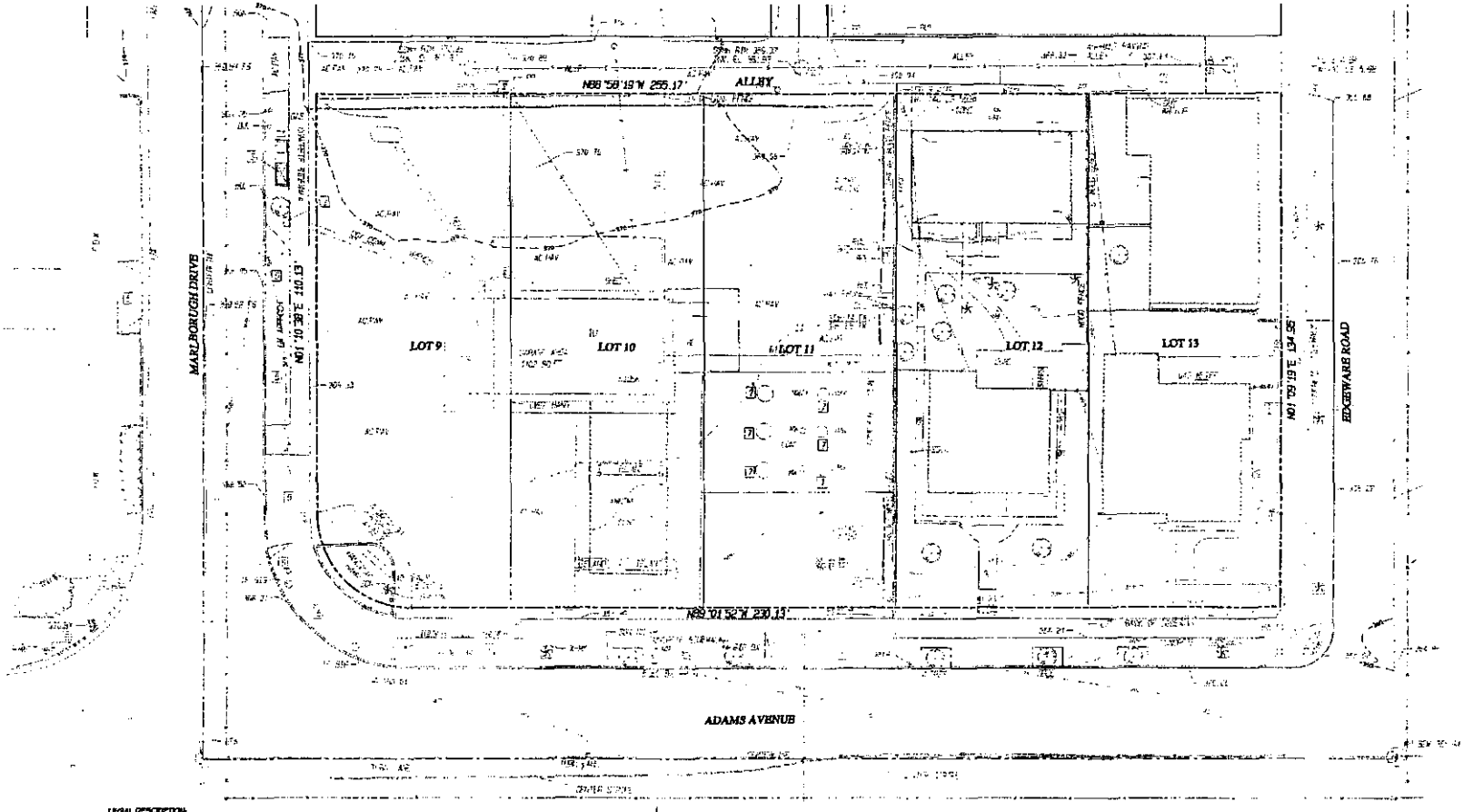
SHEET NO. A00.01

ATTACHMENT 6




ALLEY
ALLEY
ALLEY
MARLBOROUGH DRIVE
EDGEWARE ROAD
ADAMS AVENUE
ZONE: CU-3-1
HEIGHT LIMIT: 50'-0"
ZONE: CN-1-1
HEIGHT LIMIT: 30'-0"
COURTYARD OPEN TO ABOVE
DRIVEWAY OPEN TO ABOVE
PROPOSED 3-STORY MIXED USE
OVER 2-LEVELS OF SUBGRADE PARKING
PROPOSED 3-STORY MIXED USE
OVER 2-LEVELS OF SUBGRADE PARKING
PLAZA
OUTDOOR ACTIVITY AREA
1 PROPOSED SITE PLAN
N
ALLARD JANSEN ARCHITECTS
INCORPORATED
PROJECT NAME:
SHEET TITLE:
SHEET NO.
A01.02

EXISTING TOPOGRAPHIC SURVEY
KENSINGTON TERRACE



LEGAL DESCRIPTION

BENCHMARK

BASIS OF BEARING

LOT AREA

BUILDING AREA

SITE ADDRESS

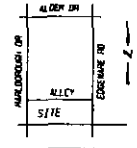
TITLE ITEMS

EASEMENT NOTES

SURVEYOR'S CERTIFICATE

LEGEND

VICINITY MAP
NOT TO SCALE



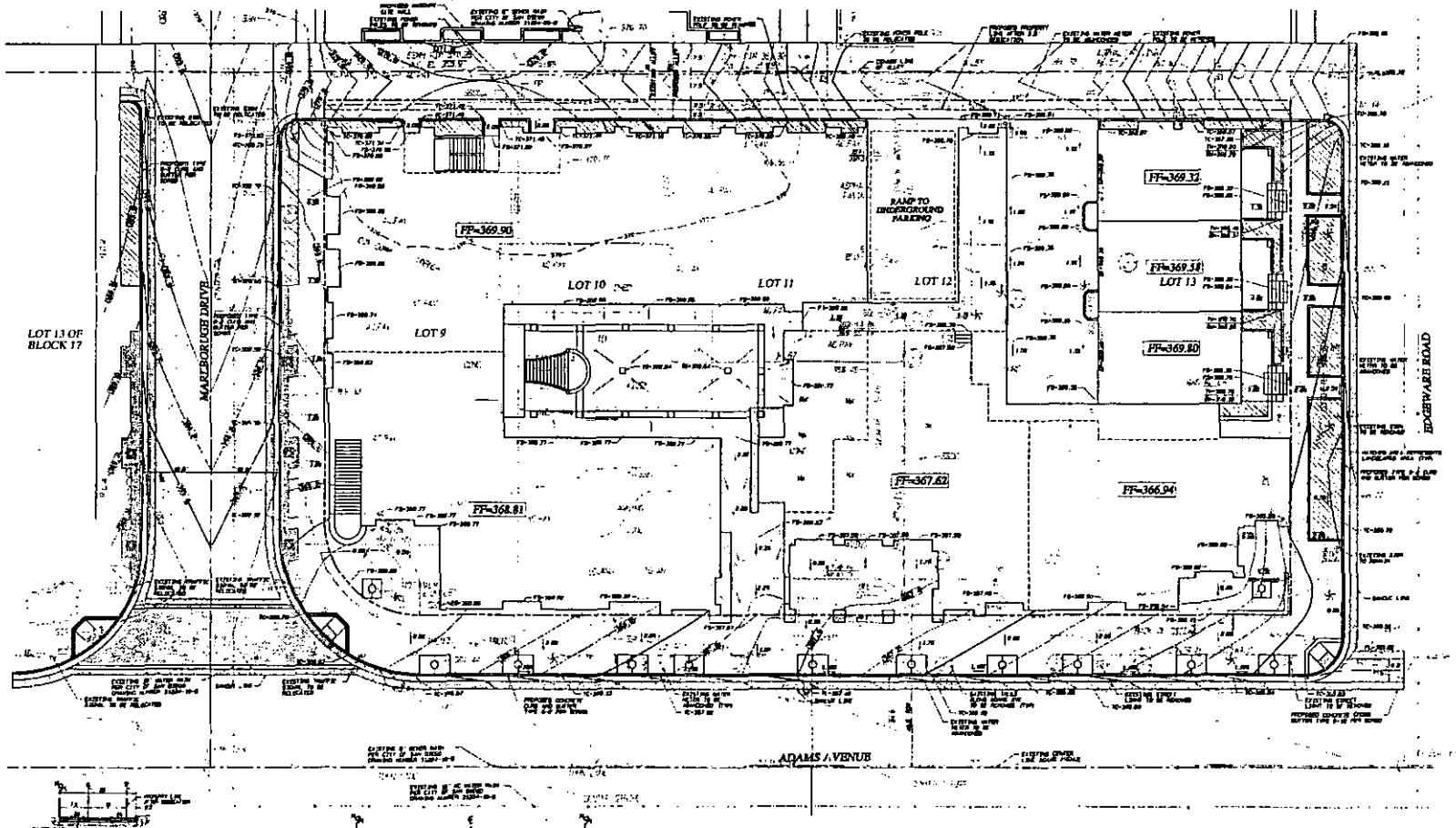
PREPARED BY:
NAME
ADDRESS
PHONE #

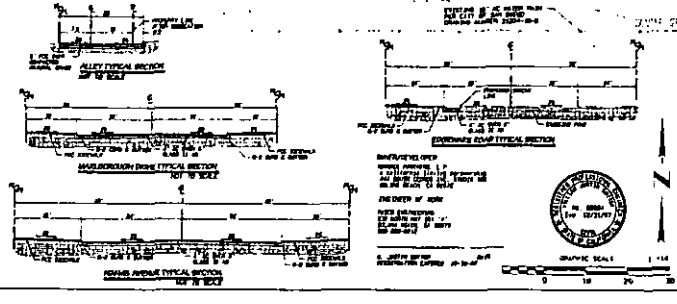
PROJECT NAME:
KENSINGTON TERRACE
4150 ADAMS AVENUE
SAN DIEGO, CA 92116

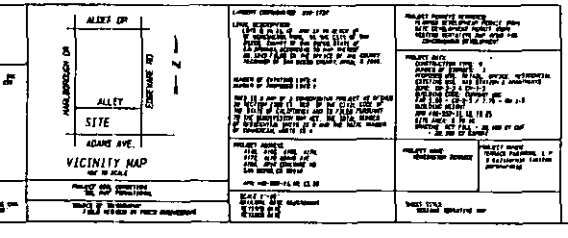
SHEET TITLE:
SURVEY

SHEET NO.
C-1

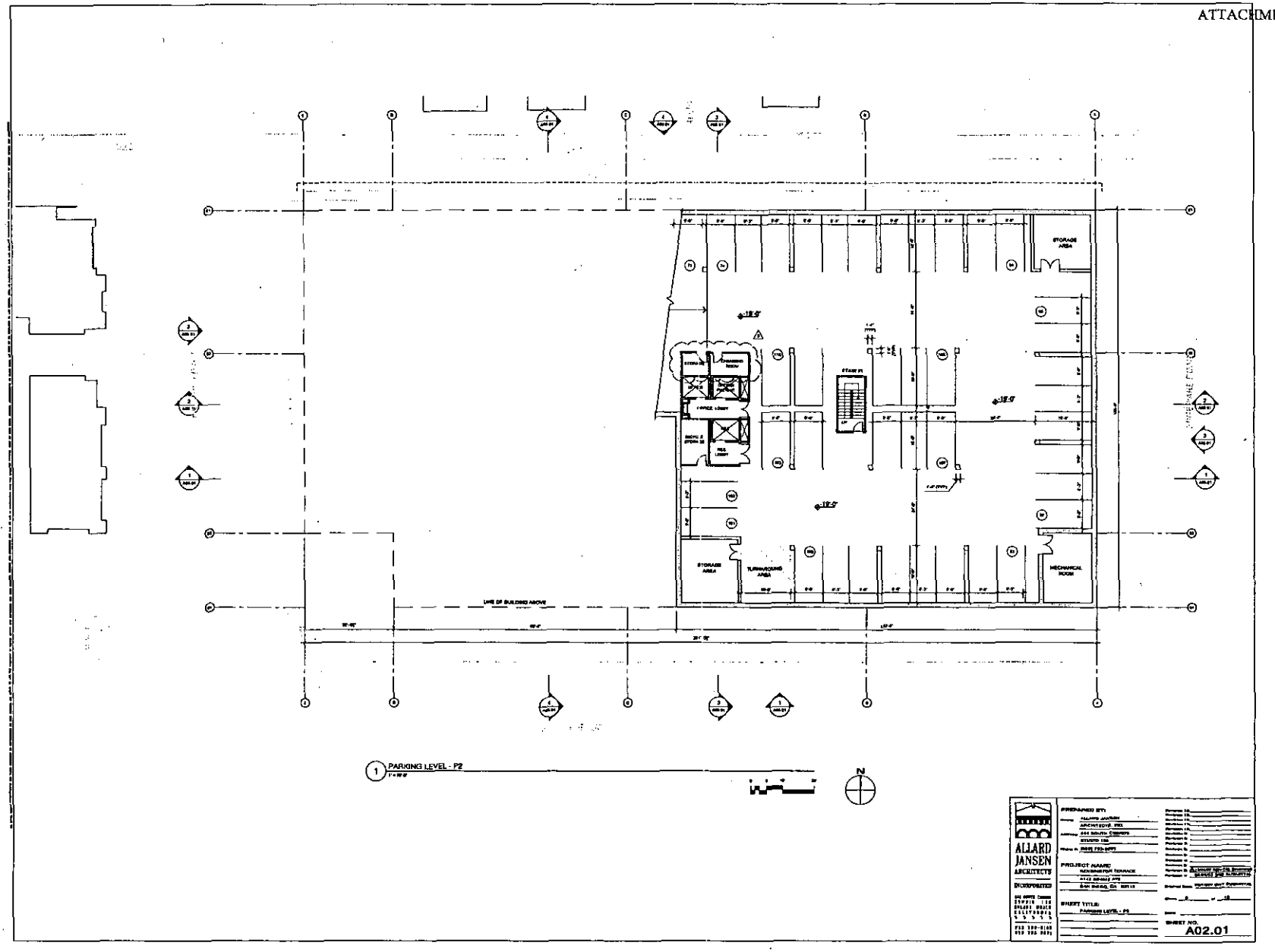
VESTING TENTATIVE MAP NO-
KENSINGTON TERRACE



