LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY

Item No. 2
Mtg. Date October 20, 2015
Dept. Development Services Department

Item Title: **Public Hearing – Appeal of the Planning Commission Disapproval of Planned Development Permit PDP15-0001 Authorizing a 16 Unit Residential Apartment Development on 0.5 Vacant Acres at 8465 Broadway**

Staff Contact: **Carol Dick, Development Services Director**

Recommendation:

1) Conduct the public hearing; and
2) Approve the Resolution (**Attachment B**) upholding the Planning Commission Disapproval of Planned Development Permit PDP15-0001; or
3) Approve the Resolution (**Attachment C**) overturning the Planning Commission Decision approving Planning Development Permit PDP 15-0001 and Certifying Negative Declaration 15-02.

Item Summary:

On June 22, 2015, the Planning Commission conducted a public hearing and voted unanimously to disapprove PDP 150-0001. The proposed project is located at 8465 Broadway on a 0.51 acre vacant site in the Residential Medium/High Zone. The project consists of a 16 unit apartment development utilizing density bonus provisions with design incentives and minor modifications related to front setback, building height, open space and vehicle parking requirements and subject to affordability restrictions. The attached staff report (**Attachment A**) describes the project, the Planning Commission action and the appeal request in more detail.

Fiscal Impact:

No fiscal impact.

Environmental Review:

☐ Not subject to review
☐ Categorically Exempt
☒ Negative Declaration
☐ Mitigated Negative Declaration

Public Information:

☐ None
☐ Newsletter article
☒ Notice to property owners within 300 ft.
☒ Notice published in local newspaper
☐ Neighborhood meeting

Attachments:

A. Staff Report
B. Resolution upholding Planning Commission Decision
C. Resolution overturning Decision
D. Planning Commission Resolution No. 15-06 Disapproving PDP150-0001
E. Applicant's Correspondence
F. June 22, 2015 Planning Commission Staff Report (except Resolution)
G. June 22, 2015 Planning Commission Draft Minutes
H. Exhibit "A"

Attachment A

LEMON GROVE CITY COUNCIL
STAFF REPORT

Item No. 2

Mtg. Date October 20, 2015

Item Title: **Public Hearing – Appeal of the Planning Commission Disapproval of Planned Development Permit PDP15-0001 Authorizing a 16 Unit Residential Apartment Development on 0.5 Vacant Acres at 8465 Broadway**

Staff Contact: Carol Dick, Development Services Director

Application Summary:

APPLICANT/OWNER:	Suncrest Residential, LLC.
LOCATION:	APN 499-220-53-00.
PROJECT AREA:	0.51 gross acres (22,216 sq. ft.).
EXISTING ZONE:	Residential Medium/High.
GENERAL PLAN LAND USE DESIGNATION:	Medium/High Residential Density. Density is 14.1 to 29 dwelling units per acre. Proposed density is 31 dwelling units per acre.
SURROUNDING PROPERTIES:	North: Broadway, SR94, SR125. South: County of San Diego, Single Family Residential. East: County of San Diego, Single Family Residential. West: Lemon Grove, Multi-family Residential.
ENVIRONMENTAL IMPACT:	A Negative Declaration of Environmental Impact (ND) will be filed subsequent to the adoption and final approval of the proposed project by the Planning Commission. The Initial Environmental Study prepared for this project did not identify any potential environmental impacts and the extended Initial Study investigation did not warrant revisions to the Negative Declaration.

Background:

Mr. Beri Verol of BV Architecture + Development filed a complete application on behalf of Suncrest Residential, LLC on April 15, 2015 and September 16, 2015.

Public notices were sent to property owners within 300 feet of the property and a notice was published for this project for a public hearing scheduled for May 11, 2015 and a second again on June 22,2105. The public hearing was continued at the June 22, 2015 Planning Commission meeting to September 28, 2015, in order to provide the applicant additional time to investigate information regarding the historical use of the site.

Planning Commission Action

Although the Planning Commission disapproved the project, the Planning Commission directed the disapproval towards the findings for the Planned Development Permit (**Attachment D**). The

Attachment A

Planning Commission however, noted that the scale of the project would overwhelm the site and commented that the existing neighborhood character and the size of the lot were not considered enough in the design of the project. The public suggested alternatives during public testimony that may be considered and would be acceptable in this location (**Attachment F**).

Appeal Request

Mr. Ted Koros filed an appeal request and his representative, Mr. Fischbeck submitted a letter outlining the reasons for the appeal and possible design concessions (**Attachment E**). Mr. Koros noted that he disagreed with the Planning Commission decision stating that the project was consistent with the Zoning Code. Mr. Fischbeck's letter discussed the height restrictions noting that the Zoning Code allows for structures higher than neighboring properties and offered a concession to reduce the proposed structure to 45' in height not including a 1 foot high parapet.

Project Description

The September 28, 2015 Planning Commission Staff Report contains a complete description of the project site, the proposed project, deviations, and the complete Environmental Analysis (**Attachment F, pages 29-123**). This staff report also contains copies of the response to the notices. The following information reiterates as well as provides additional details regarding the proposed deviations, Density Bonus provisions, affordable housing and Regional Housing Needs Allocation (RHNA), and hazardous materials status.

Deviations

Deviations to the standards are proposed as noted below and are consistent with State Density Bonus provisions and with specific Lemon Grove Municipal Code (LGMC) provisions (Minor Modifications and Planned Development Permit enhancements and offsets).

The requested Density Bonus incentive is:

> A waiver to LGMC Section 17.16.040 D.5.a. to allow a 4 foot height increase above the 45 foot maximum height allowed in the Residential Medium/High zone. As a side note, according to LGMC Section 17.24.040 D, extensions beyond the maximum allowable height may be approved by the planning director, if every yard is increased by one foot in depth for every two feet in height and in no case shall any residential structure exceed sixty feet in height. All of the yards are increased by more than 8 feet with the exception of the front setback which is reduced by five feet consistent with the minor modification provisions.
>
> Density Bonus Provisions require Cities to also reduce their parking standard to one space per unit for studios and one-bedroom dwelling units. Vehicle parking spaces provided by the project therefore exceed the parking requirement by two spaces. Although the number of parking spaces is technically a reduction of City requirements, this provision is applied as a requirement of State Law and limits the City from requiring parking that exceeds one parking space per bedroom. This parking standard provision does not apply to the total number of incentives that the applicant may obtain as a part of State Density Bonus Laws.

Planned Development Permit regulations (Section 17.28.030) allow deviations from standards when certain equivalent benefits are provided. The proposed project provides outdoor amenities including site furnishings for informal dining/gathering spaces as equivalent benefits for the following deviation from the open space area requirements.

> A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 8,000 square feet of required usable open space. The project provides 3,214 sq. ft. of usable open space, which results in an open space reduction of 4,786 sq. ft. The individual balconies count towards some of the open space and offer the residents an amenity that is encouraged by the Zoning Code. The Planned Development provisions identify the proposed enhanced outdoor amenity as one of nine enhancements that offset deviations. It is important to understand that the open space requirements established in the LGMC appear more difficult to meet with water quality design requirements that take up land area that might otherwise be used for open space amenities.

Minor Modification regulations (Section 17.28.060D) also provides the Development Services Director the ability to determine appropriate minor modifications as reasonable use of property. Because the project is subject to the Planned Development Permit process, the proposed minor modification was forwarded as a part of the project approval:

> Front setback reduction from 25 feet to 20 feet which is no more than a twenty percent reduction of required front, side or rear setback.

Staff originally recommended approval of the proposed Minor Modification and Planned Development Permit offset as designed based on the existing configuration of the parcel, the topographical constraints and the Regional Water Quality requirements.

Affordable Housing and Density Bonus Requirements

The project proposes to utilize State Density Provisions to increase allowable density on the site. Section 65915 of the Government Code allows density bonuses and waivers of development standards (incentives) in exchange for the provision of affordable dwelling units. In exchange for a fourteen percent density bonus (2 units) and one incentive (building height), the City gains up to two additional affordable residential units.

The maximum allowable density within the Residential Medium/High (RM/H) Zone is 29 dwelling units per acre or 14 units on this site. The applicant is proposing 16 units on 0.51 acres which is 31 dwelling units per acre or 14 percent more than the maximum density allowed in the RM/H Zone.

The developer proposes to restrict one to two of the sixteen units to either low-income or to very-low income households. The applicant has the ability to either assign one unit as a very low income unit or two units as low income units. A condition in the original Resolution of Approval required that the affordability of the units be maintained for 55 years for rental dwelling units. If approved, a program would be established to guarantee compliance with this requirement for those 55 years.