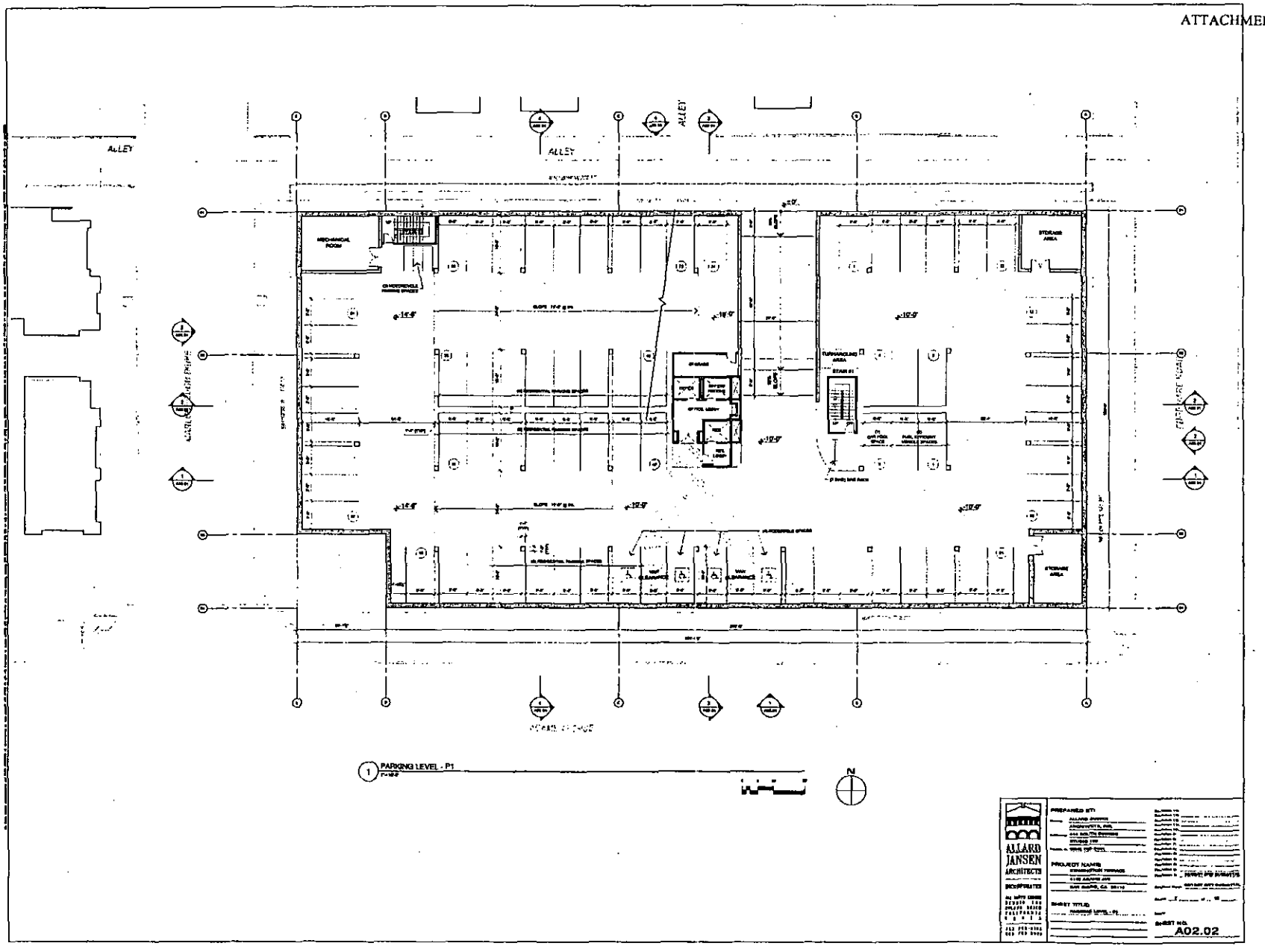




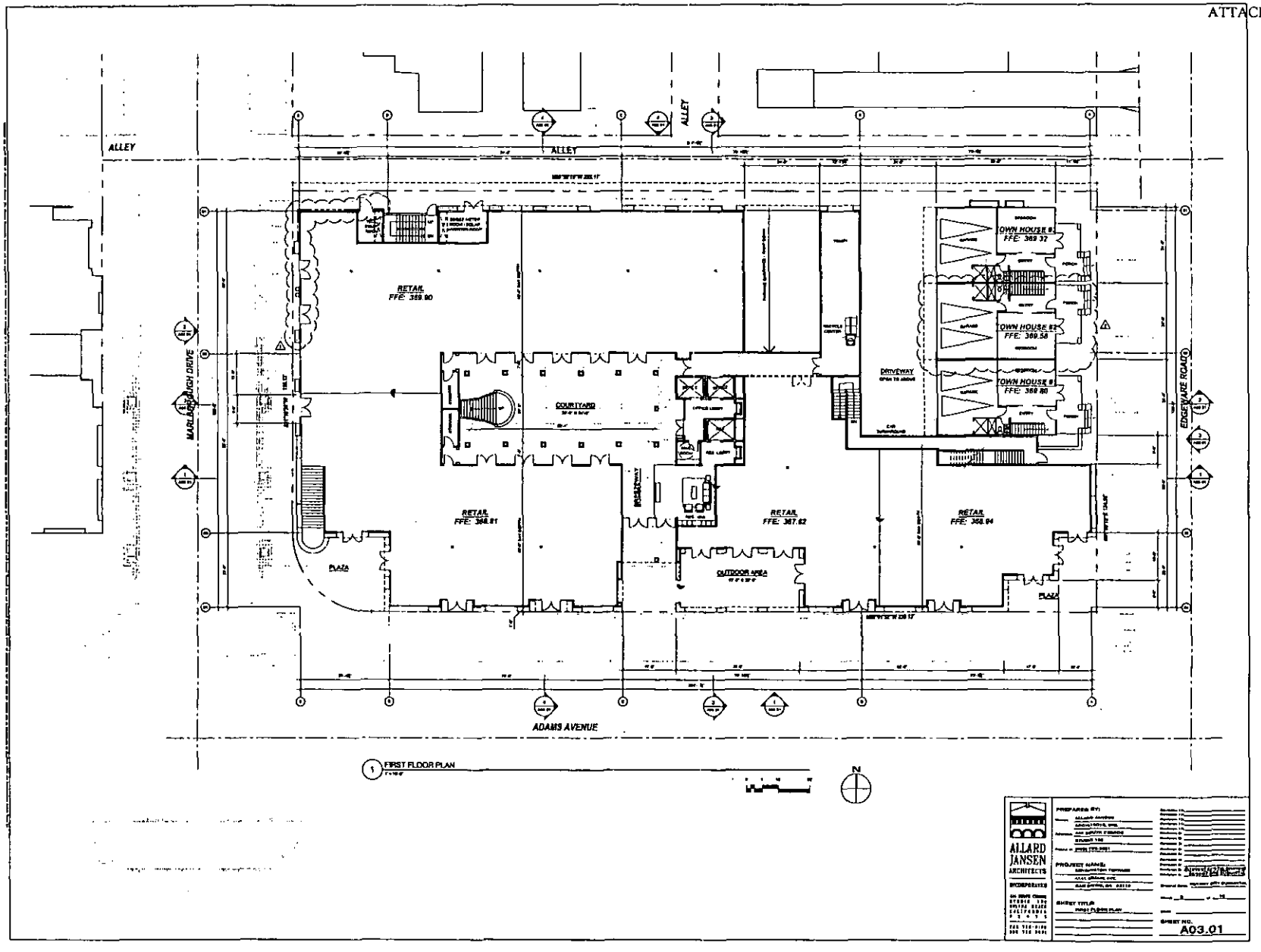
C-2



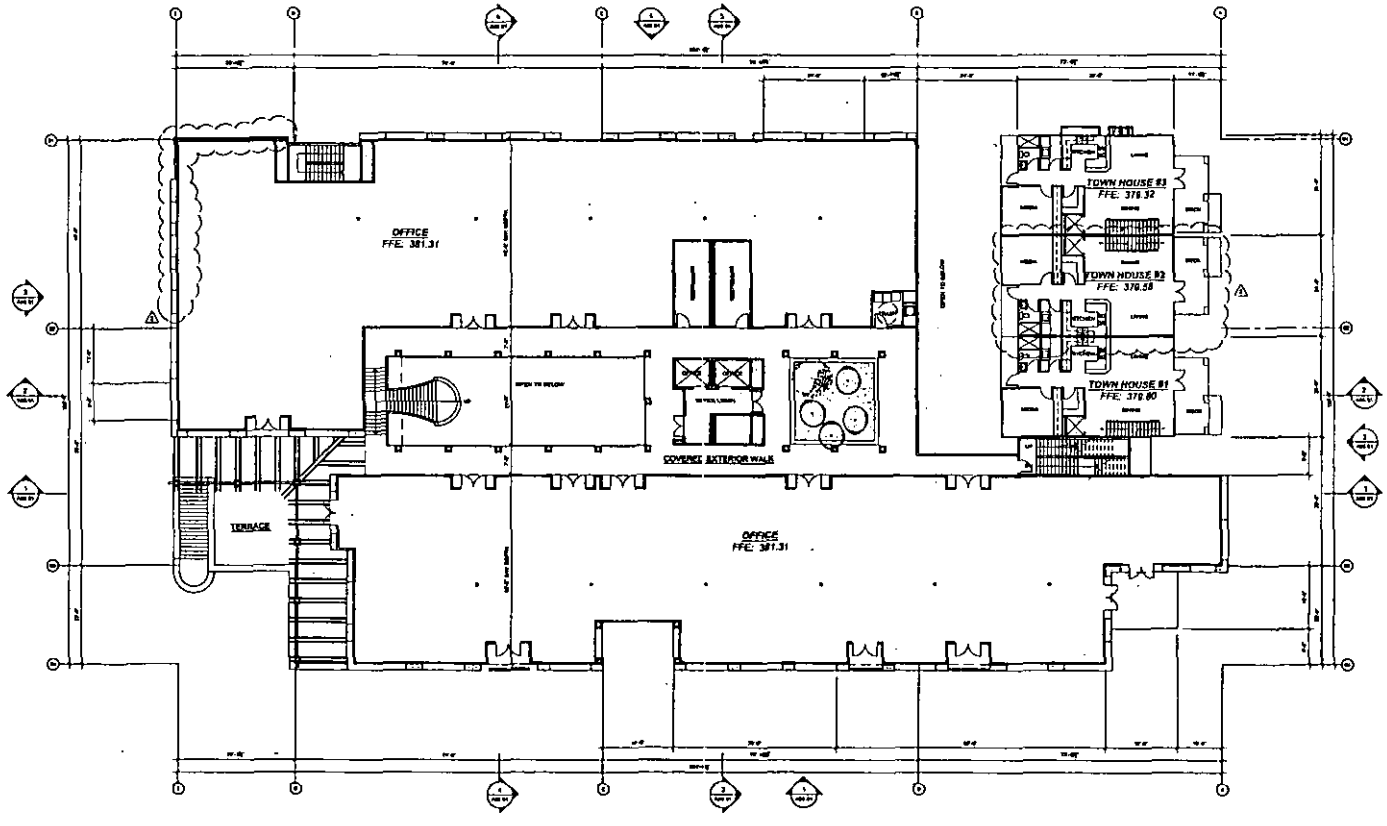
1 PARKING LEVEL - P2



ATTACHMENT 10


ALLEY
ALLEY
ALLEY
MARLBOROUGH DRIVE
EDGEWARE ROAD
ADAMS AVENUE
RETAIL
FFE: 359.90
COURTYARD
RETAIL
FFE: 358.81
RETAIL
FFE: 367.62
RETAIL
FFE: 358.94
OUTDOOR AREA
PLAZA
PLAZA
DRIVEWAY
TOWN HOUSE #1
FFE: 369.32
TOWN HOUSE #2
FFE: 369.58
TOWN HOUSE #3
FFE: 369.80
1 FIRST FLOOR PLAN
N
ALLARD JANSEN ARCHITECTS
INCORPORATED
PREPARED BY:
PROJECT NAME:
SHEET TITLE
FIRST FLOOR PLAN
SHEET NO.
A03.01

CC1072



1 SECOND FLOOR PLAN

N

ALLARD JANSEN ARCHITECTS INCORPORATED

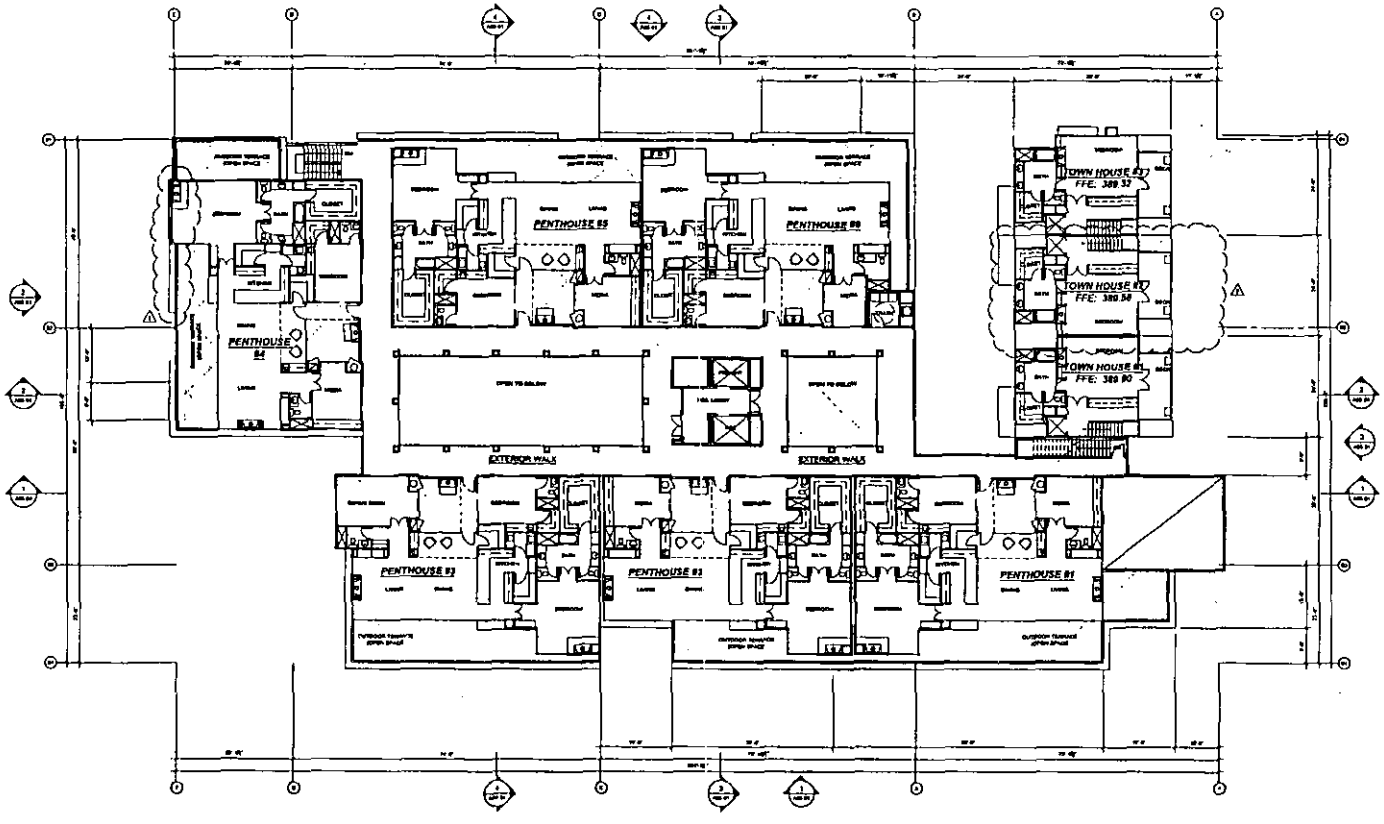
PREPARED BY:

PROJECT NAME:

SHEET TITLE:

SHEET NO. A03.02

001073



1 THIRD FLOOR PLAN

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ALLARD JANSEN ARCHITECTS

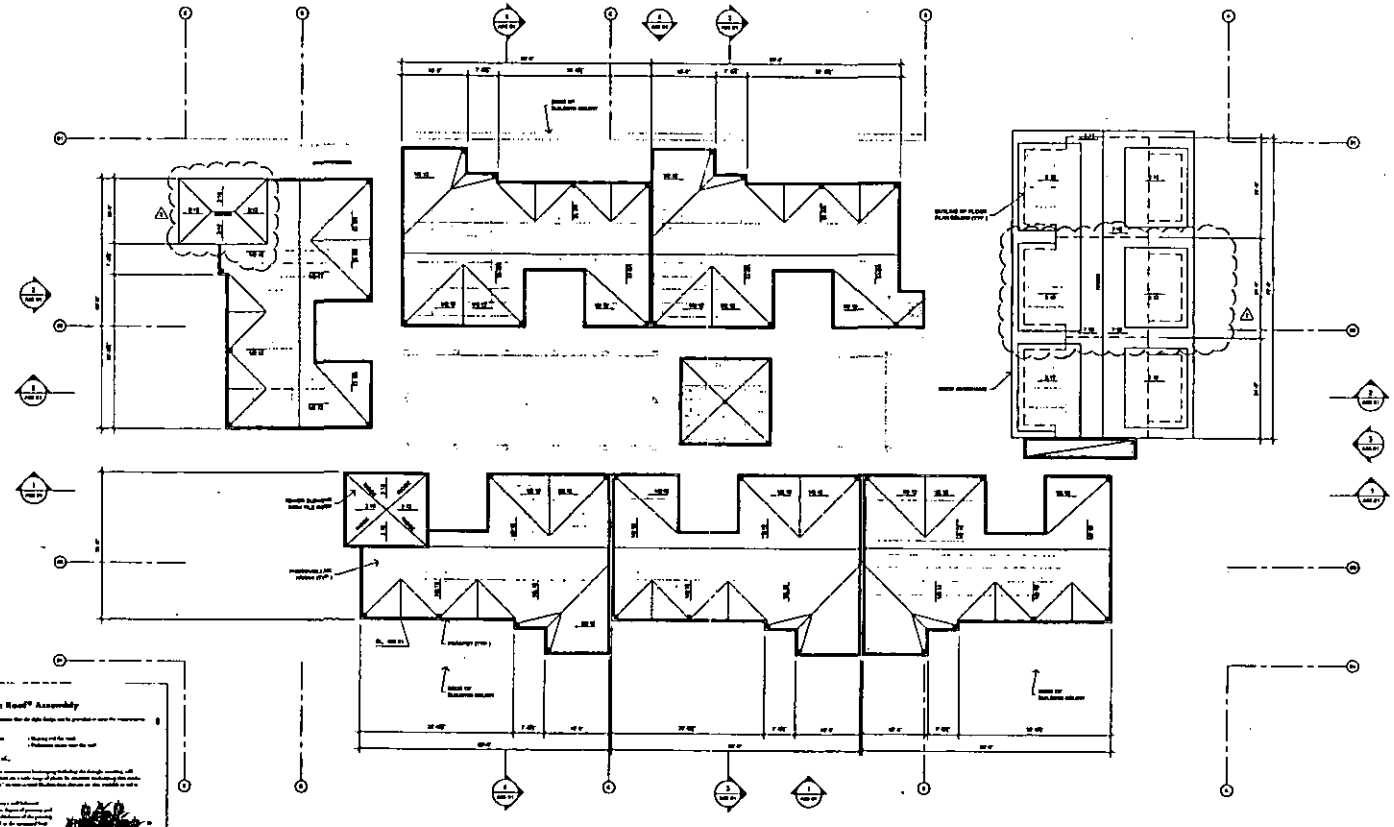
PROJECT NAME:

SHEET TITLE:

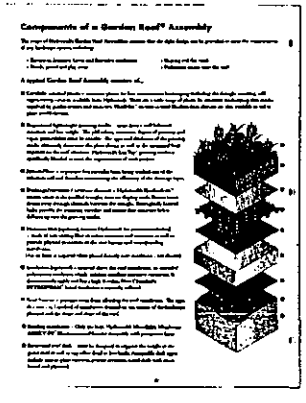
SHEET NO.
A03.03

ATTACHMENT 11

001675



1 ROOF PLAN



ALLARD JANSEN ARCHITECTS INCORPORATED

PREPARED BY:

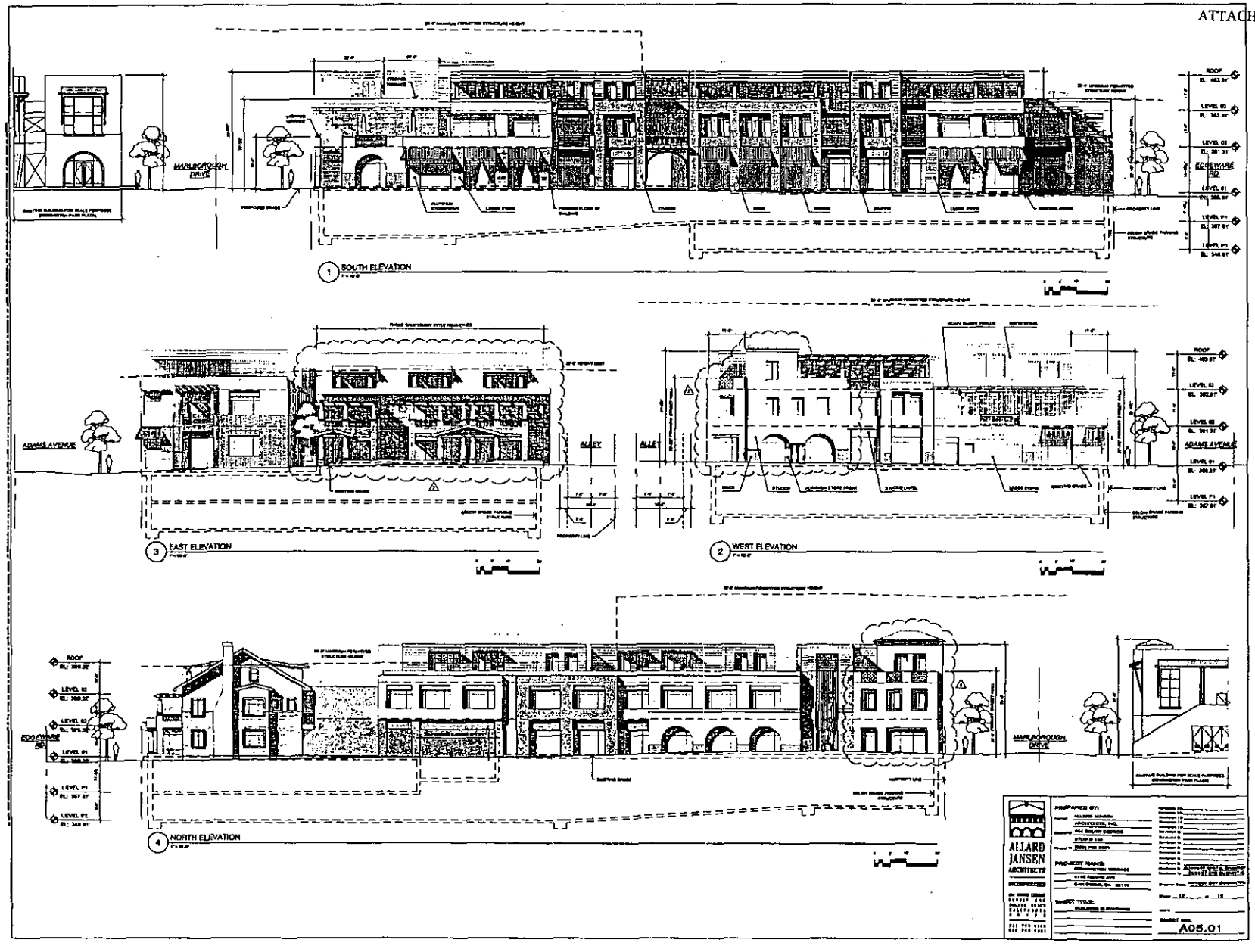
PROJECT NAME:

SHEET TITLE: ROOF PLAN

SHEET NO. A04.01

ATTACHMENT 11

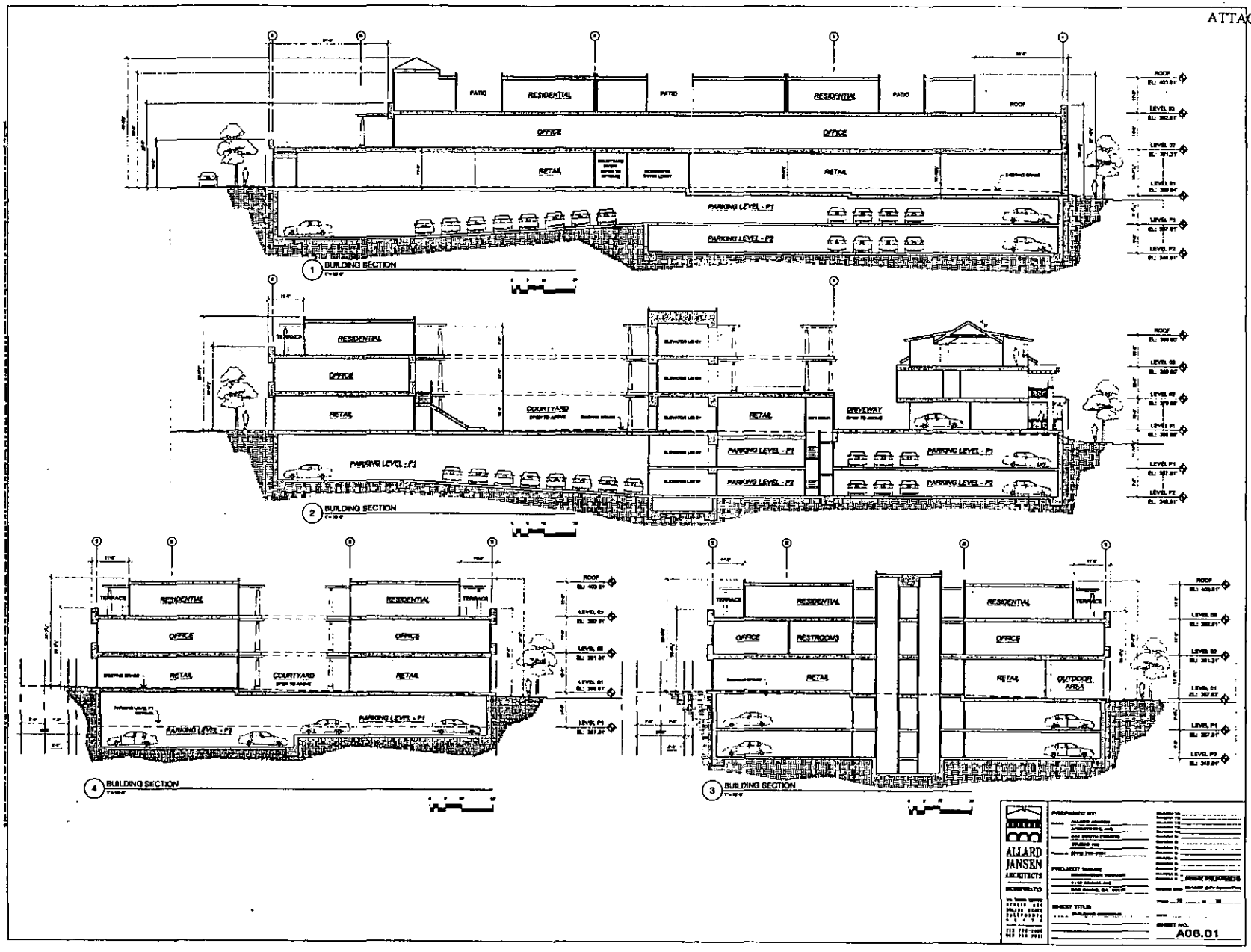
ATTACHMENT 12



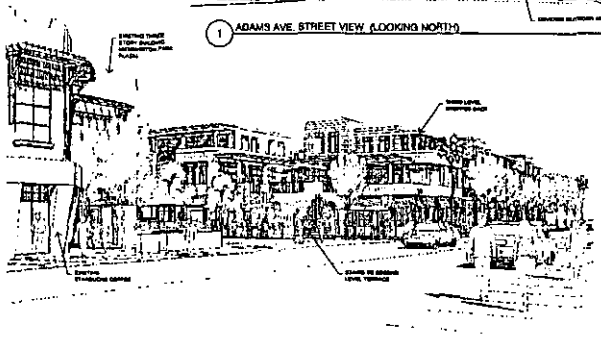
ATTACHMENT 12

001077

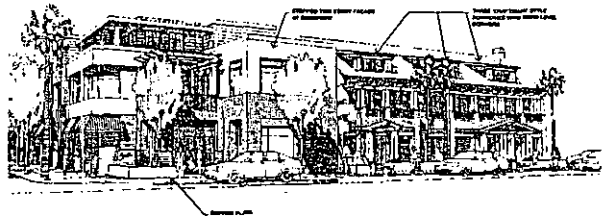
601079


PATIO
RESIDENTIAL
PATIO
RESIDENTIAL
PATIO
ROOF
OFFICE
OFFICE
RETAIL
RETAIL
PARKING LEVEL - P1
PARKING LEVEL - P2
1 BUILDING SECTION
TERRACE
RESIDENTIAL
OFFICE
RETAIL
COURTYARD
RETAIL
DRIVEWAY
PARKING LEVEL - P1
PARKING LEVEL - P2
2 BUILDING SECTION
TERRACE
RESIDENTIAL
RESIDENTIAL
TERRACE
OFFICE
OFFICE
RETAIL
COURTYARD
RETAIL
PARKING LEVEL - P2
PARKING LEVEL - P1
4 BUILDING SECTION
TERRACE
RESIDENTIAL
RESIDENTIAL
TERRACE
OFFICE
RESTROOMS
OFFICE
RETAIL
RETAIL
OUTDOOR AREA
3 BUILDING SECTION
ROOF
LEVEL 03
LEVEL 02
LEVEL 01
LEVEL P1
LEVEL P2
ALLARD JANSEN ARCHITECTS
A06.01

1 ADAM'S AVE. STREET VIEW (LOOKING NORTH)

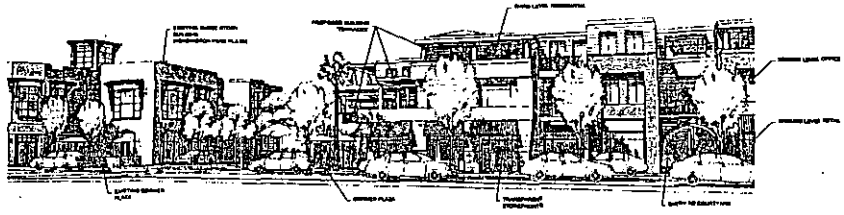


3 PARK VIEW (LOOKING NORTHEAST)



2 KENSINGTON VINE VIEW (LOOKING NORTHWEST)

5 MARLBOROUGH AT ALLEY VIEW (LOOKING SOUTHEAST)



4 COURTYARD ENTRY VIEW (LOOKING NORTHWEST)

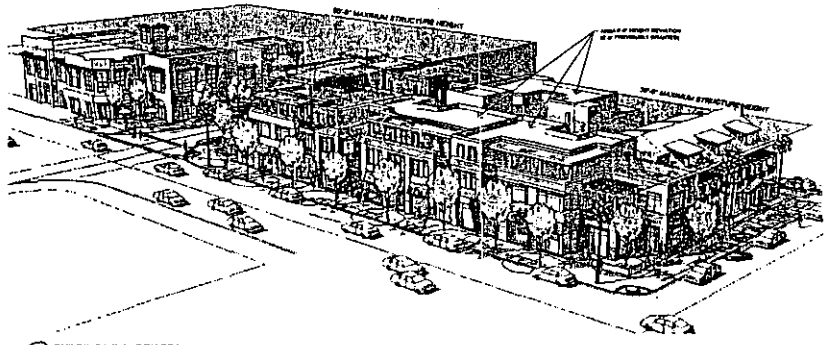
ALLARD JANSEN ARCHITECTS

PROJECT NAME:

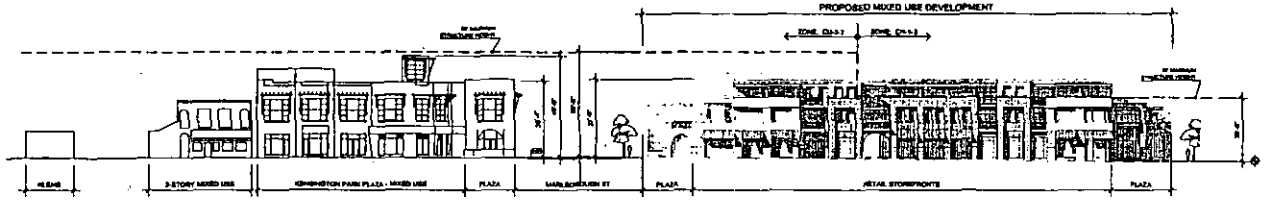
SHEET TITLE:

SHEET NO. A07.01

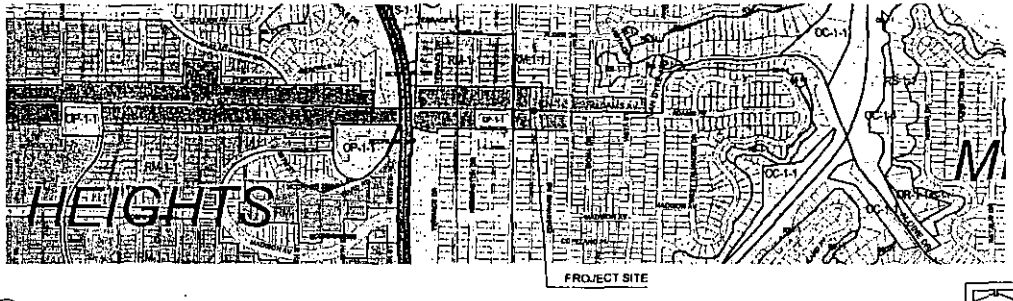
ATTACHMENT 14



1 BUILDING HEIGHT DIAGRAM
N.T.S.



2 STREET CONTEXT ELEVATION
1" = 60'-0"



3 STREET CONTEXT ZONING MAP
N.T.S.

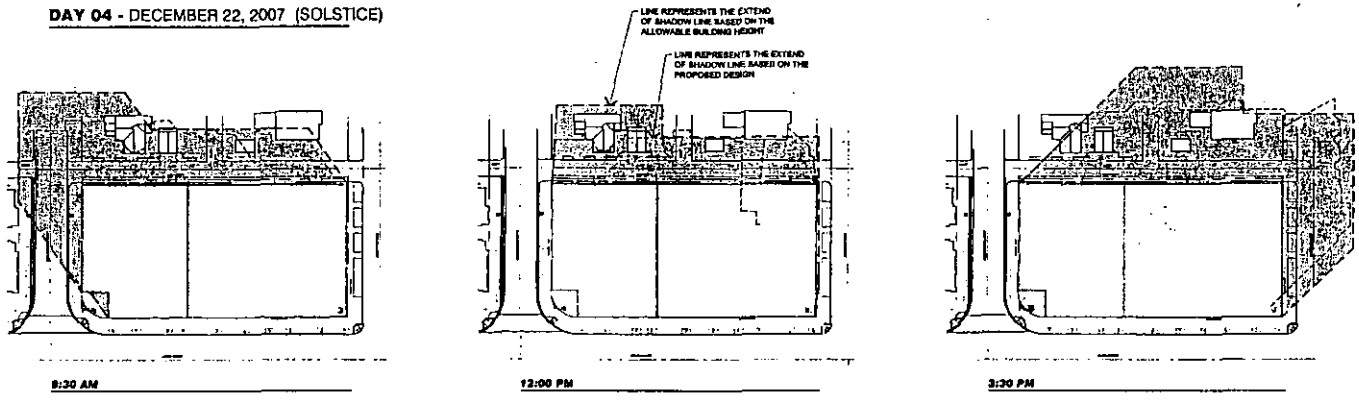
ALLARD JANSEN ARCHITECTS
INCORPORATED

PROJECT NAME:

SHEET TITLE:

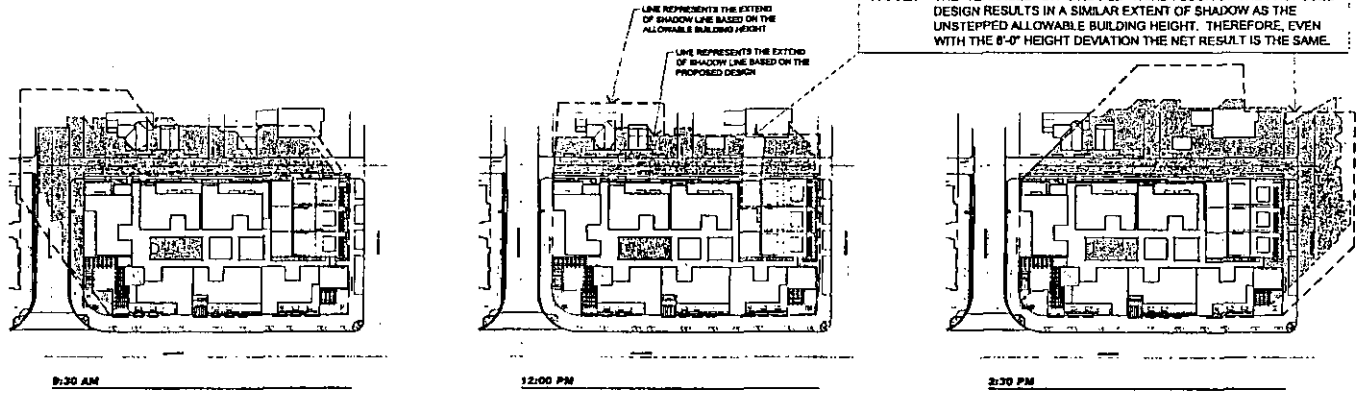
SHEET NO.
A07.02

DAY 04 - DECEMBER 22, 2007 (SOLSTICE)



(A) SHADOW PLAN OF THE ALLOWABLE BUILDING HEIGHT (50'-0" IN THE CU-3-3 ZONE & 30'-0" IN THE CN-1-3 ZONE)
1" = 40'-0"

NOTE: THE "TERRACED" OR "STEPPED" THIRD FLOOR OF THE PROPOSED DESIGN RESULTS IN A SIMILAR EXTENT OF SHADOW AS THE UNSTEPPED ALLOWABLE BUILDING HEIGHT. THEREFORE, EVEN WITH THE 8'-0" HEIGHT DEVIATION THE NET RESULT IS THE SAME.



(B) SHADOW PLAN OF THE PROPOSED DESIGN WITH AN 8'-0" HEIGHT DEVIATION
1" = 40'-0"

ALLARD JANSEN ARCHITECTS INCORPORATED

PROJECT NAME

SHEET TITLE

SHEET NO. A07.03

C01087

N ALLEY

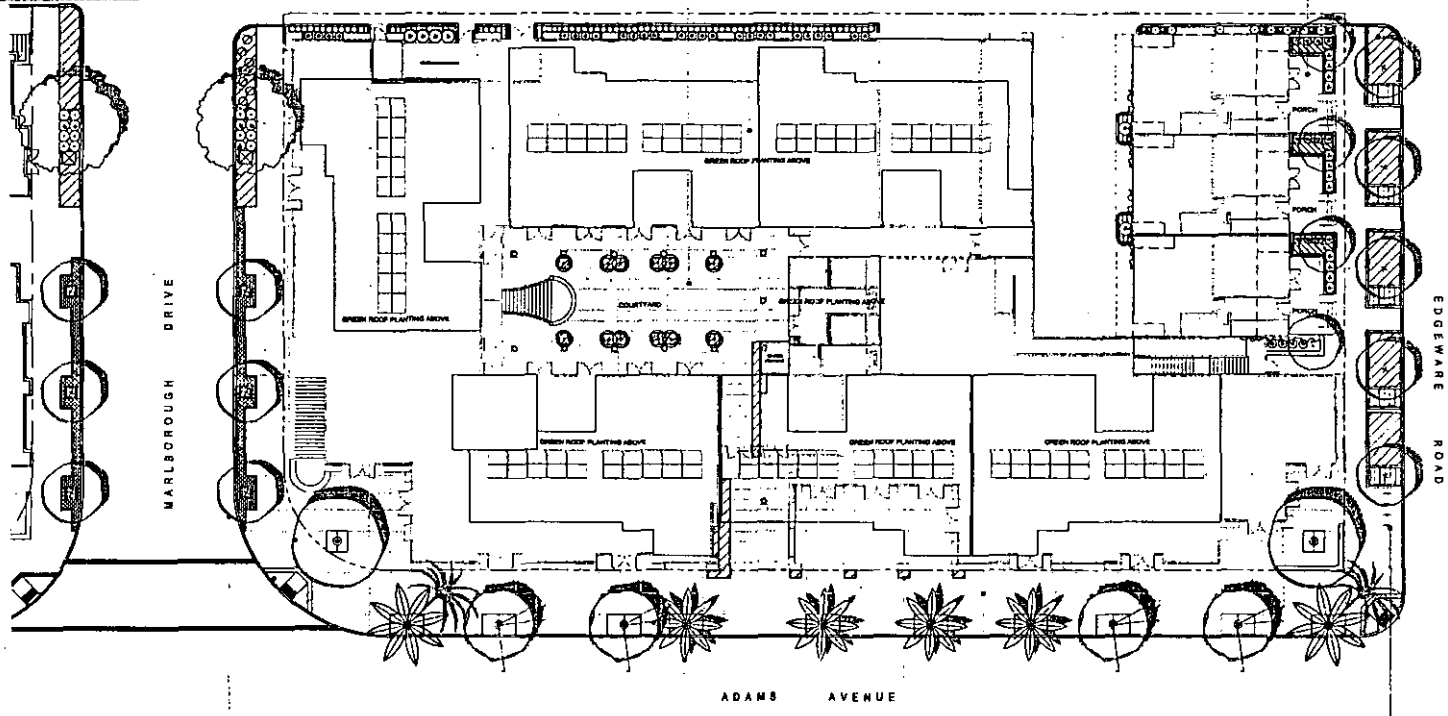
A GREEN ROOF

C ENHANCED STREETSCAPE

M NEIGHBORHOOD 'GATEWAY'

B COURTYARD

D TOWNHOME GARDEN



L STREET TREES - MARLBOROUGH DRIVE

E STREET TREES - ADAMS AVENUE

G NEW SIDEWALK

K PERMEABLE COBBLE PAVING

F PLANTING POCKETS

H BIKE RACKS

J 'RIGHT OF WAY' IMPROVEMENTS

I PLAZA

NOTES:

1. SEE SHEET L-2 FOR LANDSCAPE NOTES, LEGENDS & CONCEPTUAL DETAILS
2. SEE SHEET L-3 FOR LANDSCAPE AREA CALCULATIONS (IMBANK)
3. SEE ARCHITECTURAL SITE PLAN FOR DIMENSIONS AND VISIBILITY CALCULATIONS
4. SEE SHEET L-2 FOR GREEN ROOF PLANT PALETTE

SCALE: 1" = 10'-0"

N

ENVIRONS
LANDSCAPE ARCHITECTURE

ALLARD JANSEN ARCHITECTS
INCORPORATED

PROJECT NAME:

SHEET TITLE:

SHEET NO. L 1.0

PLANT PALETTE:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE/B	MIN. PLANT	QUANTITY
ADAMS AVENUE CORNER PALMS		(SUCH AS)			
	PHOENIX CANARIENSIS	CANARY ISLAND PALM	36" BOX	30' X 30'	2
ADAMS AVENUE STREET TREES		(SUCH AS)			
	JACARANDA MIMOSIFOLIA KOELREUTERIA PANICULATA	JACARANDA GOLDEN RAIN TREE	36" BOX 36" BOX	30' X 30' 30' X 30'	4 4
	WASHINGTONIA ROBUSTA MICROCITROPSIS CLARKENSIANA	MEXICAN FAN PALM KING PALM	36" BOX 36" BOX	40' X 30' 40' X 30'	4 4
PLAZA TREES		(SUCH AS)			
	MELEUCA PARAPHYLLA	AUSTRALIAN WILLOW	36" BOX	30' X 30'	3
EXISTING NEIGHBORHOOD DRIVEWAY STREET TREES		(SUCH AS)			
	PYRUS CALLERYANA	CALLERY PEAR	36" BOX	30' X 30'	11
	SUMMER LILY TREE TRACHELOSPERMUM JASMINOIDES	HOLLY OAK STARJASMINE BOX	48" BOX 48" BOX	30' X 30' 30' X 30'	2
TOWNHOME PATIO TREES		(SUCH AS)			
	LAGERSTOEMIA INDICA 'MUSKOGEE'	CRAPE MYRTLE	36" BOX	30' X 15'	4

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE/B	MIN. PLANT	QUANTITY
TYPICAL EVERGREEN SCREENING TREES		(SUCH AS)			
	CUPRESSUS SEMPERVIRENS PODOCARPUS MACROPHYLLA	ITALIAN CYPRESS YEW PINE	36" BOX 36" BOX	40' X 15' 30' X 15'	16
COURTYARD PLANTING		(SUCH AS)			
	PHOENIX ROEBELINII HOWEA BELMOREANA	PYGMY DATE PALM SENTRY PALM	15 GAL.	10' X 10'	12
	(N) 2 X 2 TERRACOTTA POT TO BE SELECTED BY OWNER				
	(N) 2 X 2 TERRACOTTA POT TO BE SELECTED BY OWNER				
ACCENT SHRUBS		(SUCH AS)			
	BETULA VERSTA NANDINA DOMESTICA	NORTHERN ILLY HEAVENLY BAMBOO	5 GAL. 5 GAL.	30' X 30' 30' X 10'	10
	RUELLIA SIMPLEXIFOLIA	SKELETON BONEWOOD	15 GAL.	6' X 6'	13
	DIETES LUNICA GRASS HEMEROCALLIS HYBRID 'LITTLE YELLOW'	FORTNIGHT LILY YELLOW DAY LILY	1 GAL. 1 GAL.	30' X 30' 30' X 30'	39
SUCCULENT SHRUBS		(SUCH AS)			
	AGAVE ATTENUATA	AGAVE	15 GAL.	5' X 5'	5
COLLINS VINE PLANTING		(SUCH AS)			
	BOUGAINVILLEA SPECTABILIS	SUPER RED BOUGAINVILLEA	1 GAL.	30' X 30'	3
ORNAMENTAL GRASS		(SUCH AS)			
	CAREX SPP FESTUCA SPP	SEDGE FESCUE	1 GAL. @ 18" O.C. 1 GAL. @ 18" O.C.		394
	ENCHINOPELLIUM TECTORUM JUNCUS PATENS 'CARIANNA' GRAY	CAPE RUSH CALIFORNIA RUSH	1 GAL.	4' X 4'	1
	DIETES VERSTA MISCANTHUS TRANSMORRISONENSIS PENNISETUM RUBRUM	FORTNIGHT LILY EVERGREEN MISCANTHUS RED GRASS	1 GAL. 1 GAL. 1 GAL.	30' X 30' 4' X 30' 4' X 4'	16
GROUND COVER		(SUCH AS)			
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	1 GAL. @ 36" O.C.	30' X 7'	115
	MYOPORUM 'PEN GUINEA HYBRID' JAMI	WHITE BALSAM	1 GAL. @ 36" O.C.	30' X 7'	18
WATER WISE PLANTING		(SUCH AS)			
	OPUNTIA BASILARIS OPUNTIA VIOLACEA SANTA-RITA LAMPRANTHUS PRODUCTUS RHUS SERICEA LAMPRANTHUS DELFOGES RHUS SPATHULATA DELOSPERMA ALBA	BEAVERTAIL PRICKLY PEAR BLUE BLAD CACTUS LAMPRANTHUS CENTENNIAL SUMACH CIRCULARA PURPLE STONECROP WHITE TRAILING ICE PLANT	5" - 6" POTS @ 18" O.C. 5" - 6" POTS @ 18" O.C. 5" - 6" POTS @ 18" O.C. 5" - 6" POTS @ 18" O.C. 5" - 6" POTS @ 18" O.C. 5" - 6" POTS @ 18" O.C. 5" - 6" POTS @ 18" O.C.	MINIMUM SPACING MINIMUM SPACING MINIMUM SPACING MINIMUM SPACING MINIMUM SPACING MINIMUM SPACING MINIMUM SPACING	
WATER MATERIAL					
	MOJAVE RIVER COBBLE	3" - 5"			

DESIGN STATEMENT:

A MIXED USE, COMMERCIAL / RESIDENTIAL PROJECT IN THE NORMANDY HIGH SCHOOL - COMMUNITY PROPOSES TO PROVIDE AN ENHANCED PEDESTRIAN EXPERIENCE CONNECTING WITH THE SURROUNDING COMMERCIAL AREA. THE PROJECT PROPOSES TO IDENTIFY WITH THE HISTORIC CONTEXT AND CHARACTER OF THE SURROUNDING COMMUNITY THROUGH THE USE OF APPROPRIATE HARDSCAPE MATERIALS, PAVING PATTERNS, AND PLANT PALETTE.

THE PROJECT ALSO PROPOSES A GATEWAY INTO THE ADJACENT NEIGHBORHOOD USING SPECIMEN EVERGREEN TREES AND A STONE VENEERED MONUMENT WITH SIGNAGE AND LIGHTING.