In addition to an increase in density, a developer may request, and the City is *required* to provide incentives in exchange for providing affordable housing. In this case, the developer has implemented the parking space reduction and requested one incentive for an increase in the height of the building from a maximum 45 feet to 49 feet as part of the State Housing Law. The City cannot deny a request for this incentive unless it finds that there is specific adverse impact to health, safety or the physical environment that cannot be mitigated. In this case, the Planning Commission has indicated that the project is not acceptable because of the fit into the neighborhood although the discussion was not specific to the height limitation request only. The environmental analysis did not identify any mitigation measures that would be required beyond the standard conditions of approval.

Attachment A

In addition to the waiver of the height restriction, the applicant has requested a waiver of the parking requirements. The waiver of the parking requirement is not counted towards the incentives that establishes the number of required affordable units.

The Density Bonus Law imposes strict conditions upon denials. A city's ability to deny an applicant's request for an incentive/concession must be based on written findings supported by substantial evidence in the record that the incentive/concession:

1. is not required to provide for affordable housing costs;
2. would have a specific, adverse impact on the public health, safety or physical environment and that there is no feasible mitigation; or
3. would violate state or federal law. (Gov. Code § 65015(d)(1).)

A denial of a request for a development standard waiver is similarly restricted (Gove. Code 65915(e)(1)), and the Density Bonus Law does not provide a city with any grounds upon which it can deny a density bonus request.

RHNA

The State has established Regional Housing Needs Allocation (RHNA) targets for each city in order to ensure adequate housing stock. The RHNA targets create a threshold for cities in order to obtain grant and transportation funding. This project works towards the City's goals of meeting its RHNA figures by providing 14 market rate apartments and 1 or 2 affordable units.

Cities are required to submit annual housing reports to the State of California describing the number of units constructed or permitted and the status of its RHNA implementation. Lemon Grove last submitted an annual report in January 2015 for housing generated in 2014. The remaining RHNA by income level identifies that Lemon Grove has met and exceeds very-low income level housing units by 12 units; low income level housing units by 22 units and is deficient in moderate income level by 48 units and above-moderate by 95 units. Any additional very-low or low housing units would further exceed the current RHNA obligations. To generate the annual report and absent recorded restrictions to a specific income level assignment, staff typically conducts a comparative market analysis to determine which categories the residential units belong to in the annual report.

Staff conducted a comparative analysis and believes that in today's market, the units would be reported to the State of California as affordable to low income households. However, if the project is approved as a density bonus project, future market fluctuations would not affect the rental rates of the 1 to 2 units as they would be deed restricted to be available to the low income levels.

The 2015 published income levels for a family of four are noted below:

Extremely Low	$24,800
Very Low	$41,300
Low	$66,100
Median	$75,900
Moderate	$91,100

Hazardous Materials

The applicant submitted a Phase II Subsurface Investigation prepared by Benchmark Environmental Services, Inc. allowing for an additional deemed complete finding and within the timeframe of noticing for the continuation. Staff contacted Mr. Liniewicz to discuss the conclusions and Mr. Liniewicz confirmed that the recommendations identified by SubSurface

Surveys were conducted and supported the conclusions. Staff also contacted the County of San Diego Department of Environmental Health (DEH) to discuss the submitted study and determined that additional third party review should be accomplished as a condition of approval.

Since the September 28, 2015 Planning Commission public hearing, the applicant has discovered an underground storage tank. California Fire Code states that underground storage tanks (fuel) out of service for greater than one year must be removed from the ground pursuant to the California Fire Code Section 5704.2.13.1.3. Innovative Construction Solutions, on behalf of Suncrest Residential LLC, has filed for a permit from the Fire Department to remove the underground storage tank in accordance with the California Fire Code section 5704.2.14 which requires a construction permit be issued by the Fire Department for its removal.

The applicant has also applied to San Diego County Department of Environmental Health (DEH) – Hazardous Materials Division for the removal as well. DEH will issue a permit once the Fire Department has issued its permit expected at the time this staff report was being prepared.

Once the permits are pulled from both agencies the contractor will then schedule the tank pull with the Fire Department and San Diego County Environmental Health – Hazardous Materials for on-site inspections and safeguards prior to and as the tank is being pulled. Once the tank is pulled the Fire Department work is completed and San Diego County Environmental Health – Hazardous Materials will monitor all on-site samples, remediation and manifesting of the tank and its products (if any) and the contamination (if any) cleanup process.

Crime Free Housing

The City Council recently discussed the desire to encourage multifamily housing developments to implement the Crime Free Multi-Housing Program within the City of Lemon Grove. If the City Council chooses to approve the project, staff recommends that the City Council require that this project obtain certification through the San Diego County Crime Free Multi-Housing program including the use of the lease addendum. A condition has been added to the Resolution (**Attachment C**).

Conclusion

Staff recommends that the City Council consider the design concession proposed by the applicant's representative as well as any other suggested design concessions that may arise during this public hearing and approve the project with those modifications or request that the applicant return to the City Council for review and approval of a modified PDP15-0001 project.

Alternatively, the City Council may uphold the Planning Commission disapproval decision (**Attachment B**) or overturn the Planning Commission decision (**Attachment C**).

Attachment B

RESOLUTION NO.

RESOLUTION OF THE LEMON GROVE CITY COUNCIL UPHOLDING THE PLANNING COMMISSION DECISION DISAPPROVING PLANNED DEVELOPMENT PERMIT PDP15-0001 AUTHORIZING A SIXTEEN UNIT RESIDENTIAL APARTMENT DEVELOPMENT ON A VACANT 0.51 ACRE SITE AT 8465 BROADWAY.

WHEREAS, Beri Verol of BV Architecture + Development filed a complete application for a Planned Development Permit on behalf of Suncrest Residential, LLC on April 15, 2015 and September 15, 2015; and

WHEREAS, the application is a request to authorize the construction of a sixteen unit residential apartment development on a 0.51 acre vacant site located at 8465 Broadway; and

WHEREAS, a Negative Declaration (ND15-02) of Environmental Impact was drafted, and

WHEREAS, the Initial Environmental Study prepared for this project did not identify any potential environmental impacts and an additional environmental assessment was conducted verifying that there are no mitigation measures required to be implemented; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on May 11, 2015 where an error was identified in the notice and the Lemon Grove Planning Commission voted to continue the public hearing to June 22, 2015; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on June 22, 2015; and

WHEREAS, additional information regarding the previous use on the site was discussed and the Lemon Grove Planning Commission voted to continue the public hearing to September 28, 2015 to allow the applicant time to conduct a Phase II study and to allow for recirculation of documents, if required; and

WHEREAS, a Phase II study was submitted to the City of Lemon Grove on August 13, 2015; and

WHEREAS, staff reviewed the additional environment assessment and determined that the Phase II study conclusions did not require modifications to the Initial Environmental Study and the Negative Declaration (ND15-02) was not recirculated; and

WHEREAS, a public hearing was continued and held by the Lemon Grove Planning Commission on September 28, 2015; and

WHEREAS, the Planning Commission determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), cannot be made as noted below:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.

    a. This Commission finds that the design of the proposed project including the excessive requested deviations is incompatible and inconsistent with the surrounding neighborhood and inconsistent with the intent of the General Plan which states in part that the future character is to be realized through a gradual transition. The project as proposed creates detrimental effects because the proposed design is significantly out of scale and does not harmonize with the existing neighborhood. The

proposed project does not provide a gradual transition between new development and this established neighborhood nor does the proposed project present a desirable entry into the City.

2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and modifications/deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030) and Variances and Minor Modifications (Section 17.28.060).

   a. This Commission finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the minimum lot setbacks, height, usable open space, and landscape requirements are offset by the provision of affordable units pursuant to State Law and outdoor amenities.