LDP NOTES:

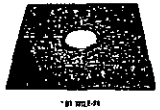
1. REFER TO ARCHITECTURAL SITE PLAN FOR ALL SITE DEVELOPMENT FEATURES SUCH AS FENCES WALLS HARDSCAPE, STRETCH CURBS AND PLANTER DIMENSIONS.
2. REFER TO ENGINEER PLAN FOR ALL UTILITIES.
3. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS, THE CENTRAL URBANIZED PLANNED DISTRICT, AND ALL OTHER CITY AND REGIONAL STANDARDS.
4. ALL LANDSCAPE AREAS ARE TO BE IRRIGATED BY A COMPUTERIZED AUTOMATED IRRIGATION SYSTEM - UTILIZING AN AUTOMATIC RAIN CONTROLLER, REMOTE CONTROL VALVES, LOW PRECIPITATION HEADS AND UNDERGROUND PIPING. THE DOMESTIC SYSTEM WILL BE PROTECTED BY A REDUCED PRESSURE BACKFLOW PREVENTER.
5. THE SYSTEM WILL BE PROGRAMMED AND OPERATED TO MAXIMIZE THE EFFICIENCY OF THE SYSTEM AND LIMIT WATER CONSUMPTION. THE SYSTEM WILL BE DESIGNED TO ACHIEVE 100% COVERAGE.
6. ALL PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSOR SHUTOFF DEVICE.
7. "DEEP ROOT" ROOT BARRIER SHALL BE INSTALLED PER MANUFACTURER'S DETAILS AND SPECIFICATIONS FOR ALL TREES WITHIN 5 FEET OF ANY HARDSCAPE / PAVEMENT / CURBS.
8. MULCH: ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 3 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION AND AREAS PLANTED WITH GROUND COVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THE MINIMUM DEPTH. PLANTING AREAS TO RECEIVE 4.5" LAYER OF "SMALL DECORATIVE BARK" BY SEQUOIA HORTICULTURAL OR EQUAL.
9. THE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PROJECT LANDSCAPE AND IRRIGATION SYSTEMS.
10. ALL LANDSCAPE SHALL BE MAINTAINED IN A DISEASE, WEED AND LITTER FREE CONDITION AT ALL TIMES. BONSAI 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.

MINIMUM TREE SEPARATION DISTANCE

IMPROVEMENT / MINIMUM DISTANCE TO STREET TREE
- TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
- UNDERGROUND UTILITY LINES - 5 FEET
- ABOVE GROUND UTILITY STRUCTURES - 10 FEET
- DRIVEWAYS (ENTRANCE) - 10 FEET
- INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET
- SEWER LINES - 10 FEET

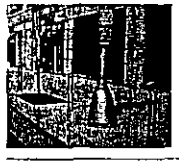
NOTES:

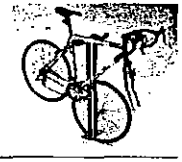
1. SEE SHEET L-1 FOR LANDSCAPE DEVELOPMENT PLAN.
2. SEE SHEET L-3 FOR LANDSCAPE AREA CALCULATIONS DIAGRAM.
3. SEE ARCHITECTURAL SITE PLAN FOR DIMENSIONS AND VISIBILITY CALCULATIONS.
4. SEE SHEET L-2 FOR GREEN ROOF PLANT PALETTE.



CONCEPTUAL TREE GRATE DETAILS

CONCEPTUAL NEIGHBORHOOD MONUMENT DETAIL





CONCEPTUAL BIKE RACK DETAILS

ENVIRONS
LANDSCAPE ARCHITECTURE

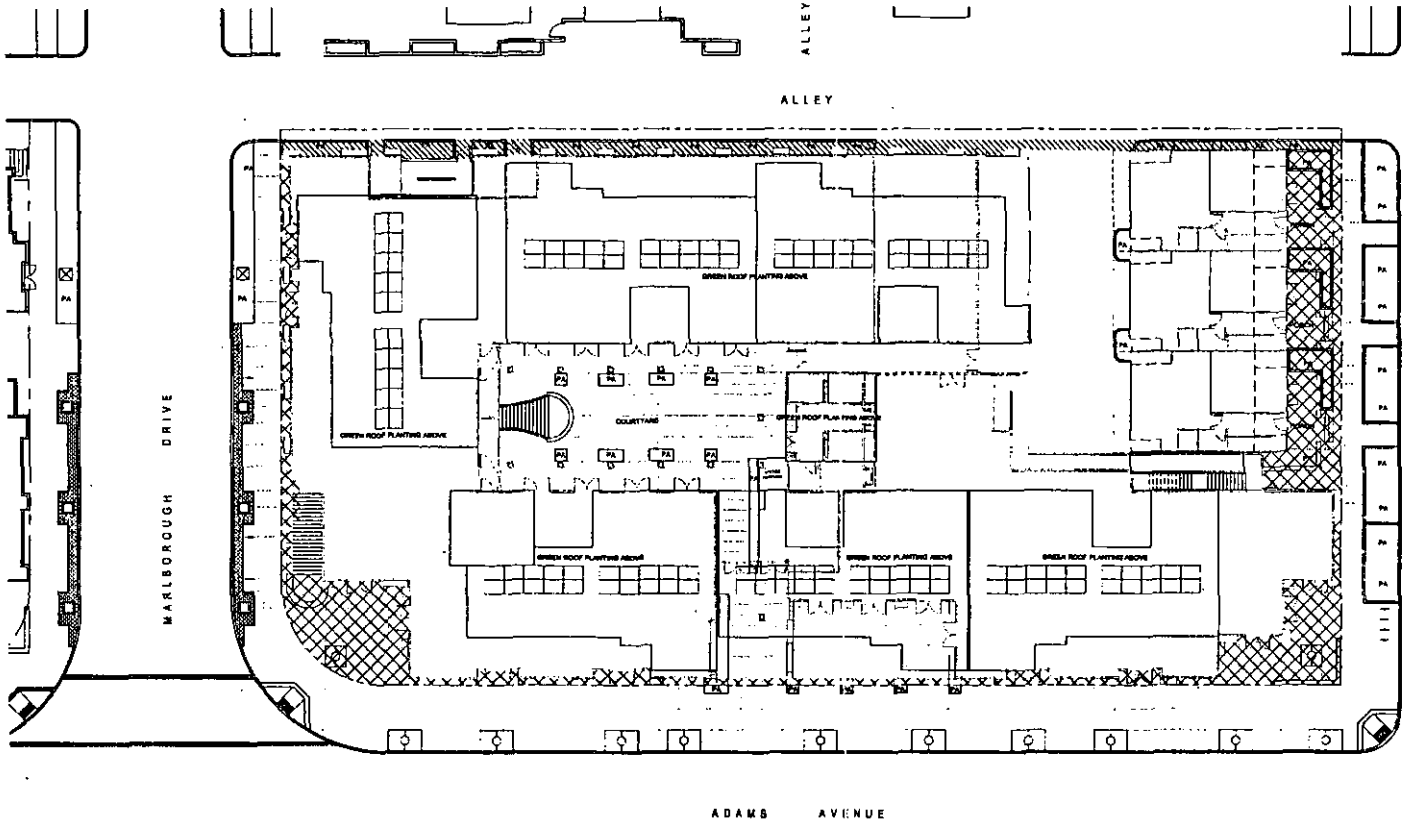
ALLARD JANSEN ARCHITECTS

PREPARED BY:

PROJECT NAME:

SHEET TITLE:

SHEET NO. L 2.0



SUMMARY OF LANDSCAPE CALCULATIONS

SAN DIEGO COMMUNITIES PLANNED DISTRICT CN-1-3 / CENTRAL URBANIZED PLANNED DISTRICT CP-1-1

STREET YARD

TOTAL AREA 1,170 S.F.
PLANTING AREA REQUIRED (25%) 293 S.F. PROVIDED 213 S.F. PLANTING
PLANT POINTS REQUIRED (1/50) 5.87 POINTS PROVIDED 355 POINTS ACHIEVED WITHOUT TREES 355

VEHICULAR USE AREA

NO VEHICULAR USE AREA PLANTING REQUIRED FOR COVERED / UNDERGROUND PARKING

REMAINING YARD

NO SIDE OR REAR YARD SET BACKS ON THIS PROJECT PER CN-1-1 (D)(1-2) ZONING; NO REMAINING YARD REQUIRED.
PLANTING AREA PROVIDED W/ ALLEY 200 S.F. POINTS PROVIDED 170

STREET TREES

ADAMS AVENUE FRONTAGE @ 157' 24" BOX STREET TREES REQUIRED 5
PROVIDED: 5
MARLBOROUGH DRIVE FRONTAGE @ 132' 24" BOX STREET TREES REQUIRED 5
PROVIDED: 5
EDGEWARE ROAD FRONTAGE @ 145' 24" BOX STREET TREES REQUIRED 5
PROVIDED: 5

MINIMUM TREE SEPARATION DISTANCE

IMPROVEMENT / MINIMUM DISTANCE TO STREET TREE
TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
UNDERGROUND UTILITY LINES - 5 FEET
ABOVE GROUND UTILITY STRUCTURES - 10 FEET
DRIVEWAYS (ENTRIES) - 10 FEET
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET
SEWER LINES - 10 FEET

LANDSCAPE CALCULATIONS LEGEND

STREET YARD

REMAINING YARD

NOTES:

1. SEE SHEET L-1 FOR LANDSCAPE DEVELOPMENT PLAN.
2. SEE SHEET L-2 FOR LANDSCAPE NOTES, LEGEND & CONCEPTUAL DETAILS.
3. SEE ARCHITECTURAL SITE PLAN FOR DIMENSIONS AND VISIBILITY CALCULATIONS.

SCALE: 1" = 10'-0"

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ENVIRONS
LANDSCAPE ARCHITECTURE

ALLARD JANSEN ARCHITECTS
INCORPORATED

PREPARED BY:
ALLARD JANSEN
ARCHITECTS INC.
330 SOUTH COEDRIS
STUDIO 140
SAN DIEGO, CA

PROJECT NAME:
REMINGTON TERRACE
4100 ADAMS AVE
SAN DIEGO, CA 92116

SHEET TITLE:
LANDSCAPE CALCULATIONS

SHEET NO.
L3.0

001091

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-6557

PLANNED DEVELOPMENT PERMIT NO. 360181
KENSINGTON TERRACE – PROJECT NO. 105244 - MMRP
PLANNING COMMISSION

This Planned Development Permit Number 360181 is granted by the Planning Commission of the City of San Diego to Terrace Partners, L.P., A California Limited Partnership, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 0.78-acre site is located at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road in the CU-3-3 Zone and CN-1-3 Zones of the Central Urbanized Planned District and within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area. The project site is legally described as Lots 9, 10, 11, 12, and 13 in Block 15 of Kensington Park, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1245 filed in the Office of the County Recorder of San Diego County, April 8, 1910.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing structures and construct a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential in nine residential units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 8, 2007, on file in the Development Services Department.

The project shall include:

a. Demolition of the existing gas station, convenience store, and seven residences and the construction of a 56,643 square-foot, three-story mixed-use development. The development would include approximately 16,550 square feet of retail space, 16,255 square feet of office space, 19,614 square feet of residential use, and 4,224 square feet of ancillary uses. The residential component would include six, three-bedroom, three-bath penthouses and three, three-bedroom, three-bath townhome units that would be sold for private ownership.

b. A deviation to the maximum height permitted by the CN-1-3 Zone. The project proposes a height of 38 feet, where the San Diego Municipal Code allows for a maximum height of 30 feet in the CN-1-3 Zone;

c. Drought tolerant landscaping (planting, irrigation and landscape related improvements);

d. Off-street parking;

e. Approximately 10,000 square feet of Green Roof technology, fire-sprinklers throughout the development, residential private open space areas totaling approximately 5,000 square feet, and public and private commercial and office open space totaling approximately 6,000 square feet in plazas, courtyards, and terraces;

f. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption for the residential portion of the project and 30 percent of the project's projected energy consumption for the commercial portion of the project, as established by Council Policy 900-14; and

g. Accessory improvements determined by the Development Services Department 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 (36) 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 SDMC requirements and applicable guidelines in affect 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 Development Services Department.

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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 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 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 is 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 applicant 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 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 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 shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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

12. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 105244 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 105244 satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, 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, Human Health and Public Safety, and Transportation/Circulation.

14. 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.

AFFORDABLE HOUSING REQUIREMENT:

15. Prior to issuance of the first residential building permit, the applicant shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENT:

16. Planned Development Permit 360181 shall comply with the conditions of Vesting Tentative Map No. 360180.

LANDSCAPE REQUIREMENTS:

17. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft 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.

18. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

19. All required landscape shall be maintained 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.

20. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

21. Prior to issuance of any construction permits for buildings, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

22. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner 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.

23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

24. 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.

25. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption for the residential portion

of the project and 30 percent of the project's projected energy consumption for the commercial portion of the project, as established by Council Policy 900-14.

26. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

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

28. 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

29. No fewer than 112 parking spaces (90 spaces required), 3 motorcycle spaces and 7 bicycle spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," on file in the Office of the Development Services Department. 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.

30. Prior to the issuance of any building permits, applicant shall assure by permit and bond, construction of a traffic signal at the intersection of Adams Avenue and Kensington Drive, satisfactory to the City Engineer.

31. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, full width improvements along project frontage on Marlborough Drive including 36 feet of pavement, curb, gutter and sidewalk as shown on exhibit "A," satisfactory to the City Engineer.

32. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, half width improvements along project frontage on Edgeware Road including 16 feet of pavement, curb, gutter and sidewalk as shown on exhibit "A," satisfactory to the City Engineer.

33. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, restriping of Adams Avenue from I-15 east to Aldine Drive as a 3-lane facility including a class III bicycle facility, one westbound lane, one eastbound lane and a two-way left turn center lane as shown in the Kensington Terrace traffic study, satisfactory to the City Engineer.

34. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, the construction of a raised center median on Adams Avenue between I-15 northbound ramp and mid-block between Terrace Drive and Kensington Drive, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

35. Prior to the issuance of any engineering or building permits, the developer 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.

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

37. 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:

38. 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) outside of any driveway, and the disconnection at the water main of any existing unused water service adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer. If water, fire or irrigation services are proposed in Marlborough Drive, then the Owner/Permittee will be required to do a cut-in connection and pay a special cost which will be determined during final engineering plan check.

39. 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) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

40. 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.

41. 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.

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 §66020.

- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Planning Commission of the City of San Diego on November 8, 2007 by Resolution No. PC-_____.

Planned Development Permit No. 360181
Date of Approval: November 8, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

_____
NAME
TITLE

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

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.

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

Rev. 05/18/07 rh

001101

PLANNING COMMISSION
RESOLUTION NO. PC- _____
PLANNED DEVELOPMENT PERMIT NO. 360181
KENSINGTON TERRACE – PROJECT NO. 105244

WHEREAS, TERRACE PARTNERS, L.P., Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing structures and construct a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential in nine residential units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 360181), on portions of a 0.78-acre site;

WHEREAS, the project site is located at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road in the CN-1-3 and CU-3-3 Zones of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area;

WHEREAS, the project site is legally described as Lots 9, 10, 11, 12, and 13 in Block 15 of Kensington Park, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1245 filed in the Office of the County Recorder of San Diego County, April 8, 1910;

WHEREAS, on November 8, 2007, the Planning Commission of the City of San Diego considered Planned Development Permit No. 360181 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego that the Planning Commission adopts the following written Findings, dated November 8, 2007.

Planned Development Permit - Section 126.0604

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The project site is located in the Kensington-Talmadge community of the Mid-City Communities Planning Area. The Mid-City Communities Plan designates the proposed site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City

Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground 2-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking to proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to the meet the needs of all residents in all socio-economic brackets. The project would include six penthouse units above commercial-retail and three craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community.

Although the Mid-City Communities Plan does not contain specific policies related to the incorporation sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project would meet this vision by incorporating a "green roof" feature that would reduce surface run-off. This "green roof" feature would be planted with drought tolerant grasses and herbaceous and succulent plant species. Additionally, the proposed project would self-generate at least 50 percent of the project's projected energy consumption for the residential portion of the project and 30 percent of the project's projected energy consumption for the commercial portion of the project through the incorporation of photovoltaic panels.

The project proposes to seek a deviation to exceed the height limit of the eastern portion of the project by 8 feet where the maximum height limit is 30 feet. Although the community plan does not regulate building heights it does encourage lower scale, two to three-story mixed-use developments with residential units above retail along Adams Avenue. The project would implement this recommendation and maintain the existing character along Adams Avenue by constructing a three-story, mixed-use structure that would contain six units above commercial-retail and office space.

Additionally, in order to meet the recommendation of ensuring that new development reflects neighborhood character in such characteristics such as height, setbacks, massing, landscaping,

roofs, windows, front porches, street façade and other architectural details, the proposed project would incorporate setbacks at the third story and landscaping, as well as trellises and arched features similar to adjacent commercial buildings. The three townhomes proposed along Edgeware Road would include a Craftsman architectural style that would be compatible with similar residences along the street. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north.

Based on the proposed features that would be utilized throughout the proposed project, the proposed deviation would not have an adverse impact on the goals and recommendations of the community plan. As proposed, the project implements many of the overall goals and recommendations of the Urban Design, Land Use, Transportation, Transportation, and Natural & Cultural Resources of the Mid-City Communities Plan; and therefore, the proposed development will not adversely affect the applicable land use plan.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The proposed development includes minor improvements within the public right-of-way within the Mid-City community. The proposed development would construct necessary sewer and water facilities to serve the occupants of the development; would incorporate construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; would prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; would enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and would 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.

Mitigated Negative Declaration No. 105244 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Prior to issuance of any demolition or construction permit, the permit has been conditioned to require that the Owner/Permittee provide the Development Services Department (DSD) with a copy of the Work Plan and Health Risk Assessment for the removal of the underground storage tanks existing onsite and site remediation provided to the County of San Diego Department of

Environmental Health (DEH) in conjunction with the County's review through the Voluntary Assistance Program and/or Underground Storage Tank Removal Program or permit requirements.

Prior to the foundation inspection for each project phase, the permit has been conditioned to require the Owner/Permittee to submit a copy of a Letter of Concurrence/Approval from the County of San Diego DEH to DSD confirming that the mitigation measures and site remediation recommended in the Work Plan and Health Risk Assessment have been implemented and that construction of the development can proceed. If further remedial action is required during construction activities based on site assessment activities performed under the direction of the County DEH or administrating agency, specific measures shall be incorporated in the remedial action work plan to ensure human health and public safety issues are adequately addressed.

Prior to final building inspection approval or Issuance of Occupancy, the permit has been conditioned to require the Owner/Permittee to submit a Letter of No Further Action or a similar Letter of Approval from the County of San Diego DEH to DSD documenting the environmental assessment and mitigation activities implemented under the Work Plan and Health Risk Assessment has been completed.

All structures constructed will be reviewed prior to construction by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures would meet or exceed the current regulations. The project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions have been determined to be necessary to avoid adverse impacts upon health, safety and general welfare of persons residing or working in the surrounding area. Further, the construction will be monitored and inspected in the field by certified inspectors. As a result of this process the proposed development will not be detrimental to the public health, safety, and welfare.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

As allowed through the approval of a Planned Development Permit, the applicant is requesting a deviation to the height regulations of the CN-1-3 Zone. The western portion of the site adjacent to Marlborough Avenue (0.31-acre) is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road (0.47-acre) is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet, and the project proposes a maximum height of 40 feet, 8 inches for this portion of the project, which is well under the allowable height limit. The CN-1-3 Zone allows a maximum height of 30 feet and applicant is requesting a height of 38 feet for this portion of the site.

The applicant is proposing the deviation to the height of the CN-1-3 Zone to comply with community character and public concerns regarding excessive height in the neighborhood. The

project design proposes to terrace back from the intersection of Adams Avenue and Marlborough Drive to mitigate the visual impact of a potential 50 feet building height at the corner. The project proposes a lowered and terraced building in the western portion of the site, with an eight-foot increase above the zone's height limit in the eastern portion of the site, thereby balancing the overall height to match the existing building on the west side of Marlborough Drive, which varies in height between 35 feet and 49 feet.

The consistent height avoids inefficient additional stair and elevator access, makes all the residential units top-floor rather than stacked in the CU-3-3 zone, and provides unfettered and level surface for green rooftop technology and photo-voltaic collection. Without the deviation, the allowable 50-foot tower would potentially shadow the remaining rooftop as well as neighboring properties. In addition to terracing the project at both corners of Adams Avenue with Marlborough Drive and Edgeware Road, the design has a stepped-back third floor along 80% of the building, which creates a perception with the façade that the majority of the building is a two-story structure. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north.

Other than the proposed deviation described and as allowed through approval of a Planned Development Permit, the proposed development would comply with the applicable regulations of the San Diego Municipal Code and be consistent with the recommended land-use, design guidelines, and development standards if effect for this site.

Based upon substantial evidence documented for the proposal, which includes the Mitigated Negative Declaration No. 105244 prepared for the project, staff has determined the height deviation would pose no adverse impacts upon the health and safety of the public or detriments to the physical environment. Therefore, proposed development will comply with the regulations of the Land Development Code.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The project site is located in the Kensington-Talmadge community of the Mid-City Communities Planning Area. The Mid-City Communities Plan designates the proposed site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground two-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking to proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to the meet the needs of all residents in all socio-economic brackets. The project would include six penthouse units above commercial-retail and three craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community as well.

Although the Mid-City Communities Plan does not contain specific policies related to the incorporation sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project design incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption for the residential portion, and 30 percent of the project's projected energy consumption for the commercial portion of the project. The project also proposes the installation of approximately 10,000 square feet of Green Roof technology, fire-sprinklers throughout the development; residential private open space areas totaling approximately 5,000 square feet, and public and private commercial and office open space totaling approximately 6,000 square feet in plazas, courtyards, and terraces. Therefore, proposed development, when considered as a whole, will be beneficial to the community.

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.

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

As allowed through the approval of a Planned Development Permit, the applicant is requesting a deviation to the height regulations of the CN-1-3 Zone. The western portion of the site adjacent to Marlborough Avenue (0.31-acre) is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road (0.47-acre) is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet, and the project proposes a maximum height of 40 feet, 8 inches for this portion of the project, which is well under the allowable height limit. The CN-1-3 Zone allows a maximum height of 30 feet and applicant is requesting a height of 38 feet for this portion of the site.

The applicant is proposing the deviation to the height of the CN-1-3 Zone to comply with community character and public concerns regarding excessive height in the neighborhood. The project design proposes to terrace back from the intersection of Adams Avenue and Marlborough Drive to mitigate the visual impact of a potential 50 feet building height at the corner. The project proposes a lowered and terraced building in the western portion of the site, with an eight-foot increase above the zone's height limit in the eastern portion of the site, thereby balancing the overall height to match the existing building on the west side of Marlborough Drive, which varies in height between 35 feet and 49 feet.

The consistent height avoids inefficient additional stair and elevator access, makes all the residential units top-floor rather than stacked in the CU-3-3 zone, and provides unfettered and level surface for green rooftop technology and photo-voltaic collection. Without the deviation, the allowable 50-foot tower would potentially shadow the remaining rooftop as well as neighboring properties. In addition to terracing the project at both corners of Adams Avenue with Marlborough Drive and Edgeware Road, the design has a stepped-back third floor along 80% of the building, which creates a perception with the façade that the majority of the building is a two-story structure. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north. Therefore, the proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 360181 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set

forth in Planned Development Permit No. 360181, a copy of which is attached hereto and made a part hereof.

_____

Daniel Stricker
Development Project Manager
Development Services

Adopted on: November 8, 2007
Job Order No. 42-6557

cc: Legislative Recorder, City Planning & Community Investment Department

PLANNING COMMISSION RESOLUTION NO. PC-_____
VESTING TENTATIVE MAP NO. 360180
KENSINGTON TERRACE - PROJECT NO. 105244
DRAFT

WHEREAS, TERRACE PARTNERS, L.P. A Limited California Partnership, Applicant/Subdivider, and PASCO ENGINEERING, INC., Surveyor, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 360180 for the demolition of the existing structures and construction of a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential in nine residential units. The project site is located 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road in the CU-3-3 and CN-1-3 Zones of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area. The project site is legally described as Lots 9, 10, 11, 12, and 13 in Block 15 of Kensington Park, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1245 filed in the Office of the County Recorder of San Diego County, April 8, 1910; and

WHEREAS, the Map proposes the subdivision of a 0.78-acre site into 13 separate condominium ownerships; nine residential and four commercial; and

WHEREAS, A Mitigated Negative Declaration, No. 105244, has been prepared and circulated in accordance with the California Environmental Quality Act; and

WHEREAS, the subdivision 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 dwelling units is thirteen; nine residential and four commercial; and

WHEREAS, on November 8, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 360180, and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 360180:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action 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 (Land Development Code Section 125.0440.b).

3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State 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 (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).

9. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Map No. 360180 is hereby granted to TERRACE PARTNERS, L.P., Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire November 8, 2010.

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 issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition

4. The Final Map shall conform to the provisions of Planned Development Permit No. 360181.

5. The applicant 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 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 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 shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

AFFORDABLE HOUSING

6. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13 of the Land Development Code.

ENGINEERING

7. Prior to building occupancy, the applicant shall dedicate and improve an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.

8. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

9. The applicant shall reconstruct the existing curb ramp(s) adjacent to the project to meet current City standards.

10. Prior to building occupancy, the applicant shall construct City standard curb ramps on both sides of the adjacent alley at its intersection with Marlborough Drive.

11. Prior to building occupancy, the applicant shall construct a new alley apron, adjacent to the project site, along Marlborough Drive.

12. Prior to building occupancy, the applicant shall replace the existing curb, gutter, and sidewalk with new City standard curb, gutter, and sidewalk, maintaining any existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Adams Avenue, and Marlborough Drive, satisfactory to the City Engineer.

13. Prior to building occupancy, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for private improvements located in the public right-of-way including above ground balconies, enhanced paving, and sidewalk underdrains/curb outlets.

14. Prior to the building occupancy, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

15. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

17. Prior to the issuance of any construction permits the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report and any other treatment BMPs identified by the City Engineer.

18. This project proposes to export excavated material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

20. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

21. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

    All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

23. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

24. The Final Map shall:

    a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

    b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of 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.

SEWER AND WATER

25. The developer 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.

26. No permanent structures, substructures, trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

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

TRANSPORTATION

28. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, construction of a traffic signal at the intersection of Adams Avenue and Kensington Drive, satisfactory to the City Engineer.

29. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, full width improvements along project frontage on Marlborough Drive including 36 feet of pavement, curb, gutter and sidewalk as shown on exhibit "A," satisfactory to the City Engineer.

30. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, half width improvements along project frontage on Edgeware Road including 16 feet of pavement, curb, gutter and sidewalk as shown on exhibit "A," satisfactory to the City Engineer.

31. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, restriping of Adams Avenue from I-15 east to Aldine Drive as a 3-lane facility including a class III bicycle facility, one westbound lane, one eastbound lane and a two-way left turn center lane as shown in Kensington Terrace traffic study, satisfactory to the City Engineer.

32. Prior to the recordation of the first final map the subdivider shall assure by permit and bond, the construction of a raised center median on Adams Avenue between I-15 northbound ramp and mid-block between Terrace Drive and Kensington Drive, satisfactory to the City Engineer.

INFORMATION

- The approval of this Vesting Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).

- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 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 property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON NOVEMBER 8, 2007.

By _____

Daniel Stricker
Development Project Manager
Development Services Department

Job Order No. 42-6557

DRAFT

Draft
Kensington-Talmadge Planning Committee
Meeting Minutes
October 10, 2007

1) The meeting was called to order by Chair Fred Lindahl at 6:30 p.m. Action on the following Parliamentary Items was taken:
   a) No introductions were made.
   b) The Agenda was approved with no modifications
   c) The minutes from September 12, 2007 were accepted unanimously (Blase, Davis, Frostrom, Kisner, Sharpe, Utt either not in attendance or not yet arrived).
   d) The Treasurer's Report for September, 2007 was not provided. There is $670.11 in the KTPC account, according to the September 30, 2007, bank statement.

2) Non-Agenda Public Comment.
   a) Manuel Andrade reported that he is working as a Tobacco Free Mid-City Project Community Organizer, and is attempting to obtain smoke-free parks and housing. He will return in three months to report progress.
   b) Chuck Kaminsky announced that a Talmadge Block Party/Harvest Fest will be held on October 13th.
   c) Chuck Kaminsky also announced that the TMAD annual meeting will be held at Hoover High on October 23rd.
   d) Chance Billmeyer announced that the first annual All Community Benefit Luncheon honoring Community Leaders will be held October 20th, 2007, from 1 p.m. to 3:30 p.m. at the Kensington Community Church. At this luncheon, the Tommy Baumann Award for outstanding public service will be presented. .

3) Communications were received from representatives of our elected officials:
   a) Todd Gloria from the office of Congresswoman Susan Davis (office ph. 619.280.5353) reported that Congresswoman Davis has sponsored legislation that will extend student loan pay-off dates by 14 months for service personnel who were called into active service after college. The Congresswoman's website is: http://www.house.gov/susandavis/index.shtml
   b) No report was received from Councilwoman Toni Atkin's representative, April Chesebro ((phone) 619.236.6633, (email) achesebro@sandiego.gov).
   c) Marlon Pangilinan (ph. 619.235.5293, email mpangilinan@sandiego.gov) reported that the proposed General Plan update will be presented to the Planning Commission on November 1st and 8th.

4) Action Items
   a) **Kensington Terrace located at 4142, 4166 and 4178 Adams Avenue**

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and 4708 Edgeware Road - Project #105244 - Allard Jansen & Associates - Mr. Jansen and staff provided a power point presentation on the project. They advised that they met on September 17th with the Design Review Subcommittee, and have made the following redesigns to the project as requested by this Subcommittee:

1. The three row homes along Edgeware are now less repetitive.
2. The West elevation, including corner details, is now more "Spanish Colonial" in design.

Mr. Jansen also reviewed the traffic study prepared for this project. It is projected that the ADT (Average Daily Trips) count will increase by 1413 trips. Five improvements are required by the City to mitigate this increase, as follows:

1. Widen the north alley from 15' to 20' and add 5' of landscaping in the project.
2. Provide traffic lights at the intersection of Kensington and Adams, synchronized with the stop lights at Marlborough and Adams.
3. Add a raised median on the Adams center line at the I-15 North on-ramp, to prevent left turns from the South Terrace parking lot onto Adams.
4. Restripe Adams from Aldine (Van Dyke) to the I-15 North on-ramp, adding a two-way, left turn, middle lane.
5. Widen Marlborough from the Alley to Adams.

Concern was expressed by the community about increased traffic, the possibility of traffic backing up across the bridge, and the need for a through lane on Adams at the I-15 North on-ramp. These concerns were discussed by the presenters.

Based upon this presentation and the follow-on discussions, Tibbitts moved and Hilemann seconded that:

1. The KTPC recommends approval of a Site Development Permit and Planned Development Permit to demolish the existing structures;
2. The KTPC recommends approval of a Planned Development Permit for a commercial establishment exceeding 5,000 square feet as proposed by this project in the CU-3-3 Zone (Process Three); and that
3. The KTPC recommends approval of a Site Development Permit for a sustainable building development with deviations from the development regulations of the underlying zone as proposed by this project (Process Four.)

For: Billmeyer, Hanford, Hebrank, Hileman, Laman, Lindahl, Moty, Pfeifer, Tibbitts (unanimous.)
Against: None.
Abstain: None.

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Absent: Blase, Davis, Frostrom, Kisner, Sharpe, Utt.
The motion passed.

b) **Kensington-Talmadge DRAFT By-Laws approval. David Moty - Ken-Tal By-Laws Committee Member**- There was considerable discussion regarding the Draft By-Laws dated 9/12/07, which is the title given the Draft By-Laws that were recommended by the By-Laws Subcommittee and discussed/modified during the September 12th KTPC meeting. The issues agreed upon are stated in the minutes of the KTPC 9/12/07 meeting. These Draft By-Laws dated 9/12/07 were posted on the KTPC website (www.411kensington.org) following the September 12th KTPC meeting. It was noted by David Moty that the provision regarding term limits contained in these Draft By-Laws dated 9/12/07 are not consistent with Council Policy 600-24.

Two motions were made by Moty and seconded by Laman to add two friendly amendments, as follows:

Motion number 1. That cross references be inserted in Articles V and VIII that reference Article IX, in order to create consistency in cross referencing to make the procedures challenging elections more clear.
For: Billmeyer, Hanford, Hileman, Laman, Lindahl, Moty, Pfeifer, Tibbitts.
Against: Hebrank.
Abstain: None.
Absent: Blase, Davis, Frostrom, Kisner, Sharpe, Utt.
The motion passed by a vote of eight to one.

Motion number 2. That attendance requirements to be a voting member of three meetings/year (exclusive of the election meeting) allow both Board and Subcommittee meetings to qualify as meetings that would meet these requirements.
For: Hileman, Laman, Pfeifer.
Against: Hanford, Hebrank, Lindahl, Moty, Tibbitts.
Abstain: Billmeyer.
Absent: Blase, Davis, Frostrom, Kisner, Sharpe, Utt.
The motion failed.

A motion was then made by Tom Hebrank and seconded by John Hileman that the Draft By-Laws dated 9/12/07 be approved with the addition of only the cross-referencing amendment noted above.
For: Billmeyer, Hanford, Hebrank, Hileman, Laman, Lindahl, Tibbitts.
Against: Moty, Pfeifer.
Abstain: None.
Absent: Blase, Davis, Frostrom, Kisner, Sharpe, Utt.
The motion failed. Current by-laws state that a motion requires a majority of the board membership (i.e., 8 votes) to pass.

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After further discussion, another motion was made by Pfeifer and seconded by Moty that the attendance requirement to be a voting member of three meetings/year (exclusive of the election meeting) apply for the member to vote in the member's first election only, and that attendance at only one meeting/year (exclusive of the election meeting) would suffice for the member to vote in all subsequent elections.
For: Hebrank, Lindahl, Moty, Pfeifer.
Against: Billmeyer, Hanford, Hileman, Laman, Tibbitts.
Abstain: None.
Absent: Blase, Davis, Frostrom, Kisner, Sharpe, Utt.
The motion failed.

After further discussion, a motion was made by Tibbitts and seconded by Moty to approve the Draft By-Laws dated 9/12/07, the cross-referencing amendment noted above, and an attendance requirement to be a voting member of only one meeting/year (exclusive of the election meeting).
For: Billmeyer, Hanford, Hebrank, Hileman, Laman, Lindahl, Moty, Pfeifer, Tibbitts (unanimous.)
Against: None.
Abstain: None.
Absent: Blase, Davis, Frostrom; Kisner, Sharpe; Utt.
The motion passed.

In accordance with the provisions of the current KTPC By-Laws, this final motion noted in the preceding paragraph was then presented to all General Members in attendance for a vote of approval. The results were as follows:
For: Berge, Billmeyer, Hanford, Hebrank, Hileman, Laman, Lindahl, Moty, Pfeifer, Tibbitts (unanimous.)
Against: None.
Abstain: None.
The motion passed.

5) Information Items. There were none to report.

6) Chair's report. There was none.

7) The following Subcommittee Chairs gave reports:
   a) Project Review. (R Utt) No report.
   b) Transportation and Safety. No report.
   c) Public Facilities. (D Laman) Mary Faye School looks beautiful.
   d) By-laws, Membership and Communications (David Moty). See item 4b.
   e) Liaison Committees.
      i) TMAD (Lindahl). No report.
      Community Planners Committee (Hebrank) meets the fourth (4th)

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Tuesday of each month 6:30pm at 9192 Topaz Way San Diego 92123.

ii) City Hts Redevelopment PAC (Lindahl). No report.

f) Utilities Undergrounding Project - Talmadge Project 3FF - Public information officer for the undergrounding is Carol Drummond her number is 619/533-3872 email cdrummond@sandiego.gov and project web site is http://www.sandiego.gov/undergrounding/index.shtml. No more public meetings, all handled thru email. Job 705 - this sewer and water project should begin in mid 2007 and end in spring 2008.

8) The agenda for the next meeting (Oct 10, 2007) may include the following:
   a) (Action) Proposed Kensington Sign Replacement.
   b) (Information) Duncan Hughes (City Traffic Dept) regarding North and South Terrace Bollards; proposed removal of Adams Ave. red lines; and possible problems with speed limit transition from 25 mph on Aldine to 55 mph on Fairmount.

9) The Chair adjourned the meeting at 9:30 p.m.

10) Members in Attendance - Billmeyer, Hanford, Hebrank, Hileman, Laman, Lindahl, Moty, Pfeifer, Tibbitts.
Members absent: Blase, Davis, Frostrom, Kisner, Sharpe, Utt.
Attendance was 30 during the Kensington Terrace presentation and 10 during the By-Laws discussions.
There were $18.02 in donations

Jonathan Tibbitts, Acting Secretary

001123

ATTACHMENT 22

THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit ☐ Neighborhood Development Permit ☐ Site Development Permit ☒ Planned Development Permit ☐ Conditional Use Permit ☐ Variance ☒ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ **Other** ____________

Project Title: Kensington Terrace

Project No. *For City Use Only*: 105244

Project Address:

4142 - 4168 - 4166 - 4170 - 4172 - 4178 Adams Ave. S.D. Ca

4708 - 4712 Edgeware Road. SD. Ca.

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):	Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency	☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: n/a	Street Address: n/a
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signature : Date:	Signature : Date:
Name of Individual (type or print):	Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency	☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: n/a	Street Address: n/a
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signature : Date:	Signature : Date:

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services
Upon request, this information is available in alternative formats for persons with disabilities.

001124

Project Title: Kensington Terrace	Project No. (*For City Use Only*)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☒ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of **all** persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ **Yes** ☐ **No**

Corporate/Partnership Name (type or print): Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address: 444 South Cedros #190
City/State/Zip: Solana Beach, CA 92075
Phone No: (858) 793-9091 Fax No: (858) 793-9162
Name of Corporate Officer/Partner (type or print): Patronella Corporation, Allard Jansen
Title (type or print): General Partner
Signature: Date: 6/8/07

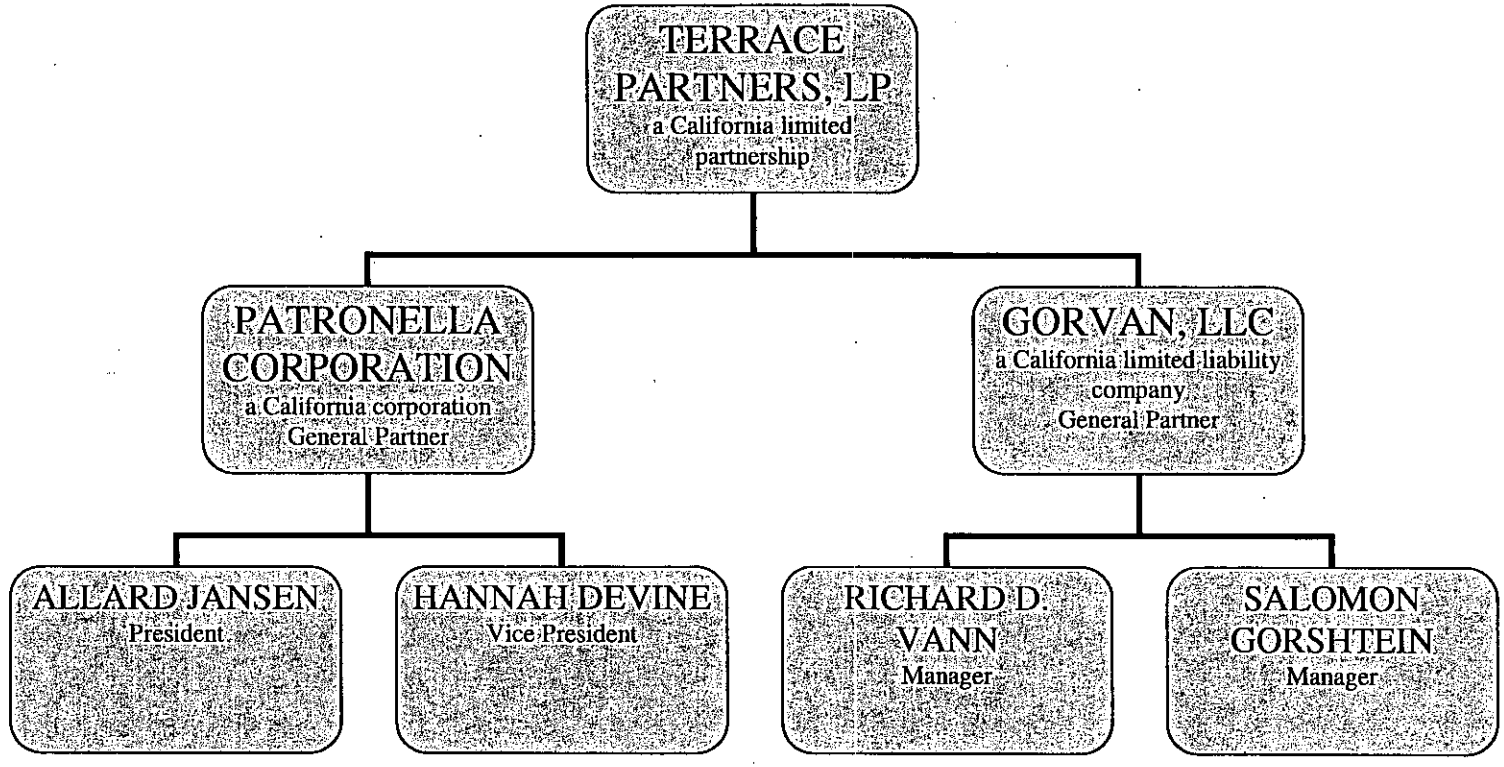
Corporate/Partnership Name (type or print): Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print): GorVan LLC, Rick Vann
Title (type or print): General Partner
Signature: Date: 6/8/07

Corporate/Partnership Name (type or print): Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print): Patronella Corporation, Hannah Devine
Title (type or print): General Partner
Signature: Date: 6/8/07

Corporate/Partnership Name (type or print): Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print): GorVan LLC, Salomon Gorshtein
Title (type or print): General Partner
Signature: Date: 6/8/07

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:



001125

ATTACHMENT 22

ATTACHMENT 23

Project Chronology

Kensington Terrace – Project No. 105244

Date	Action	Description	City Review Time	Applicant Response
11/21/06	***First Submittal***	**Project Deemed Complete After Mandatory Initial Review**		
12/15/06	Initial Review Assessment Letter	Issued to Applicant	16 Business Days	
6/12/07	Second Submittal	Submitted by Applicant		121 Business Days
6/29/07	Second Review Assessment Letter	Issued to Applicant	13 Business Days	
8/10/07	Third Submittal	Submitted by Applicant		29 Business Days
8/23/07	Third Review		9 Business Days	
10/9/07	Applicant Works to Resolve All Issues			32 Business Days
10/11/07	Applicant Supplies Required Documents			2 Business Day
10/11/07		Staff Completes Hearing Documents	0 Business Days	
11/8/07 *	Planning Commission Hearing	First Available Hearing		
Total Staff Time			38 Business Days	
Total Applicant Time				184 Business Days
Total Project Running Time		**From Deemed Complete to PC Hearing**	**11 Months, 17 Days**	

* After final environmental document and first available Planning Commission Date

PLANNING COMMISSION
RESOLUTION NO. 4333-PC-3
PLANNED DEVELOPMENT PERMIT NO. 360181
KENSINGTON TERRACE – PROJECT NO. 105244

WHEREAS, TERRACE PARTNERS, L.P., Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing structures and construct a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential in nine residential units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 360181), on portions of a 0.78-acre site;

WHEREAS, the project site is located at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road in the CN-1-3 and CU-3-3 Zones of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area;

WHEREAS, the project site is legally described as Lots 9, 10, 11, 12, and 13 in Block 15 of Kensington Park, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1245 filed in the Office of the County Recorder of San Diego County, April 8, 1910;

WHEREAS, on November 15, 2007, the Planning Commission of the City of San Diego considered Planned Development Permit No. 360181 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego that the Planning Commission adopts the following written Findings, dated November 15, 2007.