3. That the development is consistent with General Plan policies and standards and other applicable plans or policies adopted by the City Council.

   a. This Commission finds that the planned development is inconsistent with the Lemon Grove General Plan policies and standards because the General Plan requires multi-family development at a form and scale that is compatible with the neighboring development and the project design is not compatible with the lower forms and scale in the neighborhood; and

4. That the development density or intensity does not exceed General Plan limitations.

   a. This Commission finds that the planned development is consistent with the Lemon Grove General Plan because it proposes 16 residential units at a density of 31 dwelling units per acre on a 0.51 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a multi-family development with a maximum of 29 dwelling units per net acre with additional units subject to State Density Bonus provisions; and

5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.

   a. This Commission finds that the public improvements proposed on Broadway allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improves the general welfare of the community; and

WHEREAS, on September 30, 2015, Theodore Koros of Suncrest Residential, LLC filed an appeal request of the Planning Commission decision disapproving Planned Development Permit; and

WHEREAS, a public Hearing was duly noticed and held by the Lemon Grove City Council on October 20, 2015; and

WHEREAS, the City Council deliberated on the findings of fact; and

WHEREAS, the City Council determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), cannot be made as noted below:

1. That the development is not detrimental to the public interest, health, safety, or general welfare

   a. <u>This City Council finds that the design of the proposed project including the</u>

excessive requested deviations is detrimental to the public interest, health, safety and general welfare because it is incompatible and inconsistent with the surrounding neighborhood. The project as proposed creates detrimental effects because the proposed design is significantly out of scale and does not harmonize with the existing neighborhood. The proposed project does not provide a gradual transition between new development and this established neighborhood nor does the proposed project present a desirable entry into the City. The particular design and scale of the proposed structure is not required in order to make the project economically feasible and is not required in order to provide the opportunity for more housing.

2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and modifications/deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030) and Variances and Minor Modifications (Section 17.28.060).

    a. This City Council finds that the proposed project does not adequately comply with the requirements relating to off-street parking, screening, and landscaping because the reduction in the minimum front setback, increase in the allowable height, reduction of usable open space do not provide for an acceptable and reasonable quality environment for the residents.

3. That the development is consistent with General Plan policies and standards and other applicable plans or policies adopted by the City Council.

    a. This Commission finds that the planned development is inconsistent with the Lemon Grove General Plan policies and standards because the General Plan requires multi-family development at a form and scale that is compatible with the neighboring development and the project design is not compatible with the existing residential forms and scale in the neighborhood; and

4. That the development density or intensity does not exceed General Plan limitations.

    a. This City Council finds that the planned development is consistent with the Lemon Grove General Plan because it proposes 16 residential units at a density of 31 dwelling units per acre on a 0.51 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a multi-family development with a maximum of 29 dwelling units per net acre with additional units subject to State Density Bonus provisions; and

5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.

    a. This City Council finds that the public improvements proposed on Broadway allow for safe circulation of pedestrian, bicyclists, and utility systems are adequate for the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby upholds the decision of the Planning Commission disapproving Planned Development Permit PDP150-0001.

Attachment C

RESOLUTION NO.

RESOLUTION OF THE LEMON GROVE CITY COUNCIL OVERTURNING THE PLANNING COMMISSION DECISION AND APPROVING PLANNED DEVELOPMENT PERMIT PDP15-0001 AUTHORIZING A SIXTEEN UNIT RESIDENTIAL APARTMENT DEVELOPMENT ON A VACANT 0.51 ACRE SITE AT 8465 BROADWAY AND CERTIFYING NEGATIVE DECLARATION ND15-02.

WHEREAS, Beri Verol of BV Architecture + Development filed a complete application for a Planned Development Permit on behalf of Suncrest Residential, LLC on April 15, 2015 and September 15, 2015; and

WHEREAS, the application is a request to authorize the construction of a sixteen unit residential apartment development on a vacant 0.51 acre vacant site located at 8465 Broadway; and

WHEREAS, a Negative Declaration (ND15-02) of Environmental Impact will be filed subsequent to the adoption and final approval of the proposed project.

WHEREAS, the Initial Environmental Study prepared for this project did not identify any potential environmental impacts and an additional environmental assessment was conducted verifying that there are no mitigation measures required to be implemented; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on May 11, 2015 where an error was identified in the notice and the Lemon Grove Planning Commission voted to continue the public hearing to June 22, 2015; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on June 22, 2015; and

WHEREAS, additional information regarding the previous use on the site was discussed and the Lemon Grove Planning Commission voted to continue the public hearing to September 28, 2015 to allow the applicant time to conduct a Phase II study and to allow for recirculation of documents, if required; and

WHEREAS, a Phase II study was submitted to the City of Lemon Grove on August 13, 2015; and

WHEREAS, staff reviewed the additional environment assessment and determined that the Phase II study conclusions did not require modifications to the Initial Environmental Study and the Negative Declaration (ND15-02) was not recirculated; and

WHEREAS, a public hearing was continued and held by the Lemon Grove Planning Commission on September 28, 2015; and

WHEREAS, the Planning Commission determined that the Planned Development Permit findings of fact, as required by Section 17.28.030(C), could not be made and disapproved the project; and

WHEREAS, on September 30, 2015, Theodore Koros of Suncrest Residential, LLC filed an appeal request of the Planning Commission decision disapproving Planned Development Permit; and

WHEREAS, a public Hearing was duly noticed and held by the Lemon Grove City Council on October 20, 2015; and

Attachment C

WHEREAS, the City Council deliberated on the findings of fact; and

WHEREAS, the City Council determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), can be made as noted below:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.

    a. This City Council finds that the design of the proposed project complies, or will be made to comply with all of the applicable requirements of the City Zoning, Building and Fire Ordinances and no such detriment should occur.

2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and modifications/deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030) and Variances and Minor Modifications (Section 17.28.060).

    a. This City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the minimum lot setbacks, height, usable open space, and landscape requirements are offset by the provision of affordable units pursuant to State Law and outdoor amenities.

3. That the development is consistent with General Plan policies and standards and other applicable plans or policies adopted by the City Council.

    a. This City Council finds that the planned development is consistent with the Lemon Grove General Plan policies and standards because the General Plan allows multi-family development at the form and scale proposed; and

4. That the development density or intensity does not exceed General Plan limitations.

    a. This City Council finds that the planned development is consistent with the Lemon Grove General Plan because it proposes 16 residential units at a density of 31 dwelling units per acre on a 0.51 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a multi-family development with a maximum of 29 dwelling units per net acre with additional units subject to State Density Bonus provisions; and

5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.

    a. This City Council finds that the public improvements proposed on Broadway allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improves the general welfare of the community; and

WHEREAS, the City Council finds that because the project qualifies for a 10 percent density bonus at low income household provisions or a 5 percent density bonus at a very-low income household provisions pursuant to Government Code Section 65915, the Planned Development Permit is consistent with the Lemon Grove General Plan because it proposes 16 rental units at a density of 31 dwelling units per acre on a 0.51 acre parcel of land in the Medium/High Residential Density land use designation of the Lemon Grove General Plan which allows a maximum of 29 dwelling units per net acre; and

WHEREAS, the City Council has determined that the following incentive and parking standard is required to be provided pursuant to State Density Bonus provisions (Gov. Code

Section 65915):

1. A waiver to Section 17.16.040D.5a. to allow a 4 foot height increase from the 45 foot maximum height allowed in the Medium/High Residential zone.

2. Vehicle parking spaces (18 spaces) consistent with and exceeding the State Provisions which limits the City from requiring more than one parking space per bedroom.

WHEREAS, the City Council has determined that the following deviation as permitted by the Planned Development Permit regulations (Section 17.28.030D) is offset by the enhanced outdoor amenity (built in barbeque and chairs/table):

1. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 8,000 square feet of required usable open space. The project provides 3,214 sq. ft. of usable open space, which results in an open space reduction of 4,786 sq. ft.; and

WHEREAS, the City Council has determined that the following deviation as permitted by the Variances and Minor Modification regulations (Section 17.28.060D) are a reasonable use of the property and meets the following standards:

1. Front setback from 25 feet to 20 feet which is no more than a twenty percent reduction of required front, side or rear setback.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby approves:

SECTION 1. Waivers and modifications to the following Development Standards in accordance with Government Code Section 65915 (Density Bonuses and Other Incentives), LGMC Section 17.28.030D (Deviations) and Section 17.28.060D (Minor Modifications) :

1. A waiver to Section 17.16.040D.5a. to allow a 4 foot height increase above the 45 foot maximum height allowed in the Medium/High Residential zone.

2. Vehicle parking space reduction from twenty parking spaces to eighteen parking spaces which complies with the State Provisions limiting the City from requiring more than one parking space per bedroom.

3. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 8,000 square feet of required usable open space. The project provides 3,214 sq. ft. of usable open space, which results in an open space reduction of 4,786 sq. ft.

4. A minor modification (Section 17.28.060D.1.) of the front setback from 25 feet to 20 feet which is no more than a twenty percent reduction of the required front, side or rear setback.

SECTION 2. Approves Planned Development Permit PDP15-0001 and the grading, site, landscape, and architectural plans dated as received April 15, 2015, August 13, 2015 and September 16, 2015 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a 0.51 acre parcel into 16 residential apartment units with associated site improvements on a vacant site located at 8465.Broadway, Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

Attachment C

A. PRIOR TO ISSUANCE OF AN IMPROVEMENT PERMIT FOR THE SITE DEVELOPMENT AUTHORIZED BY PLANNED DEVELOPMENT PERMIT PDP15-0001:

1. Submit a public improvement plan illustrating construction of public improvements to install and/or repair ADA compliant sidewalks, driveway, street lights and street trees.
2. Submit a grading plan with a “No Further Action” or “Concurrence” letter specific to this site and proposed project from the County of San Diego Voluntary Assistance Program for the proposed private improvements. The grading plan shall contain notes regarding proper procedures and protocol if any previously unknown subsurface materials (contamination and/or cultural resources) are uncovered during grading activity. If subsurface materials of concern are uncovered, the grading or improvement activity shall be halted pending consultation with the City of Lemon Grove and the County of San Diego Department of Environmental Health (DEH) to determine any required remediation to the satisfaction of the City of Lemon Grove, and any State of California and/or Federal Agency with applicable regulatory authority. The satisfaction of this requirement is at the developer’s expense.

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT PDP15-0001:

1. All physical elements of the proposed project shown on the approved plans dated April 15, 2015 and August 13, 2015 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
2. Pay parkland fees, school fees, Helix Water District Capacity fees, Regional Transportation Congestion Improvement Program (RTCIP) fees, sewer connection fees, and other applicable development fees. Heartland Fire & Rescue will charge certain fee’s for plan review, inspection and operational permits at time of plan or permit submission and those fees will be determined at time of plan review, inspection, or permit application.
3. The applicant shall agree to, and the City shall ensure, continued affordability in the form of a deed restriction or covenant in a form acceptable to the City Attorney, of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.
4. The Affordability covenants or restrictions shall be recorded in the office of the County Recorder and shall run with the land and shall be enforceable, against the original owner and successors in interest, by the City of Lemon Grove. The affordable units shall be dispersed throughout the development so that no two affordable units are directly adjacent to one another. Certification of household income shall be established by the City Manager.
5. The applicant shall agree to establish a program identifying compliance with affordability restrictions including annual reports and verifications.
6. Submit a landscape documentation package signed and stamped by a professional licensed in the State of California. The documentation package shall include a detailed landscape and irrigation plan for the entire project. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface

improvements including but not limited to the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code including all worksheets. The landscape plan shall be in substantial conformance to the approved landscape concept plan.

7. The building plans shall be consistent with the approved Planned Development Permit Exhibit A, including the color and materials board, to the satisfaction of the Development Services Director.
8. Private residential, public residential, commercial and industrial fire access roads shall provide an access roadway with a minimum unobstructed width of 20- feet wide and a minimum 13'6" vertical clearance. Additional width requirements may be applied to individual projects as determined by the Fire Marshal. Following review of this project, the required minimum width has been determined to be 20-feet wide and a minimum 13'6" vertical clearance. The project as currently proposed appears to meet these requirements.
9. All dwelling units shall comply with the interior noise level requirements of California Code Title 24.
10. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
11. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
12. Each dwelling unit in the development shall be protected with an approved automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
13. The private driveway is to be designated as a Fire Lane. Fire lanes (20-foot clear with no parking) and fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department along the private vehicular driveway within the project. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the curb shall be painted red to the satisfaction of the City of Lemon Grove Fire District. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.
14. All access roadways and driveways shall maintain a minimum vertical clearance of 13'-6" to the satisfaction of the Fire Marshal.
15. The required fire flow shall be 1,500 GPM for 2-hour duration at 20 PSI residual operating pressure. Documentation is required from the Water Purveyor verifying that the system is capable of meeting the required fire flow prior to building permit issuance. If the system is not capable of meeting the required fire flow documentation shall be provided showing financial arrangements have been made and water system improvement plans have been submitted and approved by Heartland Fire & Rescue and the water purveyor to upgrade the existing system prior to release of building permits. The project as proposed will require the installation of a new fire hydrant as directed by Heartland Fire & Rescue.
16. Water improvement plans shall be approved by Heartland Fire & Rescue prior to recordation. The Developer shall furnish Heartland Fire & Rescue with three (3) copies

of the water improvement plans designed by a Registered Engineer and/or Licensed Contractor. On-site private fire service mains shall have a minimum of eight (8) inch water mains with six (6) inch laterals and risers. Larger pipes maybe required to meet required fire flow requirements. Fire hydrants shall provide one 4 inch port and 2- 2 ½ inch ports and must be an approved fire hydrant type.

17. Prior to combustibles being brought to the site, the developer shall provide written certification from the Water purveyor, dated within the last thirty days, that:

    A. All public fire hydrants required of the project have been installed, tested, and approved by the water Purveyor, and

    B. Are permanently connected to the public water main system, and

    C. Are capable of supplying the required fire flow as required by Heartland Fire & Rescue.

18. The project shall comply with all applicable provisions of the California Fire Code and the California Building Code.

B. PRIOR TO FINAL APPROVAL OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP15-0001:

1. All physical elements of the proposed project shown on the approved plans dated April 15, 2015 except as noted herein shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
2. Permanent residential three-dimensional street numbers, minimum height pursuant to code, shall be provided on the address side of the building at the highest point and furthest projection of the structure. The address shall be visible from the street and shall not be obstructed in any manner.
3. All flammable vegetation shall be removed or trimmed to the satisfaction of the Fire Marshall from each building site with slopes less than 15% at a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less.
4. Fire lane designations shall be required for all fire access roadways as determined by Heartland Fire & Rescue. Posted signs which state “FIRE LANE, NO PARKING” shall be installed every 50 feet. Curbs shall be painted red and stenciled with white letters indicating the same on the face and top of any curb as directed by Heartland Fire & Rescue. All Fire lanes shall be marked and identified prior to Certificate of Occupancy.
5. Fire Apparatus Access roads (all roads in project) shall be usable (paved), accessible and fire hydrant(s) shall be capable of flowing required GPM and shall be tested/accepted by Fire Dept. prior to dropping any lumber for construction.
6. Roadway design features (speed humps, bumps, speed control dips, etc.) which may interfere or delay emergency apparatus responses shall not be installed or allowed to remain on the emergency access roadways.
7. Prior to Fire Department clearance for occupancy, an automatic fire sprinkler system shall be installed. The system shall comply with NFPA #13-R Standard for Automatic Fire Sprinkler Systems-Multi Family Dwelling. Three sets of plans, hydraulic calculations, and material specification’s sheets for all equipment used in the system shall be submitted by a State of California Licensed C-16 Contractor for review, approval, and permits issued prior to commencing work.

C. UPON ESTABLISHMENT OF USE IN RELIANCE OF PERMITS :

1. Comply with all of the Conditions of this resolution.
2. Achieve Certification through the San Diego County Crime Free Multi-Housing Program including use of the Lease Agreement. Provide the City of Lemon Grove copies of the original Certification and subsequent annual renewal certifications.
3. All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All landscaped areas shall be planted and irrigated by a permanent irrigation system.
4. The proposed facility shall fully comply with the requirements of the California Fire Code to the satisfaction of the Fire Chief.
5. All screening fences, and walls on the subject property shall be maintained in good condition at all times.
6. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
7. All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
8. Any deviations proposed from the approved plans relating to the construction of facilities and maintenance of improvements shall substantially conform to the approved plans dated August 11, 2014 to the satisfaction of the Development Services Department.

D. This approval of this Planned Development Permit will expire one year from the date of approval unless prior to that date, the Development Services Director, Planning Commission or City Council subsequently grants a one-year time extension for obtaining such approval of said Permit as provided by the Lemon Grove Municipal Code.

E. The terms and conditions of the Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

/ / / / /
/ / / / /

RESOLUTION NO. 15-06

RESOLUTION OF THE LEMON GROVE PLANNING COMMISSION DISAPPROVING PLANNED DEVELOPMENT PERMIT PDP15-0001 AUTHORIZING THE CONSTRUCTION OF A SIXTEEN UNIT RESIDENTIAL APARTMENT DEVELOPMENT ON A VACANT 0.51 ACRE SITE AT 8465 BROADWAY AND CERTIFYING NEGATIVE DECLARATION ND15-02.