Planned Development Permit - Section 126.0604

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The project site is located in the Kensington-Talmadge community of the Mid-City Communities Planning Area. The Mid-City Communities Plan designates the proposed site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City

Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground 2-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking to proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to the meet the needs of all residents in all socio-economic brackets. The project would include six penthouse units above commercial-retail and three craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community.

Although the Mid-City Communities Plan does not contain specific policies related to the incorporation sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project would meet this vision by incorporating a "green roof" feature that would reduce surface run-off. This "green roof" feature would be planted with drought tolerant grasses and herbaceous and succulent plant species. Additionally, the proposed project would self-generate at least 50 percent of the project's projected energy consumption for the residential portion of the project and 30 percent of the project's projected energy consumption for the commercial portion of the project through the incorporation of photovoltaic panels.

The project proposes to seek a deviation to exceed the height limit of the eastern portion of the project by 8 feet where the maximum height limit is 30 feet. Although the community plan does not regulate building heights it does encourage lower scale, two to three-story mixed-use developments with residential units above retail along Adams Avenue. The project would implement this recommendation and maintain the existing character along Adams Avenue by constructing a three-story, mixed-use structure that would contain six units above commercial-retail and office space.

Additionally, in order to meet the recommendation of ensuring that new development reflects neighborhood character in such characteristics such as height, setbacks, massing, landscaping,

roofs, windows, front porches, street façade and other architectural details, the proposed project would incorporate setbacks at the third story and landscaping, as well as trellises and arched features similar to adjacent commercial buildings. The three townhomes proposed along Edgeware Road would include a Craftsman architectural style that would be compatible with similar residences along the street. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north.

Based on the proposed features that would be utilized throughout the proposed project, the proposed deviation would not have an adverse impact on the goals and recommendations of the community plan. As proposed, the project implements many of the overall goals and recommendations of the Urban Design, Land Use, Transportation, Transportation, and Natural & Cultural Resources of the Mid-City Communities Plan; and therefore, the proposed development will not adversely affect the applicable land use plan.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The proposed development includes minor improvements within the public right-of-way within the Mid-City community. The proposed development would construct necessary sewer and water facilities to serve the occupants of the development; would incorporate construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; would prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; would enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and would 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.

Mitigated Negative Declaration No. 105244 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Prior to issuance of any demolition or construction permit, the permit has been conditioned to require that the Owner/Permittee provide the Development Services Department (DSD) with a copy of the Work Plan and Health Risk Assessment for the removal of the underground storage tanks existing onsite and site remediation provided to the County of San Diego Department of

Environmental Health (DEH) in conjunction with the County's review through the Voluntary Assistance Program and/or Underground Storage Tank Removal Program or permit requirements.

Prior to the foundation inspection for each project phase, the permit has been conditioned to require the Owner/Permittee to submit a copy of a Letter of Concurrence/Approval from the County of San Diego DEH to DSD confirming that the mitigation measures and site remediation recommended in the Work Plan and Health Risk Assessment have been implemented and that construction of the development can proceed. If further remedial action is required during construction activities based on site assessment activities performed under the direction of the County DEH or administrating agency, specific measures shall be incorporated in the remedial action work plan to ensure human health and public safety issues are adequately addressed.

Prior to final building inspection approval or Issuance of Occupancy, the permit has been conditioned to require the Owner/Permittee to submit a Letter of No Further Action or a similar Letter of Approval from the County of San Diego DEH to DSD documenting the environmental assessment and mitigation activities implemented under the Work Plan and Health Risk Assessment has been completed.

All structures constructed will be reviewed prior to construction by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures would meet or exceed the current regulations. The project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions have been determined to be necessary to avoid adverse impacts upon health, safety and general welfare of persons residing or working in the surrounding area. Further, the construction will be monitored and inspected in the field by certified inspectors. As a result of this process the proposed development will not be detrimental to the public health, safety, and welfare.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

As allowed through the approval of a Planned Development Permit, the applicant is requesting a deviation to the height regulations of the CN-1-3 Zone. The western portion of the site adjacent to Marlborough Avenue (0.31-acre) is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road (0.47-acre) is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet, and the project proposes a maximum height of 40 feet, 8 inches for this portion of the project, which is well under the allowable height limit. The CN-1-3 Zone allows a maximum height of 30 feet and applicant is requesting a height of 38 feet for this portion of the site.

The applicant is proposing the deviation to the height of the CN-1-3 Zone to comply with community character and public concerns regarding excessive height in the neighborhood. The

project design proposes to terrace back from the intersection of Adams Avenue and Marlborough Drive to mitigate the visual impact of a potential 50 feet building height at the corner. The project proposes a lowered and terraced building in the western portion of the site, with an eight-foot increase above the zone's height limit in the eastern portion of the site, thereby balancing the overall height to match the existing building on the west side of Marlborough Drive, which varies in height between 35 feet and 49 feet.

The consistent height avoids inefficient additional stair and elevator access, makes all the residential units top-floor rather than stacked in the CU-3-3 zone, and provides unfettered and level surface for green rooftop technology and photo-voltaic collection. Without the deviation, the allowable 50-foot tower would potentially shadow the remaining rooftop as well as neighboring properties. In addition to terracing the project at both corners of Adams Avenue with Marlborough Drive and Edgeware Road, the design has a stepped-back third floor along 80% of the building, which creates a perception with the façade that the majority of the building is a two-story structure. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north.

Other than the proposed deviation described and as allowed through approval of a Planned Development Permit, the proposed development would comply with the applicable regulations of the San Diego Municipal Code and be consistent with the recommended land-use, design guidelines, and development standards if effect for this site.

Based upon substantial evidence documented for the proposal, which includes the Mitigated Negative Declaration No. 105244 prepared for the project, staff has determined the height deviation would pose no adverse impacts upon the health and safety of the public or detriments to the physical environment. Therefore, proposed development will comply with the regulations of the Land Development Code.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The project site is located in the Kensington-Talmadge community of the Mid-City Communities Planning Area. The Mid-City Communities Plan designates the proposed site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground two-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking to proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to the meet the needs of all residents in all socio-economic brackets. The project would include six penthouse units above commercial-retail and three craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community as well.

Although the Mid-City Communities Plan does not contain specific policies related to the incorporation sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project design incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption for the residential portion, and 30 percent of the project's projected energy consumption for the commercial portion of the project. The project also proposes the installation of approximately 10,000 square feet of Green Roof technology, fire-sprinklers throughout the development; residential private open space areas totaling approximately 5,000 square feet, and public and private commercial and office open space totaling approximately 6,000 square feet in plazas, courtyards, and terraces. Therefore, proposed development, when considered as a whole, will be beneficial to the community.

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.

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

As allowed through the approval of a Planned Development Permit, the applicant is requesting a deviation to the height regulations of the CN-1-3 Zone. The western portion of the site adjacent to Marlborough Avenue (0.31-acre) is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road (0.47-acre) is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet, and the project proposes a maximum height of 40 feet, 8 inches for this portion of the project, which is well under the allowable height limit. The CN-1-3 Zone allows a maximum height of 30 feet and applicant is requesting a height of 38 feet for this portion of the site.

The applicant is proposing the deviation to the height of the CN-1-3 Zone to comply with community character and public concerns regarding excessive height in the neighborhood. The project design proposes to terrace back from the intersection of Adams Avenue and Marlborough Drive to mitigate the visual impact of a potential 50 feet building height at the corner. The project proposes a lowered and terraced building in the western portion of the site, with an eight-foot increase above the zone's height limit in the eastern portion of the site, thereby balancing the overall height to match the existing building on the west side of Marlborough Drive, which varies in height between 35 feet and 49 feet.

The consistent height avoids inefficient additional stair and elevator access, makes all the residential units top-floor rather than stacked in the CU-3-3 zone, and provides unfettered and level surface for green rooftop technology and photo-voltaic collection. Without the deviation, the allowable 50-foot tower would potentially shadow the remaining rooftop as well as neighboring properties. In addition to terracing the project at both corners of Adams Avenue with Marlborough Drive and Edgeware Road, the design has a stepped-back third floor along 80% of the building, which creates a perception with the façade that the majority of the building is a two-story structure. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north. Therefore, the proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 360181 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set

forth in Planned Development Permit No. 360181, a copy of which is attached hereto and made a part hereof.

Daniel Stricker
Development Project Manager
Development Services

Adopted on: November 15, 2007
Job Order No. 42-6557

cc: Legislative Recorder, City Planning & Community Investment Department

Kensington Terrace Appeal Issues **ATTACHMENT 4**

The appeal filed by the appellant raises several issues. These have been separated for ease of discussion. Each issue is listed in bold, followed by the staff response.

1. The decision of the Planning Commission to certify the MND was in error based on the inadequacy of the Initial Study, the inability of the evidence to support the analyst's conclusions and the inadequacy of the proposed mitigation.

As the decision-maker for a Process 4 hearing, the City of San Diego Planning Commission has the discretion to certify the Mitigated Negative Declaration (MND) based on the information disclosed in the environmental document and testimony taken at the hearing. The Initial Study has been adequately prepared in accordance with the California Environmental Quality Act (CEQA). Staff analysis and conclusions of environmental issues were based on site specific technical reports (substantial evidence) which included a traffic impact analysis, historical assessment report, acoustical site assessment, preliminary hydrology study, Water Quality Technical Report, and a shade study, that were prepared by consultants with professional/trade licenses and certifications.

State CEQA, Statue 21082.2(2) states: "The existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment. ... Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

The specific technical reports (traffic impact analysis, acoustical site assessment, preliminary hydrology study, etc.) prepared by professionals were reviewed by staff for each specific discipline based on local, state, and federal regulations and guidelines. The conclusions, as disclosed in the MND, include appropriate measures to mitigate potential impacts to Paleontological Resources, Human Health/Public Safety, and Transportation/Circulation and are abased on the substantial evidence in light of the whole record.

2. The Commission further erred in approving the Planned Development Permit because the requested height variance contributes to the overall bulk and scale of the project which is incompatible with the surrounding development and inappropriate for this location.

The fifth finding required to be supported to approve a Planned Development Permit (PDP) as required by the Land Development Code §126.0604 states,"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." The finding to approve a deviation addresses the appropriateness of the location and desirability of granting the deviation in the context of the whole project. The purpose of the PDP Regulations is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations. The intent of the PDP Regulations is to encourage imaginative and innovative planning, to assure that the development achieves the purpose and intent of the applicable land use plan, and that the development would be preferable to what would be achieved by strict conformance with the regulations.

The project site is composed of two properties each being regulated by different zoning development regulations. Each property could be developed by right though ministerial building permits if the proposal were compliant with the relevant zoning regulation. Under theses conditions there would be no CEQA analysis, no community participation and no mitigation of potential impacts. While a project approved under these circumstances would comply with the zoning development regulations, the design may not achieve the negotiated benefits reached through public participation.

On July 11, 2007, the applicant presented the eight-foot height deviation request to the Kensington-Talmadge Planning Committee, who voted 15-0-0 to recommend approval of the requested deviation.

Under the current zoning regulations, the eastern portion of the project site could develop to a maximum height of thirty feet. While this would be eight feet lower than the proposed project height, the western portion of the project site could build to a maximum height of fifty feet, or nine-feet four-inches higher than the proposed project. The proposed design, which reduces the potential height of the building on the western portion of the project site by over nine feet, could occur over the entire western portion of the site. The proposed increase in height by eight feet on the eastern parcel would occur only at limited and specific locations, as shown on the project elevations.

Through the discretionary review process, staff has confirmed that additional neighborhood impacts would result if these two portions of the project site were to develop by right in accord with applicable zoning regulations. Primarily, the shadows cast by a potentially taller building would increase the limits of shade cast onto properties to the north resulting in longer hours in shadow for those properties. The other potential impacts which may occur should the sites be developed by right would not be addressed through conditions of approval or by a Mitigation Monitoring and Reporting Program, as no discretionary permit nor environmental document would be required.

The compromise of height proposed by the applicant reduces the shadow impacts to other properties, results in a better balance of architecture over both properties, includes the public in

the process, and requires mitigation for potential impacts. Even if the potential impacts do not fully materialize the applicant will be responsible for complying with all required mitigation.

The Mid-City Community Plan designates commercial and mixed-use for a half block north and south of Adams Avenue from State Route Highway 15 to 43rd Street. From 42nd Street to just past Biona Drive the land use designation narrows to be only a half-block north of Adams Avenue. The zoning adopted for this block of properties are the CU-3-3 Zone and the CN-1-2 Zone. When examining the appropriateness of the proposed project at this location staff considered the existing zoning on the subject property, the Mid-City Community Plan and other policies adopted by the City Council to guide development of the City into the future. The properties along this commercial corridor could all be developed by right to 50 feet in height in the CU-3-3 Zone and to 30 feet in the CN-1-3 Zone, containing businesses with commercial and mixed uses. City staff has used these implementing ordinances and adopted City Council land use plans and other policies in preparing their recommendation.

The proposed project site is zoned for commercial and is not an isolated property surrounded by single family residential development. The site is one of thirty-four properties designated in the community plan and zoned for commercial development. In the context of adopted regulations and land use policy, the proposed project is appropriate for this location. The combined benefits of required mitigation for potential impacts, community participation on the design development process, and the dispersal of the building height across the entire site resulting in a lower average building height, result in a project more desirable than that resulting from a strict application of the zoning regulations. The height on the western portion of the property is reduced by nine-feet four-inches from the maximum allowable height. The deviation to allow the additional eight feet in height on the eastern portion of the site would only penetrate the height limit in limited and specific locations. The proposed deviation results in a more desirable project and is appropriate at this location, in that the design is consistent with the policies in the adopted community plan and regulations of the zoning ordinance in effect at this site.

3. The proposed development will cause significant impacts which are detrimental to the health, safety and welfare of the community, and would not be in conformance with the Mid-City Communities Plan.

All of the proposed project's potentially significant impacts would be mitigated to a level of insignificance through the design and development of the project, conditions of approval and requirements of the Mitigation Monitoring and Reporting Program. The proposed project conforms to the policies of the Mid-City Community Plan. The project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural and Cultural Resources Elements of the Mid-City Community Plan. Additional information is presented in Finding No. 1 of the Planned Development Permit resolution approved by the Planning Commission and included as Attachment 18 to the Planning Commission Report.

4. Specifically; the City's adoption of the Final MND improperly relied on a traffic study that contained numerous factual errors and that did not study affected residential streets and alleys.

A Traffic Impact Analysis was prepared by LOS Engineering, Inc. dated June 12, 2007 and reviewed by the Development Services Department's Environmental Analysis Section and Transportation Development Review staff. The traffic report analyzed five scenarios: Existing, Near-term without Project Conditions, Near-term with Project Conditions, Horizon Year (2030) without Project Conditions, and Horizon Year (2030) with Project Conditions. The study area was established, including streets, alley and intersections, based on the adopted SANDAG Select Zone Assignment method. The study area included 10 intersections within the surrounding streets. These intersections included Adams Avenue, State Route 15, Terrace Drive, Kensington Drive, Marlborough Drive, Edgeware Road, alley north of Adams, Park Place, and El Cajon Boulevard and eight roadway segments.

Based on the City of San Diego Trip Generation Manual for the project's proposed uses, it is anticipated the project would generate an approximate maximum 2,479 average daily trips (ADT) with 133 AM peak hour trips and 254 PM peak hour trips. The cumulative trip generation was calculated at 1,413 ADT with 69 AM peak hour trips and 161 PM peak hour trips.

Based on the short-term and long-term traffic analysis for the project area intersections and roadways, the report concluded the project may have significant direct and cumulative impacts to the surrounding intersections and streets under the near-term with project conditions and horizon year (2030) with project conditions. To mitigate potentially significant transportation impacts as a result of the proposed development the applicant would be required to re-stripe Adams Avenue to a three-lane collector from State Route 15 to Aldine Drive, widen Marlborough Drive from Adams Avenue to the alley just north of the project site, install a new traffic signal at Adams Avenue and Kensington Drive, and limit the size and uses of the proposed development so that the ADT would not exceed 2,479 trips.

These recommended conditions, as described in the traffic impact study and required to be implemented as part of the Mitigation, Monitoring, and Reporting Program (MMRP), would mitigate potentially significant impacts to a level below significance and improve circulation and traffic in the area.

5. The Initial Study fails to properly analyze the potential environmental impacts from all phases of the project.

As required by CEQA Guideline No. 15063, the City of San Diego as lead agency conducted an Initial Study for all phases of the project, including construction and throughout the life of the project and the proposed uses on site.

The purpose of an Initial Study as outlined in CEQA Guideline 15063(c) is to: 1) provide the lead agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration; 2) Enable an applicant or Lead Agency to modify a project and/or mitigate adverse impacts; 3) Assist in the preparation of an EIR, if one is required; 4) Facilitate the environmental assessment early in the design of a project; 5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment; 6) Eliminate unnecessary EIRs; and 7) Determine whether a previously prepared EIR could be used with the project.

Based on the technical reports prepared by professional consultants, staff determined that all potentially significant impacts could be mitigated to a level below significance. Staff based their conclusion on the project revisions throughout the review process, implementation of the mitigation measures outlined in the Mitigation, Monitoring, and Reporting Program (MMRP), and specific conditions in the Planned Development Permit. Therefore, all potentially significant impacts to Paleontological Resources, Human Health and Public Safety, and Transportation/Circulation could be mitigated to a level below significance. During the Initial Study, staff did not identify any significant unmitigated impacts that would warrant the preparation of an Environmental Impact Report (EIR) and a Statement of Overriding Consideration (SOC) and therefore a Mitigated Negative Declaration would be the appropriate environmental document for the project. Staff also prepared an Initial Study Checklist, which is included in the environmental document, to identify potential impacts and substantiate staff's conclusions.

6. The finding that the project will not result in a potential adverse impact to community character and aesthetics is not supported.

The 0.78-acre project site is located in the Kensington-Talmadge community of the Mid-City Communities Planning Area. The Mid-City Communities Plan designates the proposed 0.78-acre site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the

Mid-City Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground 2-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking for the proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to the meet the needs of all residents in all socio-economic brackets. The project would include 6 penthouse units above commercial-retail and 3 craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community as well.

Although the Mid-City Communities Plan does not contain specific policies related to the incorporation of sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project would meet this vision by incorporating a "green roof" feature that would reduce surface run-off. This "green roof" feature would be planted with drought tolerant grasses and herbaceous and succulent plant species. Additionally, the proposed project would self-generate 50 percent of its electrical needs through the incorporation of photovoltaic panels.

The project proposes to seek a deviation to exceed the height limit of the eastern portion of the project by 8 feet where the maximum height limit is 30 feet. Although the community plan does not regulate building heights it does encourage lower scale, two to three-story mixed-use developments with residential units above retail along Adams Avenue. The project would implement this recommendation and maintain the existing character along Adams Avenue by

constructing a three-story, mixed-use structure that would contain 6 units above commercial-retail and office space.

Additionally, in order to meet the recommendation of ensuring that new development reflects neighborhood character in elements such as height, setbacks, massing, landscaping, roofs, windows, front porches, street façade and other architectural details, the proposed project would incorporate setbacks at the third story and landscaping, as well as trellises and arched features similar to adjacent commercial buildings. The three townhomes proposed along Edgeware Road would include a Craftsman architectural style that would be compatible with similar residences along the street. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed 3-story building from neighboring residences to the north.

Based on the proposed features that would be utilized throughout the proposed project, the proposed deviation would not have an adverse impact on the goals and recommendations of the community plan, nor would it result in a potential adverse impact to the community character. As proposed, the project implements many of the overall goals and recommendations of the Urban Design, Land Use, Transportation, and Natural & Cultural Resources of the Mid-City Communities Plan; and therefore, would not adversely affect the community, nor the Mid-City Communities plan.

As disclosed in the Visual Quality/Neighborhood Character Initial Study discussion, the analysis of the project's height, bulk, and scale to the surrounding neighborhood was fully supported by architectural design revisions and a shadow study that was prepared and reviewed in coordination with the community planning staff.

The western portion of the site adjacent to Marlborough Avenue is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet and the CN-1-3 Zone allows a maximum height of 30 feet. The proposed building height on the western portion of the site is a maximum height of 40 feet, eight inches, well below the maximum allowable height limit. On the eastern portion of the site, the applicant is proposing a maximum height of 38 feet.

Rather than build to the maximum height allowed by the zones, the application proposes a deviation from the maximum height of the CN-1-3 Zone. On the western most portion of the project site, the height would be nine feet, four inches lower than the allowed maximum (40 feet 8 inches proposed, 50 feet allowed). On the eastern most portion of the site, the height would exceed the allowable height by eight feet for specific portions of the building (30 feet allowed, 38 feet proposed). The proposed increase in height by eight feet on the eastern parcel would occur only at limited and specific locations, as shown on the project elevations. To reduce the

visual appearance of the building height at the western most portion of the site, the project design proposes a public plaza at the corner of Adams Avenue and Marlborough Drive, to build to substantially less than the maximum allowed height, and to step back the third floor from the intersection of Adams Avenue and Marlborough Drive. In addition, approximately 80 percent of the third floor is stepped back 11 feet, creating a terraced effect. Combined, these design elements open up the massing of the building and reduce the bulk and scale. The project proposes this lower, terraced design on the western portion of the site in return for an eight-foot increase in height on the eastern part of the site.