WHEREAS, Beri Verol of BV Architecture + Development filed a complete application for a Planned Development Permit on behalf of Suncrest Residential, LLC on April 15, 2015 and September 15, 2015; and

WHEREAS, the application is a request to authorize the construction of a sixteen unit residential apartment development on a vacant 0.51 acre vacant site located at 8465 Broadway; and

WHEREAS, a Negative Declaration (ND15-02) of Environmental Impact was drafted, and

WHEREAS, the Initial Environmental Study prepared for this project did not identify any potential environmental impacts and an additional environmental assessment was conducted verifying that there are no mitigation measures required to be implemented; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on May 11, 2015 where an error was identified in the notice and the Lemon Grove Planning Commission voted to continue the public hearing to June 22, 2015; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove Planning Commission on June 22, 2015; and

WHEREAS, additional information regarding the previous use on the site was discussed and the Lemon Grove Planning Commission voted to continue the public hearing to September 28, 2015 to allow the applicant time to conduct a Phase II study and to allow for recirculation of documents, if required; and

WHEREAS, a Phase II study was submitted to the City of Lemon Grove on August 13, 2015; and

WHEREAS, staff reviewed the additional environment assessment and determined that the Phase II study conclusions did not require modifications to the Initial Environmental Study and the Negative Declaration (ND15-02) was not recirculated; and

WHEREAS, a public hearing was continued and held by the Lemon Grove Planning Commission on September 28, 2015; and

WHEREAS, the Planning Commission has determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), cannot be made as noted below:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.

    a. This Commission finds that the design of the proposed project including the excessive requested deviations is incompatible and inconsistent with the surrounding neighborhood and inconsistent with the intent of the General Plan which states in part that the future character is to be realized through a gradual transition. The project as proposed creates detrimental effects because the proposed design is

Attachment D

significantly out of scale and does not harmonize with the existing neighborhood. The proposed project does not provide a gradual transition between new development and this established neighborhood nor does the proposed project present a desirable entry into the City.

2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and modifications/deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030) and Variances and Minor Modifications (Section 17.28.060).

   a. This Commission finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the minimum lot setbacks, height, usable open space, and landscape requirements are offset by the provision of affordable units pursuant to State Law and outdoor amenities.

3. That the development is consistent with General Plan policies and standards and other applicable plans or policies adopted by the City Council.

   a. This Commission finds that the planned development is inconsistent with the Lemon Grove General Plan policies and standards because the General Plan requires multi-family development at a form and scale that is compatible with the neighboring development and the project design is not compatible with the lower forms and scale in the neighborhood; and

4. That the development density or intensity does not exceed General Plan limitations.

   a. This Commission finds that the planned development is consistent with the Lemon Grove General Plan because it proposes 16 residential units at a density of 31 dwelling units per acre on a 0.51 acre parcel of land in the Medium/High Density Residential land use designation of the Lemon Grove General Plan which allows a multi-family development with a maximum of 29 dwelling units per net acre with additional units subject to State Density Bonus provisions; and

5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.

   a. This Commission finds that the public improvements proposed on Broadway allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improves the general welfare of the community; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemon Grove, California hereby disapproves Planned Development Permit PDP150-0001.

PASSED AND ADOPTED by the Planning Commission of the City of Lemon Grove, California on **September 28, 2015** by the following vote:

COMMISSIONERS	AYES	NOES	ABSTAIN	ABSENT
Bob Bailey	☒	☐	☐	☐
Regina Caskey	☒	☐	☐	☐
Sean Cole	☒	☐	☐	☐
Susan Yepiz	☒	☐	☐	☐

Attest:

Carol Dick
Development Services Director
Secretary to the Planning Commission

Patti Peterson
Development Services Technician
Clerk to the Planning Commission

09/29/2015

CITY OF LEMON GROVE
SEP 30 2015
DEVELOPMENT SERVICES

Mrs. Carol Dick
City of Lemon Grove
3232 Main Street
Lemon Grove, California 91945

Re: Grove Lofts – 8465 Broadway Lemon Grove, CA 91945
"Developer Appeal to City Council of Planning Commission Decision – Development Permit # 150-0001.

Dear Carol,

Thank you for your time, energy and input through the last several months. We respectfully disagree with planning commission's decision in reference to the above-mentioned project and it is our intent by this notice to appeal their decision to Lemon Grove City Council.

Sincerely,

Theodore A. Koros
Suncrest Residential, LLC
4370 La Jolla Village Dr. Suite 400
San Diego, CA 92122

Phone:858.546.5424
Fax: 858.646.3097
Cell: 858.997.9027
Email: TedK@SuncrestCommercial.com

Attachment E

APPEAL APPLICATION & REQUEST FOR PUBLIC HEARING

Community Development Department / Planning Division
3232 Main Street, Lemon Grove, CA 91945
Phone: 619-825-3805 Fax: 619-825-3818
www.ci.lemon-grove.ca.us

CITY OF LEMON GROVE
SEP 30 2015
DEVELOPMENT SERVICES

APPLICANT: SUNCREST RESIDENTIAL, LLC
ADDRESS: 4370 LA JOLLA VILLAGE DR. #400
SAN DIEGO, CA 92122

PHONE: (858) 546-4424
FAX: (858) 646-3097
EMAIL: TEDK@SUNCREST COMMERCIAL.COM

CASE/PROJECT NUMBER: 150-0001

DECISION /CONDITIONS OF APPROVAL BEING APPEALED (INCLUDE CONDITION ITEM NUMBERS):

PLANNING COMMISSION DECISION ON SEPTEMBER 28TH 2015

DEV PERMIT #150-0001

SPECIFIC REASON(S) FOR APPEAL OR REQUEST FOR PUBLIC HEARING:

THE PROPOSED DESIGN IS SUBSTANTIALLY WITHIN THE PARAMETERS OF THE EXISTING ZONING (MED.-HIGH DENSITY RES.) ADOPTED IN 1996.

Attach additional sheets if necessary.

Applicants Signature

Date 9/29/15

TO BE COMPLETED BY PLANNING STAFF

FILE #(s):
DATE:
FEES: RECEIPT #:

COMMENTS and/or CONDITIONS:

FISCHBECK & OBERNDORFER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
5464 GROSSMONT CENTER DRIVE
THIRD FLOOR
LA MESA, CALIFORNIA 91942
TELEPHONE (619) 464-1200

WILLIAM L. FISCHBECK
E-MAIL: wlf@lamesalaw.com

WEBSITE: www.LaMesaLaw.com
FAX: (619) 464-6471

October 13, 2015

Sent by Email Only

Honorable Mayor Mary Sessom
and City Councilmembers
City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945

Re: Grove Lofts – 8465 Broadway, Lemon Grove, CA 91945
Developer Appeal to City Council of Planning Commission Decision
Development Permit No. 150-0001

Dear Honorable Mayor and City Council Members:

This office is assisting the Applicants on this Appeal who have been pursuing permits to build 16 apartment units on this property which is the very easterly gateway to the City of Lemon Grove. The hearing before the Planning Commission was a disappointment as the project as proposed is the type of project contemplated by the City zoning and General Plan for this area and reflects the building styles that will attract young people to the City. We ask that you consider this appeal as a way to help Lemon Grove move forward.

The Planning Commission, I believe, was simply overwhelmed by the organized and rehearsed opposition from the County residents of the single-family homes to the south. Many of those speaking for the opposition had grown up in those houses decades ago. As is often the case when a long derelict property finally gets investment dollars, the neighbors hate the trash on the property but do not want the development proposed. In my experience, the only project that might meet their expectations is one that has no economic foundation. There is a reason this lot has been unimproved for all these years.

This area of Lemon Grove, along east Broadway, is on the cusp of seeing new investment dollars. This project and the one now in the process of application on the old auto repair property, can change the character of the area if they are allowed to move forward. But that will not, cannot, happen if the applicants are not allowed to develop to the standards set by the multi-

Attachment E

FISCHBECK & OBERNDORFER
A PROFESSIONAL CORPORATION

family residential zoning that is in place for those properties. All of the Cities in this County have realized, especially with the County decision to adopt Plan 2020, that the growth in the County population must be absorbed in the Cities and Villages that already have infrastructure in place. That is coupled with the inescapable fact that we have to build vertically to allow for the growth. Cities cannot pick and choose projects in zones that allow 45 feet of height and then decide that the plans proposed should be rejected because there are neighboring properties that are single story. Investors simply will go elsewhere for their projects to have stability in their expectations.

The opposition has raised no fewer than twenty points in challenging this project. But the testimony presented focused mostly on the height. The project height as presented provides for maximum heights of 48 feet as may be allowed in deviation. However, the applicants have asked their architect to redesign the lower units, changing them to reduce the height by three feet. If the Council approves the appeal and project, they would accept a condition that the height be limited to the zone limit of 45 feet with one additional foot for the parapets. While this may sound simple, it involves a concession in the character of those four units.

This market is an opportunity for this stretch of east Broadway to change permanently. This project is the threshold of that change but needs the Council to support the project and the zoning the City has designated for this area. As I am involved in both the projects that are in process for this area, I want to urge the Council to seize this moment and help foster these important investments in the City.

Thank you for your consideration of these points.

Respectfully submitted,

William L. Fischbeck

WLF:ww
cc: Ted Koros
Carol Dick
Koros/Broadway/Council 10-13-15

LEMON GROVE PLANNING COMMISSION
AGENDA ITEM SUMMARY

Item No. 8(a)
Mtg. Date September 28, 2015
Dept. Development Services Department

Item Title: **Continued Public Hearing to Consider Planned Development Permit PDP15-0001 Authorizing the Construction of a 16 Unit Residential Apartment Development on 0.5 Acres at 8465 Broadway and Certifying Negative Declaration ND15-02**

Staff Contact: **Carol Dick, Development Services Director**

Recommendation:

4) Conduct the public hearing; and
5) Approve the Resolution (**Attachment B**) authorizing the development of the proposed project and Certifying Negative Declaration ND15-02.

Item Summary:

The proposed project is located at 8465 Broadway on a 0.51 acre vacant site in the Residential Medium/High Zone. The applicant is requesting authorization to construct a 16 unit apartment development utilizing density bonus provisions with design incentives and minor modifications related to front setback, building height, open space and vehicle parking requirements and subject to affordability restrictions. The initial public hearing was scheduled for May 11, 2015 and was deferred because the required timeframe was not met. A second public hearing was scheduled for June 22, 2015 and was continued to allow the applicant time to complete an environmental assessment and to allow the project to be noticed again if required. The environmental assessment was completed and the status of the negative declaration did not change. The attached staff report (**Attachment A**) describes the project in more detail.

Fiscal Impact:

No fiscal impact.

Environmental Review:

☐ Not subject to review
☐ Categorically Exempt
☒ Negative Declaration
☐ Mitigated Negative Declaration

Public Information:

☐ None
☐ Newsletter article
☒ Notice to property owners within 300 ft.
☒ Notice published in local newspaper
☐ Neighborhood meeting

Attachments

A. Staff Report
B. Resolution
C. Environmental Initial Study
D. Site sections, photos and rendering
E. Public Comments
F. Public Comments and Response from June 22, 2015 Staff Report
G. Exhibit "A"

Attachment F

Planning Commission Staff Report9/28/15
Attachment A

LEMON GROVE PLANNING COMMISSION
STAFF REPORT

Item No. 8(a)

Mtg. Date September 28, 2015

Item Title: **Continued Public Hearing to Consider Planned Development Permit PDP15-0001 Authorizing the Construction of a 16 Unit Residential Apartment Development on 0.5 Acres at 8465 Broadway and Certifying Negative Declaration ND15-02**

Staff Contact: Carol Dick, Development Services Director

Application Summary:

APPLICANT/OWNER:	Suncrest Residential, LLC.
PROPERTY LOCATION:	APN 499-220-53-00.
PROJECT AREA:	0.51 gross acres (22,216 sq. ft.).
EXISTING ZONE:	Residential Medium/High.
GENERAL PLAN LAND USE DESIGNATION:	Medium/High Residential Density. Density is 14.1 to 29 dwelling units per acre. Proposed density is 31 dwelling units per acre.
SURROUNDING PROPERTIES:	North: Broadway, SR94. South: County of San Diego, Single Family Residential. East: County of San Diego, Single Family Residential. West: Multi-family Residential.
ENVIRONMENTAL IMPACT:	A Negative Declaration of Environmental Impact (ND) will be filed subsequent to the adoption and final approval of the proposed project by the Planning Commission. The Initial Environmental Study prepared for this project did not identify any potential environmental impacts and the extended Initial Study investigation did not warrant revisions to the Negative Declaration.

Background:

Mr. Beri Verol of BV Architecture + Development filed a complete application on behalf of Suncrest Residential, LLC on April 15, 2015 and September 16, 2015.

A notice was mailed to property owners within 300 feet of the property on April 23, 2015 and a notice was published on April 30, 2015 for a public hearing scheduled for May 11, 2015. This

notice timeframe was in error and the Planning Commission Chairman polled the public audience to evaluate attendance for a proposed June 22, 2015 public hearing date.

Based on the affirmative response, the Planning Commission voted to defer the meeting to the next regularly scheduled Planning Commission meeting. A notice was mailed to property owners within 300 feet of the property and a second notice was published on May 28, 2015.

Subsequent to the adjournment of the May 11, 2015 Planning Commission meeting, the developer met with the community members in attendance.

On June 22, 2015, the Planning Commission continued the public hearing to allow the applicant to investigate the history of the property in more detail. The applicant stated that a Phase II Environmental Assessment was expected to be completed in a couple of months. Staff requested that the Planning Commission continue the public hearing to a meeting that would allow for changes to the Initial Study and a new notice if the investigation required a modification of those documents.

On August 19, 2015, the applicant submitted a Phase II Subsurface Investigation prepared by Benchmark Environmental Services, Inc. allowing for an additional deemed complete finding and within the timeframe of noticing for the continuation. Staff contacted Mr. Liniewicz to discuss the conclusions and Mr. Liniewicz confirmed that the recommendations identified by SubSurface Surveys were conducted and supported the conclusions. Staff also contacted the County of San Diego Department of Environmental Health (DEH) to discuss the submitted study and determined that additional third party review should be accomplished as a condition of approval.

The applicant has also submitted revised conceptual landscape plans illustrating additional screening and those plans are attached (**Attachment D**). The Brookside neighborhood and the applicant have met and have submitted additional information and comment letters. A response to some of the comments are outlined in the following sections.

Site and Project Description

The multi-family residential development is proposed on a site in the Residential Medium/High (RM/H) zone which must obtain a planned development permit. This staff report provides a description of the existing site, the proposed project and the conformance to the regulatory framework.

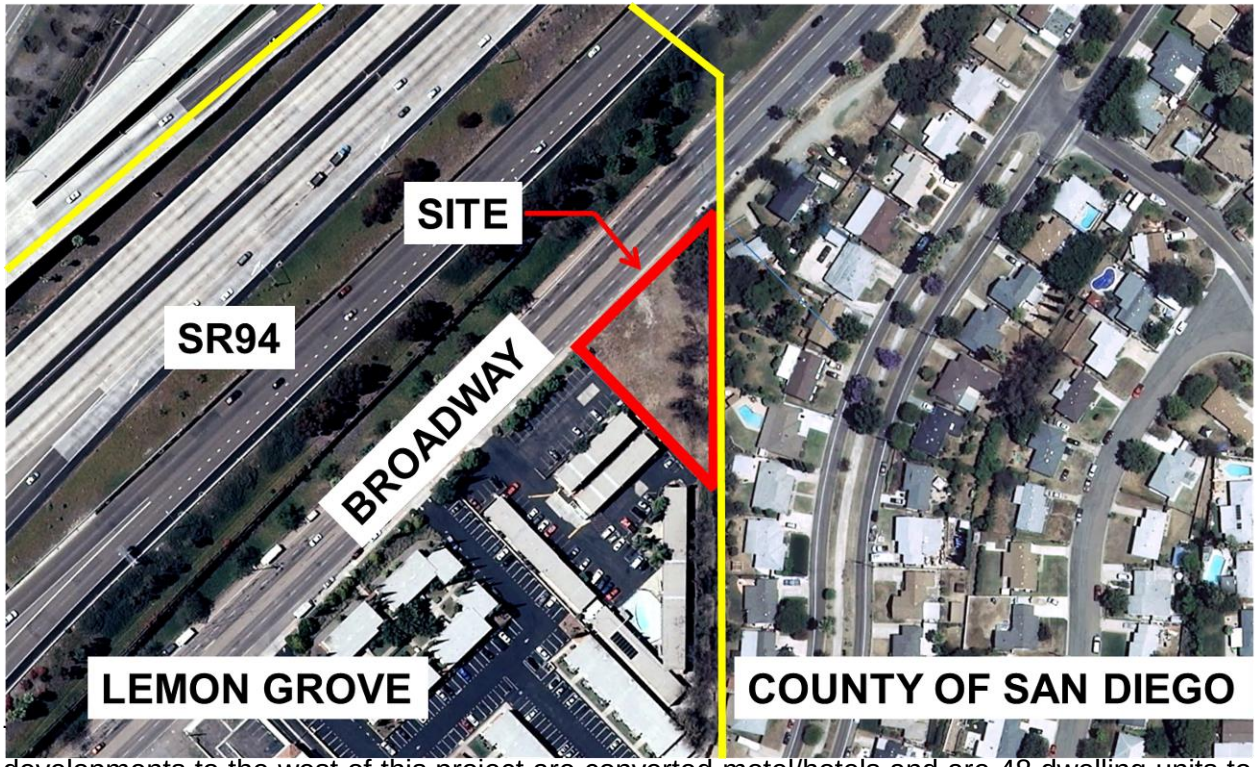
The project site consists of a single, vacant parcel of approximately 0.51 acres (22,216 sq. ft.). The parcel is located at the eastern boundary of the City of Lemon Grove. The existing land uses around the site are residential uses and transportation uses.