Through the discretionary review process, staff has confirmed that additional neighborhood impacts would result if these two portions of the project site were to develop by right in accord with applicable zoning regulations. Primarily, the shadows cast by a potentially taller building would increase the limits of shade cast onto properties to the north resulting in longer hours in shadow for those properties. The other potential impacts which may occur should the sites be developed by right would not be addressed through conditions of approval or by a Mitigation Monitoring and Reporting Program, as neither a discretionary permit nor environmental document would be required.

Staff and the community had concerns about the project's bulk and scale to the surrounding neighborhood. A shadow study was provided to determine if the proposed height, bulk, and scale of the project would significantly shade the adjacent single- and two-storied residences to the north and be incompatible with the community. The illustration indicated that the properties would be in the building's shadow for the majority of the day during the winter months; however, the proposed project would create less of an impact than the 50-foot and 30-foot building allowed by the underlying zone. Furthermore, the applicant worked with staff and the Kensington-Talmadge Community Planning Committee through several design reiterations to terrace the buildings at the corners and step the third floor back so the building's bulk and scale would be more compatible with the surrounding area.

7. The finding that the project's impact to traffic will be mitigated with restriping and the addition of a traffic signal is unsupported.

A Traffic Impact Analysis was prepared by LOS Engineering, Inc. dated June 12, 2007 and reviewed by the Development Services Department's Environmental Analysis Section and Transportation Development Review staff. The traffic report analyzed five scenarios: Existing, Near-term without Project Conditions, Near-term with Project Conditions, Horizon Year (2030) without Project Conditions, and Horizon Year (2030) with Project Conditions. The study area was established, including streets, alley and intersections, based on the adopted SANDAG Select Zone Assignment method. The study area included 10 intersections within the surrounding streets. These intersections included Adams Avenue, State Route 15, Terrace Drive, Kensington Drive, Marlborough Drive, Edgeware Road, alley north of Adams, Park Place, and El Cajon Boulevard and eight roadway segments.

As per the approved study, the proposed re-striping of Adams Avenue and the implementation of left turn pockets would improve the level of service and provide safer vehicular movements along the entire corridor of Adams Avenue between State Route Highway15 and Aldine Drive. The proposed mitigation of widening and re-striping Marlborough Drive between Adams Avenue and the alley would substantially improve the segment operations under the near-term and horizon year (2030) conditions. The proposed re-striping of Adams Avenue would also address the Mid-City Community Plan recommendation to re-stripe Adams Avenue to a 3-lane collector. The installation of a traffic signal at the intersection of Adams Avenue and Kensington Drive would provide for safer pedestrian crossing while substantially improving the level of service at this intersection. Adams Avenue would operate at an acceptable level of service between SR-15 and Aldine Drive as a result of the proposed transportation mitigation measures described above.

8. The cumulative traffic impact analysis is improper and unsupported.

A Traffic Impact Analysis was prepared by LOS Engineering, Inc. dated June 12, 2007 and reviewed by the Development Services Department's Environmental Analysis Section and Transportation Development Review staff. The traffic analysis was conducted consistent with City of San Diego Traffic Impact Study Manual. The San Diego Association of Governments (SANDAG) 2030 forecast was used to incorporate the regional build out in order to address any future cumulative traffic impact in the area. The SANDAG 2030 traffic volumes were used to evaluate intersections and roadway segments located within the study area. The City of San Diego Trip Generation Manual was used in establishing the number of trips generated by Kensington Terrace development.

Traffic data was collected by a professional traffic engineering company registered with the State of California. Project traffic was added to the traffic volumes collected in order to evaluate potential project related traffic impacts on all surrounding roadway segments and intersections located within the study area.

The traffic study took a conservative approach when considering proposed uses on the project site, in that uses with the highest trip generation rates allowed within the CU-3-3 and CN-1-3 Zones were assumed in the calculations, and no credits were assumed for the existing uses. The 2,479 driveway trips with 133 morning trips and 254 afternoon trips calculated for the project site were used in evaluating roadway segments and intersections immediately surrounding the property. All other intersections and segments evaluated in the study area (outside those immediately surrounding the project site) were based on the net cumulative trips (proposed project cumulative trips minus a credit for the existing on-site uses). A total of 1,413 net cumulative trips with 69 morning trips and 161 afternoon trips would be generated by the proposed development. Therefore, staff believes the traffic study's cumulative impact analysis to be proper and supportable.

9. The public review and comment period for the draft MND was 19 days, not the 20 days required by CEQA.

Pursuant to CEQA Statute 21091, staff properly noticed the availability of the Draft Mitigated Negative Declaration for public review and comment for 20 days as shown in the figure below. As indicated on the Notice, the public review period started on Friday, September 7 and ended at the close of business day on Wednesday, September 26, 2007.

SEPTEMBER 2007

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7 DAY 1	8 DAY 2
9 DAY 3	10 DAY 4	11 DAY 5	12 DAY 6	13 DAY 7	14 DAY 8	15 DAY 9
16 DAY 10	17 DAY 11	18 DAY 12	19 DAY 13	20 DAY 14	21 DAY 15	22 DAY 16
23 DAY 17	24 DAY 18	25 DAY 19	26 DAY 20	27	28	29

Although staff did receive requests to extend the public review and comment period, staff can not extend the public review and comment period unless requested by the recognized community planning group pursuant to Land Development Code Section 128.0307. However, staff did receive several comment letters after the close of public review period on September 26, 2007. Pursuant to CEQA Section 15207, these letters were included in the environmental document and all comment letters were responded to in the final Mitigated Negative Declaration that was finalized October 22, 2007.

10. Inadequate study of pedestrian/vehicle interactions and conflicts. No traffic study performed for residential streets. No traffic study performed for freeway ramps even though threshold exceeded. Adams Avenue is not wide enough for 3 lane collector classification. No Congestion Management Plan study performed even though threshold exceeded.

The installation of a traffic signal at the intersection of Adams Avenue and Kensington Drive would provide safer pedestrian/vehicle interaction and an improved level of service at that location. The traffic signal at the State Route Highway 15 on- and off-ramp at Adams Avenue was included in the analysis of the project.

The re-striping of Adams Avenue is consistent with the current striping of the existing left turn pockets at the intersections of Adams Avenue and Kensington Drive and at Adams Avenue and Marlborough Drive. Adding the third lane to Adams Avenue by re-striping the street does not require a physical widening of the public right-of-way and is consistent with the Mid-City Community Plan designation of Adams Avenue as a three lane collector.

The average daily trips generated by the project do not meet the threshold to require a Congestion Management plan study. This was determined by considering the actual net trips generated by the project, which is the sum of the trips generated by the proposed uses minus the trips generated from the existing uses. The traffic analysis did conduct an arterial analysis study on Adams Avenue and Marlborough Drive and concluded that an acceptable level of service would result on both roadways. Further, a SANDAG select zone assignment method was used for the proposed project trip distribution and was included in the analysis.

11. Traffic Study contains numerous factual errors (pass-by reductions, credits, potential impact area). Without accurate traffic study data, no basis for mitigation of project traffic routing through intersections and residential streets. The Level of Service of Adams Avenue roadway segment after mitigation remains at unacceptable significant level under CEQA, State and City roadway standards.

A Traffic Impact Analysis was prepared by LOS Engineering, Inc. dated June 12, 2007 and reviewed by the Development Services Department's Environmental Analysis Section and Transportation Development Review staff. The traffic analysis was conducted consistent with City of San Diego Traffic Impact Study Manual. The San Diego Association of Governments (SANDAG) 2030 forecast was used to incorporate the regional build out in order to address any future cumulative traffic impact in the area. The SANDAG 2030 traffic volumes were used to evaluate intersections and roadway segments located within the study area. The City of San Diego Trip Generation Manual was used in establishing the number of trips generated by Kensington Terrace development.

Traffic data was collected by a professional traffic engineering company registered with the state of California. Project traffic was added to the traffic volumes collected in order to evaluate potential project related traffic impacts on all surrounding roadway segments and intersections located within the study area.

The traffic study took a conservative approach when considering proposed uses on the project site, in that uses with the highest trip generation rates allowed within the CU-3-3 and CN-1-3 Zones were assumed in the calculations, and no credits were assumed for the existing uses. The 2,479 driveway trips with 133 morning trips and 254 afternoon trips calculated for the project site were used in evaluating roadway segments and intersections immediately surrounding the property. All other intersections and segments evaluated in the study area (outside those immediately surrounding the project site) were based on the net cumulative trips (proposed project cumulative trips minus a credit for the existing on-site uses). A total of 1,413 net cumulative trips with 69 morning trips and 161 afternoon trips would be generated by the proposed development. Therefore, staff believes the traffic study's cumulative impact analysis to be proper and supportable.

In their analysis, LOS Engineering conducted an arterial analysis study on Adams Avenue and Marlborough Drive with the traffic mitigation measures. The analysis performed by LOS Engineering concluded that an acceptable level of service, level of service "D" or better, would result on both roadways after the implementation of the project and the required mitigation.

12. Impact of the removal of free on-street parking is not mitigated by applicant's pay-to-use parking garage.

The on-street parking would be reduced by a total of two parking spaces as a result of this project. However, the applicant is proposing an increase of 20 spaces above the San Diego Municipal Code requirement in the project's underground parking structure. The owner of the property may not charge users of the parking spaces in the subterranean garage during regular business hours for any business operating on the property and may not charge residents for the use of the residential parking spaces.

As a result of the project, three spaces would be added to the on-street parking on Adams Avenue by the removal of driveways and curb cuts associated with the existing gas station, and five spaces would be removed from the on-street parking through the widening of Marlborough Drive. The proposed development would provide 112 parking spaces, where the minimum requirement of the Land Development Code is 90 parking spaces. The proposed restriping of Adams Avenue would not eliminate on-street parking spaces, and would occur within the existing width of Adams Avenue.

13. The potential environmental impacts from all phases of the project, including the removal of 22,100 cubic yards of soil, some of which is contaminated from leaking underground fuel storage tanks, was not adequately addressed. Open Leaking Underground Storage Tank (LUST) Case was not disclosed in the MND.

As identified in the Initial Study and the Initial Study Checklist, all phases of the project have been analyzed by staff to determine the project's potential effect on the environment. Specific to the potential for contaminated soils from the exiting gas station, specific mitigation requirements as outlined in the Human Health and Public Safety (Hazardous Materials) Mitigation, Monitoring, and Reporting Program (MMRP) are required to ensure that any contaminated soils have been removed during construction and no health risks associated with the hazardous materials would create a known health hazard to future occupants and surrounding neighbors.

Since the County of San Diego Department of Environmental Health (DEH) is the oversight agency for the removal of contaminated soils and underground storage tanks; staff coordinated with Mr. Darryl Fowler, Project Manager, County DEH Voluntary Assistance Program (VAP)/Site Assessment Mitigation Program (SAM) to draft appropriate mitigation that would be required by the County but can be reviewed by the City prior to construction, building permit, and occupancy. Specifically an approved (by County DEH) Community Health and Safety Plan,

a Work Plan, and a Health Risk Assessment are required prior to the City's issuance of any demolition or construction permits. Prior to a foundation inspection sign-off, a Letter of Concurrence/Approval from the County of San Diego stating that all the mitigation measures and site remediation as recommended in the Community Health and Safety Plan, Work Plan, and Health Risk Assessment have been implemented must be submitted to the City. And prior to the Issuance of Occupancy, a Letter of No Further Action from the DEH must also be submitted to ensure the site has been remediated and the buildings can be occupied.

As confirmed by Mr. Fowler, the open LUST case stated by the appellant in the appeal was opened in 2006 when Mr. Allard Jansen (applicant) applied to be in the County's VAP in anticipation of developing the site. The case is identified on the County's Environmental Case Listing as "Preliminary Assessment" because the applicant is in the VAP and is currently coordinating with Mr. Fowler to provide the work plan to remove the underground storage tanks associated with the existing gas station and assess the soils and groundwater for any potential contamination prior to construction. The open case is not identified as a "Leak Being Confirmed" and therefore not a potential human health and public safety issue that needs to be addressed with this development.

Furthermore, if the project does not get approved, the County DEH would close the case since the applicant would be withdrawn from the VAP and no further work would be required to clean or further test the site for hazardous materials since the previous LUST violation cases were already remediated and closed.

14. Project bulk, scale and style are incompatible with the predominant characteristics of the surrounding area and existing commercial character and in conflict with the community plan.

The site is one of thirty-four properties designated in the community plan and zoned for commercial development. Other than the requested height deviation, the project bulk and scale are consistent with the development regulations of the CU-3-3 and CN-1-3 Zones. The esthetic of the Adams Avenue commercial corridor is an eclectic mix of style, material, color, and massing which contribute to the richness of the community. The unique character and style of Adams Avenue is found in its diversity as expressed in the uses and buildings created there through past development activity. The harmony of the commercial avenue is found in its contrast, its balance, and in its dissimilarity.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees

along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground 2-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking to proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to the meet the needs of all residents in all socio-economic brackets. The project would include 6 penthouse units above commercial-retail and 3 craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community as well.

The project proposes to seek a deviation to exceed the height limit of the eastern portion of the project by 8 feet where the maximum height limit is 30 feet. Although the community plan does not regulate building heights it does encourage lower scale, two to three-story mixed-use developments with residential units above retail along Adams Avenue. The project would implement this recommendation and maintain the existing character along Adams Avenue by constructing a three-story, mixed-use structure that would contain 6 units above commercial-retail and office space.

Additionally, in order to meet the recommendation of ensuring that new development reflects neighborhood character in such elements as height, setbacks, massing, landscaping, roofs, windows, front porches, street façade and other architectural details, the proposed project would incorporate setbacks at the third story and landscaping, as well as trellises and arched features similar to adjacent commercial buildings. The three townhomes proposed along Edgeware Road would include a Craftsman architectural style that would be compatible with similar residences along the street. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying

setbacks, and landscaping to offset the bulk and scale of the proposed 3-story building from neighboring residences to the north.

Based on the proposed features that would be utilized throughout the proposed project, the proposed deviation would not have an adverse impact on the goals and recommendations of the community plan. As proposed, the project implements many of the overall goals and recommendations of the Urban Design, Land Use, Transportation, Transportation, and Natural & Cultural Resources of the Mid-City Communities Plan; and therefore, would not adversely affect the community plan.

15. Single-story bungalows in the residential neighborhood immediately adjacent will be in the shadow of the building during several weeks before and after the winter solstice and no mitigation has been attempted.

A shadow study was provided which illustrated the proposed building's shadow effect to the properties to the north during the day at four extremes of the seasons during the year; summer and winter solstice and spring and fall equinox. The study illustrated the structure would not significantly shade the adjacent residents for the majority of the year, and therefore the building's shadow effect, in accordance with the City's adopted Significant Threshold Guidelines, would not be considered significant. A portion of the properties north of the project would however be cast in shadow during the majority of the day during the winter months and winter solstice. The shadow analysis was prepared to understand what the shadow pattern would be if the project were to be built to the maximum zoning height limits of 30 and 50 feet. The shadow study indicates that during the winter solstice the difference between the shadows created by the proposed project would be less than a shadow created from a building conforming to the height allowed by the zone. The evidence does not support a conclusion that the increase in height of eight feet in specific locations on the building within the CN-3-1 zone would create a significant addition to the shading of the properties to the north. Furthermore, the design of the structure on the third floor, the highest part of the building, was set back 11 feet horizontally from the edge of second floor along approximately 80 percent of the building length to reduce the shadow impacts of the building on adjoining properties during the winter months. In the worst case, during the weeks preceding and immediately after the winter solstice, a portion of the homes north of the alley would experience shade for a portion of the day, yet on no day would the entire home be in shade during all daylight hours.

16. No mitigation for loss of 75 year old eucalyptus that qualifies as Heritage Tree under City of San Diego Conserve a Tree Program

No mitigation is required for the removal of the tree. The tree does not have protection status under the regulations of the City of San Diego. Per Council Policy 900-19, Public Tree Protection, if a tree is located on private property, then it is at the option of the property owner to nominate a tree for designation to be included for the purpose of "tree inventory and for

protection status." This is a voluntary action by the private property owners, not a requirement of any City Policy or the San Diego Municipal Code. Since the existing Eucalyptus tree is not in the public right-of-way and is not on public land, the property owner may remove it.

17. No mitigation for loss of 1923 Craftsman at 4166 Adams Avenue that had been previously recommended by Historical Resources Board staff as Historical Resource Site under HRB Criterion C (Architecture).

In conjunction with the conclusions made for a previous development application that would have demolished the residence at 4166 Adams Avenue, Development Services Department (DSD) staff concluded that the project would not be considered historically significant under CEQA and no mitigation would be required. The historical research as disclosed in the *Historical Assessment of the Buildings Located at 4166, 4168—4172, 4178 Adams Avenue and 4708-4712 Edgeware Road* (Kathleen A. Crawford, M.A., October 2002) state that structure at 4166 Adams Avenue would not be historically or architecturally significant under the four specific national, state, and local criteria which are *A) association with an event; B) person; C) distinctive construction or design (architecture) or; D) information potential.*

Furthermore, the issue regarding CEQA significance and the City's Historical Resources Board (HRB) decision to not designate the residence at 4166 Adams Avenue, as stated in the appeal, was already vetted with the approval of the previous project, the Kensington/Adams Lofts (Project No. 5487) development in 2003. Although the *Historical Assessment Report* concluded that the residence would not considered historical or architecturally significant under any of the four criteria, in March 2003, HRB staff (Teri Delcamp) did recommend to the Board (HRB) nomination of the Roy and Dora Bennett House located at 4166 Adams Avenue for local designation under HRB Criterion C (architecture). HRB staff can recommend any structure or site to the Board for local listing since "nomination" (not to be confused with "designation") does not automatically determine that a resource is significant under CEQA. However, at the April 2003 HRB meeting, the Board's motion to designate the property failed and the property was not designated as a historical resource for local listing.

Since then, the previous Kensington/Adam Lofts development permits have expired with the anticipation of developing the current Kensington Terrace project, which was submitted in June 2007. A *Disposition of the 4166, 4168-4172 & 4178 Adams Avenue and 4708-4712 Edgeware Road Properties As Potentially "Significant" Historic Resources* (Scott A. Moomjian, April 30, 2007) was submitted to DSD staff for discretionary and CEQA review of the current Kensington Terrace proposal. The disposition reiterated the Board's action (not to designate the residence at 4166 Adams Avenue) and the report's conclusion that "the Properties are not historically or architecturally significant."

The future Kensington Historic District, which is identified in the Greater Historical Mid-City San Diego Preservation Strategy, has not been established. No further evidence in the public

record would validate consideration of the residence at 4166 Adams Avenue as an historically significant resource under CEQA.

Pursuant to CEQA Section 15064.5, the fact that a resource is not listed in or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources, or identified in an historical resources survey does not preclude a lead agency from determining that the resource may be an historical resources as defined in Public Resources Code sections 5020.1(j) or 5024.1.

DSD staff's determination was based on the records search prepared by the South Coastal Information Center, city directory listings, building records, site photos and historical research provided and disclosed in the historical report and disposition, and not solely on HRB staff's recommendation in 2003 to designate the site under Criterion C (architecture) which was based on their own site visit (field check), nor the Board's split vote (5-5-0), which by default, did not designate the site.

The site specific analysis prepared in the historical report is the evidence for staff's conclusion that none of the buildings meet any of the four significance criteria as stated above to be considered a significant historical resource under CEQA. And specifically, the residence at 4166 Adams Avenue is not considered historically significant, the demolition or loss of the structure as a result of the proposed development would not constitute an adverse change to an identified historical resource, and therefore no mitigation would be required in accordance with CEQA.

18. Recognized criteria were not employed to determine whether a significant or potentially significant historical resource exists, nor were specific procedures consistent with CEQA or the City's Historical Resources Guidelines for doing so.

Staff reviewed the project in accordance with the California Environmental Quality Act (CEQA) Statute 21084.1 – Historical Resource, Substantial Adverse Change; CEQA Section 15064.5 - Determining the Significance of Impacts to Archaeological and Historical Resources; the City of San Diego Significance Determination Thresholds – Historical Resources; and the Land Development Code Historical Resources Guidelines. As disclosed in the Mitigated Negative Declaration Initial Study Historical Resources discussion (page 7-8), any structure that is 45 years or older may considered a historical resource. However, to determine its significance in accordance with CEQA, substantial evidence for the public record must be provided to support such conclusions. For this project a site specific historical assessment was prepared and reviewed.

As stated previously, the report which included a records search prepared by the South Coastal Information Center, city directory listings, building records, site photos and historical research. The report, prepared by a professional consultant, concluded that none of the structures would be historically or architecturally significant under the four specific national, state, and local criteria

which are *A) association with an event; B) person; C) distinctive construction or design (architecture) or; D) information potential.*

19. The required finding to support the approval of the Planned Development Permit for height variance/deviation are not supported, specifically under Municipal Code §126.0604.