The minimum lot width in the Residential Medium/High zone is 60 feet and the minimum depth is 90 feet. The project site is triangular in shape with a width of 145.52’ and a depth (measured at mid-point of project frontage) of approximately 103’.

The vacant site contains weedy vegetation and slopes downwards from Broadway approximately 16 vertical feet from the highest point at the northwesterly corner of the property to the most southwesterly corner of the property in an existing drainage swale. The project will be developed outside of the drainage swale within the upper 4-5 vertical feet below the elevation of Broadway and additional drainage facilities are incorporated on site to meet Regional Water Quality requirements. The configuration of the lot is irregular and the drainage channel and improvements on one edge of the property restrict developable area.

The project fronts on Broadway and the width of the right-of-way is adequate along the frontage of the project. Although dedication of public right-of-way is not required, new street

improvements are needed to meet ADA standards and a condition has been included in the Resolution of Approval.



developments to the west of this project are converted motel/hotels and are 48 dwelling units to the acre (8429 Broadway) and 29 dwelling units to the acre (8413-27 Broadway).

The County of San Diego abuts the property on the south and east. The County properties are within an established single family residential neighborhood referred to as “Brookside” (Village Residential per the Spring Valley Community Plan and zoned RS). The RS zone has a 6,000 sq. ft. minimum lot size with a maximum height limit of 35 feet.

The proposed project consists of 16 studio apartment units in a three story design (loft units) with a communal patio on the ground level and communal terraces on the upper floors. The project provides 18 of the 20 required vehicle parking spaces located in a surface parking lot on the westerly side of the property. The site improvements include grading, excavation and compaction, construction of a three story structure, hardscape, landscape and irrigation, and lighting. The closest bus stop is approximately 1/3 mile east of the site.

The applicant has revised the conceptual landscape plan and submitted cross section illustrations in response to concerns expressed by the Brookside neighborhood (**Attachment D**). The Brookside neighborhood has submitted comments and information regarding the slope between the project and the Brookside neighborhood (**Attachment E**).

Attachment F

Planning Commission Staff Report9/28/15
Attachment A
Land Use Designation and Zone

The development standards for the Residential Medium/High (RM/H) zone and how the proposed project conforms to those criterion standards are listed in the following table.

Criteria	**Standards**	**Project Conformance**
Density (land use)	29 dwelling units per acre (du/ac) or 14 dwelling units for this site.	Proposed 31 du/ac or 16 dwelling units for the site. Density bonus provisions for 2 additional units require 2 units restricted to low income levels or 1 unit restricted to very-low income level households.
Open Space	500 sq. ft. per unit for a total of 8,000 sq.ft.	Total 3,214 sq ft. provided. Proposed deviation of PDP regulations.
	Common 4,000 sq. ft.	Common 2,016 sq. ft. PDP Enhancement: Built in BBQ and Table/Chairs
	Private 4,000 sq.ft.	Private balconies 73 sq. ft to 76 sq. ft per unit for a total of 1,184 sq.ft. (nonconforming to private open space balcony standards)
Parkland	Provide 544.5 sq. ft. of park area per unit or pay $639 Parkland Fee in-lieu fee per unit.	$10,224 (16 units) of Parkland in-lieu fees required.
Min. Lot Area	6,000 sq. ft.	22,216 sq. ft.
Min. Lot Width/Depth	60 feet x 90 feet.	Irregular and triangular in shape.
Setbacks	25 feet front setback.	20 feet. Minor Modification applicable.
	5 feet side setback.	14.5 feet and 36.5 feet
	20 feet rear setback.	92 feet.
Building Height	45 feet.	49 feet. Density Bonus Incentive allowed by State Law.
Max. Building Coverage	None established.	Approximately 19%.
Landscape Area	15% (3,260 sq.ft.).	23% (5,020 sq. ft.).

Criteria	Standards	Project Conformance
Parking	1 space per unit and 1 space for every four for guest parking. Total of 20 required spaces, of which 15 compact standards.	18 spaces provided exceeding the State requirement by two spaces. Density Bonus provision requires one space per unit default parking standard and this provision does not apply to the number of incentives provided.
Bicycle Parking	1 rack for every 10 required parking spaces.	Provided locked storage space in the garage and bicycle rack for two bicycles. PDP Enhancement.

Deviations to the standards are proposed as noted in the table above and are consistent with State Density Bonus provisions and with specific Lemon Grove Municipal Code (LGMC) provisions (Minor Modifications and Planned Development Permit enhancements and offsets).

The requested Density Bonus incentive is:

> A waiver to LGMC Section 17.16.040 D.5.a. to allow a 4 foot height increase above the 45 foot maximum height allowed in the Residential Medium/High zone. According to LGMC Section 17.24.040 D, extensions beyond the maximum allowable height may be approved by the planning director, if every yard is increased by one foot in depth for every two feet in height and in no case shall any residential structure exceed sixty feet in height. All of the yards are increased by more than 8 feet with the exception of the front setback which is reduced by five feet consistent with the minor modification provisions.
>
> Density Bonus Provisions require Cities to also reduce their parking standard to one space per unit for studios and one-bedroom dwelling units. Vehicle parking spaces provided by the project therefore exceed the parking requirement by two spaces. Although the number of parking spaces is technically a reduction of City requirements, this provision is applied as a requirement of State Law and limits the City from requiring parking that exceeds one parking space per bedroom. This parking standard provision does not apply to the total number of incentives that the applicant may obtain as a part of State Density Bonus Laws.

Planned Development Permit regulations (Section 17.28.030) allow deviations from standards when certain equivalent benefits are provided. The proposed project provides outdoor amenities, such as site furnishings and informal dining/gathering spaces as equivalent benefits for the following deviation from the open space area requirements.

1. A waiver of Section 17.16.040D6 (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The Development Code requires 500 square feet of usable open space per dwelling unit, resulting in a total of 8,000 square feet of required usable open space. The project provides 3,214 sq. ft. of usable open space, which results in an open space reduction of 4,786 sq. ft. The Planned Development provisions identify the proposed enhanced outdoor amenity as one of nine enhancements that offset deviations.

Minor Modification regulations (Section 17.28.060D) also provides the Development Services Director the ability to determine appropriate minor modifications as reasonable use of property. Because the project is subject to the Planned Development Permit process, the proposed minor modification is forwarded as a part of the project approval:

1. Front setback reduction from 25 feet to 20 feet which is no more than a twenty percent reduction of required front, side or rear setback.

Staff recommends approval of the proposed Minor Modification and Planned Development Permit offset as designed based on the existing configuration of the parcel, the topographical constraints and the Regional Water Quality requirements.

Building Design

The building floor plan consists of 16-apartment loft studios approximately 546 sq. ft. each. There are four units on the lower level of which two are ADA compliant units. Each unit has a 73 to 76 square foot outdoor balcony. Levels two and three each contain six units. The lower level patio terrace is larger than the two upper communal terraces and contains a built-in barbeque with tables and chairs. The lower terrace is adjacent to the top bank of the drainage swale.