On November 15, 2007 and after considering the facts, the Planning Commission adopted the draft findings prepared for the project after concluding the findings were supported by the evidence in the record. Planning Commission Resolution No. 4333-PC-3 for Planned Development Permit No. 360181 contains all the required findings to approve the project as proposed, including the deviation to the maximum height of the CN-1-3 Zone to allow the height to reach thirty-eight feet in specific locations on the building. The necessary findings have been supported and the evidence may be found in Finding Nos. 3 and 5. Please refer to the Planning Commission Resolution No. 4333-PC-3, Attachment 3 of the City Council Report, for additional supporting evidence. In addition, On July 11, 2007, the applicant presented the eight-foot height deviation request to the Kensington-Talmadge Planning Committee, who voted 15-0-0 to recommend approval of the requested deviation.

20. The Planning Commission and the City have failed to adopt adequate objectives, criteria and specific procedures consistent with CEQA, including failing to adequately collect, process and adequately analyze information gathered from the community, and adequately investigate all relevant and credible issued brought to its attention during the public during the public comment period.

Staff received approximately 92 emails, letters, and correspondence during the public review and comment period of the environmental document. All of the comments were taken into serious consideration, responded to (approximately 177 responses), and included in the final environmental document.

In accordance with CEQA Statute 21082.2, "argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Furthermore, CEQA Statue 21082.2(2) states: "The existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment."

The conclusions, as disclosed in the Mitigated Negative Declaration (MND), Initial Study, Initial Study Checklist, and all of the responses to the comment letters received were based on local,

state, and federal regulations and guidelines; the specific technical reports (traffic impact analysis, acoustical site assessment, preliminary hydrology study, etc.) prepared by professional consultants and persons with licenses and certifications; project revisions and conditions which have been incorporated into the project design or to be implemented with project development; and specific measures, as described in the Mitigation, Monitoring, and Reporting Program (MMRP) that would mitigate identified impacts to a level below significance.

21. The MND states that the project will be restricted in size and uses so that the traffic generated will not exceed stated thresholds, yet the City provides no mechanism for enforcing this restriction.

A legal description is a part of the preamble of Planned Development Permit No. 360181 for the purpose of recording the permit onto the title of these properties. The permit grants specific rights, privileges and obligations to the owner of these properties and in return the City of San Diego has a legally binding agreement acknowledged by the owner's notarized signature to abide by these obligations or conditions. Further, the City retains the police power vested in land use law to enforce, revoke, rescind and terminate the permit for any breach of conditions or obligations of the owner/permittee. Planned Development Permit No. 360181 specifically states this under the section indicated as Standard Requirements, paragraph numbers three through six. Additionally, the second paragraph, first page of Planned Development Permit No. 360181 specifically describes the scope of the entitlement and limits of the project size. This is again further described in subparagraphs "a" through "g" on pages one and two. All uses allowed on the site are only those allowed by the CU-3-3 and CN-1-3 Zones. Planned Development Permit No. 360181 does not grant any deviation to permit uses not allowed in these zones and no use beyond those allowed by the CU-3-3 and CN-1-3 Zones would be allowed.

22. The City Project Manager stated that worst case scenarios were used to generate the ADT estimates, yet the City of San Diego Trip Generation Manual indicates that best case scenario ADTs were used.

Traffic data was collected by a professional traffic engineering company registered with the state of California. Project traffic was added to the traffic volumes collected in order to evaluate potential project related traffic impacts on all surrounding roadway segments and intersections located within the study area.

The traffic study took a conservative approach when considering proposed uses on the project site, in that uses with the highest trip generation rates allowed within the CU-3-3 and CN-1-3 Zones were assumed in the calculations, and no credits were assumed for the existing uses. The 2,479 driveway trips with 133 morning trips and 254 afternoon trips calculated for the project site were used in evaluating roadway segments and intersections immediately surrounding the property. All other intersections and segments evaluated in the study area (outside those immediately surrounding the project site) were based on the net cumulative trips (proposed

project cumulative trips minus a credit for the existing on-site uses). A total of 1,413 net cumulative trips with 69 morning trips and 161 afternoon trips would be generated by the proposed development.

The traffic analysis for the project was conducted consistent with City of San Diego Traffic Impact Study Manual. The San Diego Association of Governments (SANDAG) 2030 forecast was used to incorporate the regional build out in order to address any future cumulative traffic impact in the area. The SANDAG 2030 traffic volumes were used to evaluate intersections and roadway segments located within the study area and the City of San Diego Trip Generation Manual was used in establishing the number of trips generated by Kensington Terrace development. Therefore, worst case scenarios were used to generate the project's average daily trips, in that, uses with the highest trip generation rates allowed within the CU-3-3 and CN-1-3 Zones were assumed in the calculations, and no credits were assumed for the existing uses.

THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☒ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☒ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ **Other** ____

Project Title: Kensington Terrace

Project No. *For City Use Only*: 105244

Project Address:
4142 - 4168 - 4166 - 4170 - 4172 - 4178 Adams Ave. S.D. Ca
4708 - 4712 Edgeware Road. SD. Ca.

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ **Yes** ☐ **No**

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: n/a
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: n/a
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: n/a
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: n/a
City/State/Zip:
Phone No: Fax No:
Signature : Date:

ATTACHMENT 5

Project Title: Kensington Terrace	Project No. (*For City Use Only*)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☒ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of **all** persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ **Yes** ☐ **No**

Corporate/Partnership Name (type or print):
Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address:
444 South Cedros #190
City/State/Zip:
Solana Beach, CA 92075
Phone No: (858) 793-9091 Fax No: (858) 793-9162
Name of Corporate Officer/Partner (type or print):
Patronella Corporation, Allard Jansen
Title (type or print):
General Partner
Signature: Date: 6/8/07

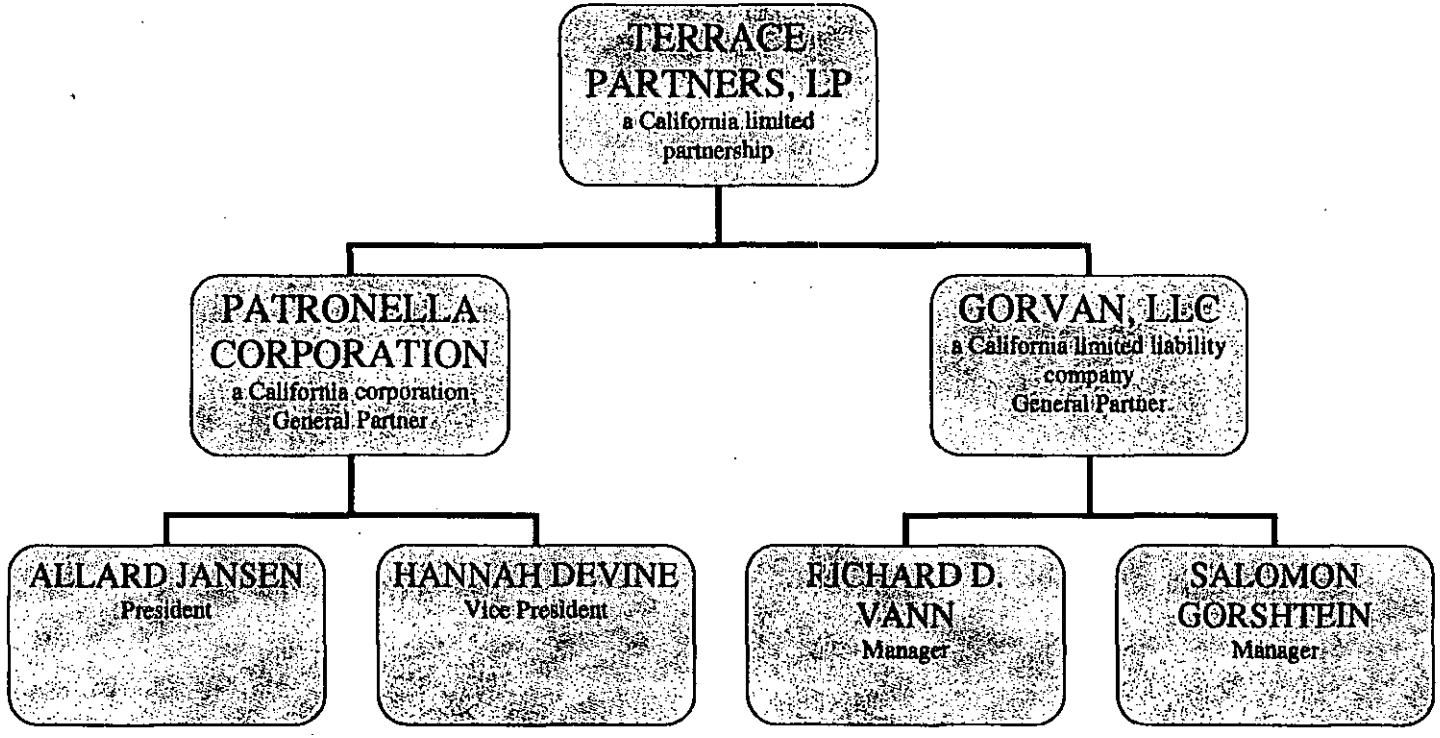
Corporate/Partnership Name (type or print):
Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
GorVan LLC, Rick Vann
Title (type or print):
General Partner
Signature: Date: 6/8/07

Corporate/Partnership Name (type or print):
Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Patronella Corporation, Hannah Devine
Title (type or print):
General Partner
Signature: Date: 6/8/07

Corporate/Partnership Name (type or print):
Terrace Partners, LP
☒ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
GorVan LLC, Salomon Gorshtein
Title (type or print):
General Partner
Signature: Date: 6/8/07

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:



ATTACHMENT 5

PLANNING COMMISSION RESOLUTION NO. 4333-PC-2
VESTING TENTATIVE MAP NO. 360180
KENSINGTON TERRACE - PROJECT NO. 105244

WHEREAS, TERRACE PARTNERS, L.P. A Limited California Partnership, Applicant/Subdivider, and PASCO ENGINEERING, INC., Surveyor, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 360180 for the demolition of the existing structures and construction of a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential in nine residential units. The project site is located 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road in the CU-3-3 and CN-1-3 Zones of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area. The project site is legally described as Lots 9, 10, 11, 12, and 13 in Block 15 of Kensington Park, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1245 filed in the Office of the County Recorder of San Diego County, April 8, 1910; and

WHEREAS, the Map proposes the subdivision of a 0.78-acre site into 13 separate condominium ownerships; nine residential and four commercial; and

WHEREAS, A Mitigated Negative Declaration, No. 105244, has been prepared and circulated in accordance with the California Environmental Quality Act; and

WHEREAS, the subdivision 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 dwelling units is thirteen; nine residential and four commercial; and

WHEREAS, on November 15, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 360180, and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 360180:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action 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 (Land Development Code Section 125.0440.b).

3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State 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 (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).

9. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Map No. 360180 is hereby granted to TERRACE PARTNERS, L.P., Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire November 8, 2010.

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 issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition

4. The Final Map shall conform to the provisions of Planned Development Permit No. 360181.

5. The applicant 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 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 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 shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

AFFORDABLE HOUSING

6. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13 of the Land Development Code.

ENGINEERING

7. Prior to building occupancy, the applicant shall dedicate and improve an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.

8. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

9. The applicant shall reconstruct the existing curb ramp(s) adjacent to the project to meet current City standards.

10. Prior to building occupancy, the applicant shall construct City standard curb ramps on both sides of the adjacent alley at its intersection with Marlborough Drive.

11. Prior to building occupancy, the applicant shall construct a new alley apron, adjacent to the project site, along Marlborough Drive.

12. Prior to building occupancy, the applicant shall replace the existing curb, gutter, and sidewalk with new City standard curb, gutter, and sidewalk, maintaining any existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Adams Avenue, and Marlborough Drive, satisfactory to the City Engineer.

13. Prior to building occupancy, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for private improvements located in the public right-of-way including above ground balconies, enhanced paving, and sidewalk underdrains/curb outlets.

14. Prior to the building occupancy, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

15. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

17. Prior to the issuance of any construction permits the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report and any other treatment BMPs identified by the City Engineer.

18. This project proposes to export excavated material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

20. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

21. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

    All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

22. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

23. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

24. The Final Map shall:

    a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

    b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of 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.

SEWER AND WATER

25. The developer 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.

26. No permanent structures, substructures, trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

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

TRANSPORTATION

28. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, construction of a traffic signal at the intersection of Adams Avenue and Kensington Drive, satisfactory to the City Engineer.

29. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, full width improvements along project frontage on Marlborough Drive including 36 feet of pavement, curb, gutter and sidewalk as shown on exhibit "A," satisfactory to the City Engineer.

30. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, half width improvements along project frontage on Edgeware Road including 16 feet of pavement, curb, gutter and sidewalk as shown on exhibit "A," satisfactory to the City Engineer.

31. Prior to the recordation of the first final map, subdivider shall assure by permit and bond, restriping of Adams Avenue from I-15 east to Aldine Drive as a 3-lane facility including a class III bicycle facility, one westbound lane, one eastbound lane and a two-way left turn center lane as shown in Kensington Terrace traffic study, satisfactory to the City Engineer.

32. Prior to the recordation of the first final map the subdivider shall assure by permit and bond, the construction of a raised center median on Adams Avenue between I-15 northbound ramp and mid-block between Terrace Drive and Kensington Drive, satisfactory to the City Engineer.

INFORMATION

- The approval of this Vesting Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the

Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).

- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 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 property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON NOVEMBER 15, 2007.

By _____
Daniel Stricker
Development Project Manager
Development Services Department

Job Order No. 42-6557

RESOLUTION NO. 4333-PC-1

ADOPTED ON NOVEMBER 15, 2007

WHEREAS, on June 16, 2006, TERRACE PARTNERS, L.P., Owner/Permittee, filed an application with the City of San Diego for a for a Tentative Map and Planned Development Permit;

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission of the City of San Diego on November 15, 2007; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 105244; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 105244 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 Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained n said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Diego finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby 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 and incorporated herein by reference.

APPROVED:

By: _____
Daniel Stricker
Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

TENTATIIVE MAP AND PLANNED DEVELOPMENT PERMIT

PROJECT NO. 105244

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. 105244) shall be made conditions of Tentative Map and Planned Development 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*: " Kensington Terrace 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, 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. 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.

HUMAN HEALTH AND PUBLIC SAFETY (Hazardous Materials)

1. Prior to issuance of any demolition or construction permit, the Applicant/Owner/ Permittee shall provide the Assistant Deputy Director (ADD)/Development Services Department (DSD), a copy of the approved Community Health and Safety Plan, Work Plan and Health Risk Assessment (included in the Work Plan or may be a separate document) for the removal of the underground storage tanks and site remediation 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 Underground Storage Tank Removal Program or permit requirements.

2. Prior to the foundation inspection for each building, or project phase, the Applicant/Owner/Permittee shall submit to the ADD of LDR, a Letter of Concurrence/Approval from the County of San Diego DEH confirming that the mitigation measures and site remediation recommended in the Work Plan and Health Risk Assessment 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 County DEH or administrating 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 final building inspection approval or Issuance of Occupancy, the Applicant/Owner/Permittee shall submit to the ADD of LDR a Letter of No Further Action or a similar Letter of Approval from the County of San Diego DEH documenting the environmental assessment and mitigation activities implemented under the Work Plan and Health Risk Assessment has been completed.

TRANSPORTATION/CIRCULATION

1. Using the City of San Diego's Trip Generation Manual, the project shall be restricted in size and uses so that the Average Daily Trips (ADTs) shall not exceed these thresholds: 2,479 ADTs; AM Peak hours (101 ADTs in/32 ADTs out); and PM peak hours (112 ADTs in/142 ADTs out; to the satisfaction of the City Engineer.

2. The applicant shall close all driveways on both Adams Avenue and Marlborough Drive and replace them with full-height curb, gutter, and sidewalk, to the satisfaction of the City Engineer. The project shall not take vehicle access onto neither Adams Avenue nor Marlborough Drive.

3. The applicant shall install a new traffic signal at the intersection of Adams Avenue and Kensington Drive, and shall provide appropriate interconnect with adjacent signals, to the satisfaction of the City Engineer.

4. The applicant shall restripe Adams Avenue from State Highway 15 east to Aldine Drive as a 3-lane facility with a class III bicycle facility with one lane for east bound travel, a two way left turn lane and one lane for west bound travel, to the satisfaction of the City Engineer.

5. The applicant shall install a raised median on Adams Avenue between the northbound ramps for State Route 15 and midblock between Terrace Drive and Kensington Drive, to the satisfaction of the City Engineer.

6. The applicant shall acquire property as necessary and dedicate as necessary and widen Marlborough Drive from Adams Avenue to the first alley north of Adams Avenue to provide 36 feet of pavement with curb, gutter and sidewalk, to the satisfaction of the City Engineer.

7. The applicant shall widen to 20 feet and pave the first alley north of Adams Avenue between Marlborough Drive and Edgeware Drive, to the satisfaction of 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.

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.

ATTACHMENT 8

001177

City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5200

THE CITY OF SAN DIEGO

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Development Permit/ Environmental Determination Appeal Application

FORM DS-3031
MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:
- ☐ Process Two Decision - Appeal to Planning Commission
- ☐ Process Three Decision - Appeal to Planning Commission
- ☑ Process Four Decision - Appeal to City Council
- ☑ Environmental Determination - Appeal to City Council
- ☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant *Please check one* ☐ Applicant ☐ Officially recognized Planning Committee ☑ "Interested Person" (Per M.C. Sec. 113.0103)

Name				
Margaret B. McCann				
Address	**City**	**State**	**Zip Code**	**Telephone**
4650 Edgeware Road	San Diego	CA	92116	619-584-2896

3. Applicant Name *(As shown on the Permit/Approval being appealed). Complete if different from appellant.*

Allard Jansen, AIA, Terrace Partners, L.P.

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
MND 105244;PlnDevPermit 360181;VestTentMap360180	November 15, 2007	Daniel Stricker

Decision (describe the permit/approval decision):
Certify MND No. 105244 and Approve Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180

5. Grounds for Appeal *(Please check all that apply)*
- ☑ Factual Error (Process Three and Four decisions only)
- ☑ Conflict with other matters (Process Three and Four decisions only)
- ☑ Findings Not Supported (Process Three and Four decisions only)
- ☐ New Information (Process Three and Four decisions only)
- ☑ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (*Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.*)

The decision of the Planning Commission to certify the MND was in error based on the inadequacy of the Initial Study, the inability of the evidence to support the analyst's conclusions and the inadequacy of the proposed mitigation. The Commission further erred in approving the Planned Development Permit because the requested height variance contributes to the overall bulk and scale of the project which is incompatible with the surrounding development and inappropriate for this location. The proposed development will cause significant impacts which are detrimental to the health, safety and welfare of the community, and would not be in conformance with the Mid-City Communities Plan. Specifically, 1)the City's adoption of the Final MND improperly relied on a traffic study that contained numerous factual errors and that did not study affected residential streets and alleys. 2) The Initial Study fails to properly analyze the potential environmental impacts from all phases of the project. 3) The finding that the project will not result in a potential adverse impact to community character and aesthetics is not supported. 4) The finding that the project's impact to traffic will be mitigated with restriping and the addition of a traffic signal is unsupported. 5) The cumulative impact analysis is improper and unsupported. 6) The public review and comment period for the draft MND was 19 days, not the 20 days required by CEQA. (Cont. attached)

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Margaret B McCann Date: November 29, 2007

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 - Appeal of Certified Mitigated Negative Declaration No. 105244, Approved Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180 (Continued):

- Inadequate study of pedestrian/vehicle interactions and conflicts. No traffic study performed for residential streets. No traffic study performed for freeway ramps even though threshold exceeded. Adams Avenue is not wide enough for 3 lane collector classification. No Congestion Management Plan study performed even though threshold exceeded.
- Traffic Study contains numerous factual errors (pass-by reductions, credits, potential impact area). Without accurate traffic study data, no basis for mitigation of project traffic routing through intersections and residential streets. The Level of Service of the Adams Avenue roadway segment after mitigation remains at unacceptable significant level under CEQA, State and City roadway standards.
- Impact of the removal of free on-street parking is not mitigated by applicant's pay-to-use parking garage.
- The potential environmental impacts from all phases of the project, including the removal of 22,100 cubic yards of soil, some of which is contaminated from leaking underground fuel storage tanks, was not adequately addressed. Open LUST Case was not disclosed in the MND.
- Project bulk, scale and style are incompatible with the predominant characteristics of the surrounding area and existing commercial character and in conflict with the community plan.
- Single-story bungalows in the residential neighborhood immediately adjacent will be in the shadow of the building during several weeks before and after the winter solstice and no mitigation has been attempted.
- No mitigation for loss of 75 year old eucalyptus that qualifies as Heritage Tree under City of San Diego Conserve a Tree program.
- No mitigation for loss of 1923 Craftsman at 4166 Adams Avenue that had been previously recommended by Historical Resources Board staff as a Historical Resource Site under HRB Criterion C (Architecture).
- Recognized criteria were not employed to determine whether a significant or potentially significant historical resource exists, nor were specific procedures consistent with CEQA or the City's Historical Resources Guidelines used for doing so.
- The required findings to support the approval of the Planned Development Permit for height variance/deviation are not supported, specifically under Municipal Code **§126.0604**.
- The Planning Commission and the City have failed to adopt adequate objectives, criteria and specific procedures consistent with CEQA, including failing to adequately collect, process and adequately analyze information gathered from the community, and adequately investigate all relevant and credible issues brought to its attention during the public comment period.
- The MND states that the project will be restricted in size and uses so that the traffic generated will not exceed stated thresholds, yet the City provides no mechanism for enforcing this restriction. The City Project Manager stated that worst case scenarios were used to generate the ADT estimates, yet the City of San Diego Trip Generation Manual indicates that best case scenario ADTs were used.

Margaret B McCann November 29, 2007