The building finish floor is approximately 2 -3 feet lower than the grade elevation on Broadway. The height of the proposed structure exceeds the height limit of the RMH zone by 4 four feet. Although the increase in height is proposed as an incentive, the Lemon Grove Municipal Code (LGMC) recognizes deviations from height limits where a structure can achieve greater setback yards (front, side and rear). This project cannot technically achieve compliance with this provision because of the proposed five foot reduction in the front setback. The provision requires that for every foot above the height limit, every yard is increased by two feet and in this case, the required setbacks would then be 33 feet for the front yard, 13 feet for the side yard and 28 feet for the rear yard. The project design includes a 20 front setback, a 14.5 foot setback from the easterly side property line and a 36.5 foot setback from the westerly side property line and 92 feet from the rear setback.

Affordable Housing and Density Bonus Requirements

The project proposes to utilize State Density Provisions to increase allowable density on the site. Section 65915 of the Government Code allows density bonuses and waivers of development standards (incentives) in exchange for the provision of affordable dwelling units. In exchange for a fourteen percent density bonus (2 units) and one incentive (building height), the City gains two additional affordable residential units. The developer proposes to restrict one to two of the sixteen units to either low-income (less than eighty percent of the area median income) or to very-low income (less than fifty percent of the area median income) households.

The maximum allowable density within the Residential Medium/High (RM/H) Zone is 29 dwelling units per acre or 14 units on this site. The applicant is proposing 16 units on 0.51 acres which is 31 dwelling units per acre or 14 percent more than the maximum density allowed in the RM/H Zone.

In addition to an increase in density, a developer may request, and the City is *required* to provide incentives (deviations from the Municipal Code standards) in exchange for providing affordable housing. In this case, the developer has implemented the parking space reduction and requested one incentive for an increase in the height of the building from a maximum 45 feet to 49 feet as part of the State Housing Law. The City cannot deny a request for this incentive unless it finds that there is specific adverse impact to health, safety or the physical environment that cannot be mitigated. In this case, the project as designed complies with, or will

be made to comply with as standard conditions of approval and all applicable health and safety codes. The environmental analysis did not identify any mitigation measures that would be required beyond the standard conditions of approval.

A condition in the Resolution of Approval requires that the affordability of the units be maintained for 55 years for rental dwelling units. A program will be established to guarantee compliance with this requirement for those 55 years.

The State has established Regional Housing Needs Allocation (RHNA) targets for each city in order to ensure adequate housing stock. The RHNA targets create a threshold for cities in order to obtain grant and transportation funding. This project works towards the City's goals of meeting its RHNA figures by providing 14 market rate apartments and 1 or 2 affordable units.

Landscaping/Screening

The RM/H zone requires 15 percent of the lot be landscaped. The project as designed contains 23 percent of the lot in landscape and provides the required six street trees. The applicant has revised the plan to increase the screening potential at the rear of the property including additional trees and an 8 foot high fence. The neighbors have requested that the screening be required in perpetuity and the fence was requested to reduce glare from vehicle headlights. The applicant is required to submit a Landscape Documentation Package at the time of building permit submittal that conforms to LGMC Title 17 and Chapter 18.44.

The plans show an appropriate recyclable and trash enclosure.

Traffic

The environmental initial study reviewed traffic associated with the project and the projected average vehicle trips for the proposed project is 96 Average Daily Trips. The analysis concluded that the existing and projected trips generated by the project do not create significant traffic impacts.

Noise

The City of Lemon Grove General Plan identifies the site within an area that is affected by the traffic noise generated by vehicles on SR94 and Broadway. The residential units facing north will be exposed to noise levels exceeding the 60 dbL noise thresholds as established by the General Plan. Specific construction assemblies are required to ensure that the interior levels as well as exterior patio levels are reduced. Operable windows will require that the units are provided with air conditioning units. The units are portable and are required as a part of the noise attenuation to meet Title 24 CBC.

A letter from the acoustical consultant will be required to verify that the construction plans show conformance with this requirement prior to issuance of a building permit. These requirements have been included as conditions in the Resolution of Approval.

Sanitation District

The project will be connected to the Lemon Grove Sanitation District sewer system via laterals to be maintained by the property owner. The project requires submittal of improvement plans to Engineering for approvals and permits. The improvement plans and construction shall be to the satisfaction of the City Engineer.

Attachment F

Planning Commission Staff Report9/28/15
Attachment A
Drainage/Water Quality

The applicant prepared a Water Quality Technical Report and a Drainage Study for this project. The implementation, construction and on-going maintenance of the project components recommended in these reports are included as conditions in the Resolution of Approval.

Fire Department Requirements

The Fire Department has reviewed the proposed project and requires that the project comply with all applicable provisions of the California Fire Code and the California Building Code to the satisfaction of the Fire Chief. The Resolution of Approval includes detailed conditions.

Building Code Requirements

The Building Department has included a condition in the Resolution of Approval requiring that the building and equipment comply with the applicable provisions of the California Building Code to the satisfaction of the Building Official.

Lighting

Plans submitted for building permits must show conformance to the Title 24 Requirements. These requirements have been included as conditions in the Resolution of Approval.

Comments in Response to the Notice of Public Hearing and Environmental Analysis

The City of Lemon Grove has received written comments in response to the Notice of Public Hearing, Environmental Analysis and those comments are attached to this report.

In response to a public records request, the Brookside neighborhood obtained a copy of the Phase II study and submitted a comment letter in response to the study (**Attachment E**). It is important to note that the study has been submitted and concluded that the materials were all within acceptable levels. The Brookside neighbors' letter expressed concern about technical aspects of the report. Although the City accepts reports prepared by certified or licensed professional, staff recommends that the applicant submit the report to the County of San Diego Voluntary Assistance Program (VAP) for a third party review.

The County of San Diego Department of Environmental Health administers the VAP program to offer customized assistance to property owners and interested parties to address these concerns. A condition requesting a "No Further Action" or "Concurrence" letter from DEH shall be submitted to the City of Lemon Grove prior to issuance of a grading permit. Staff also recommends that a condition be included that addresses other subsurface issues that may be exposed through the construction activity. This condition has also been included in the resolution to ensure proper protocol is followed.

Expiration Date of the Planned Development Permit

Planned Development Permits expire within 1 year unless the applicant has obtained permits or has committed substantial investment towards obtaining permits as determined by the Development Services Director.

Public Information:

The Notice of Public Hearing was published in the April 30, 2015 and May 28, 2015 editions of the East County Californian and mailed to all property owners within 300 feet of the subject property.

Conclusion:

Staff recommends that the Planning Commission approve the Resolution of Approval and Certify the Negative Declaration (**Attachment B**).

Attachment F

Planning Commission Staff Report9/28/15

Attachment B

Attachment B Resolution of Approval for Planning Commission action removed from 10/20/15 Staff report for clarity. Planning Commission did not adopt this Resolution. The original Resolution of Approval has been modified for City Council consideration as a Resolution overturning the Planning Commission decision (Attachment C).

ENVIRONMENTAL CHECKLIST FORM
CITY OF LEMON GROVE
DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL ASSESSMENT NO. ND15-02

1. **Project Title:** Planned Development Permit 150-0001 Broadway Lofts

2. **Lead Agency Name and Address:** City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945

3. **Contact Person and Phone Number:** Carol Dick, Development Services Director
(619) 825-3806

4. **Project Location:** A vacant parcel located at 8465 Broadway, Lemon Grove, CA. Assessor's Parcel Number: 499-220-53-00

5. **Project Sponsor's Name and Address:** Suncrest Residential, LLC, 4370 La Jolla Village Drive, #400, San Diego, CA 92111 **Phone:** (619) 582-1000

6. **General Plan Designation:** The site is located in the Medium / High Residential Density Land Use

7. **Zoning:** The site is located in the Residential Medium / High zone.

8. **Description of the Project:** The proposed project is a request to authorize the construction of a 16 unit apartment building utilizing density bonus provisions with design incentives and minor modifications regarding front setback and vehicle parking requirements and subject to affordability restrictions. The project includes a three story building, communal areas, surface parking lot, landscape and drainage improvements. The project is located on a 0.5 acre vacant lot in the Residential Medium/High zone.

9. **Surrounding Land Uses and Setting:** The site is located in a developed urban commercial and residential area. The site is surrounded by transportation, commercial and residential land uses. SR94, SR125 and Broadway are on the north of the project area, and single family residential development in the County of San Diego is on the south of the project area. The project area is a triangular shaped lot that currently contains weedy vegetation and an approximate 7 foot downward slopes at the southerly edge of the project.

10. **Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement):** None

Attachment F

Planning Commission Staff Report9/28/15
Attachment C
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors highlighted below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

___X_I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

_____I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

_____I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

_____I find that the proposed project MAY have a "potential significant impact" or " potentially significant unless mitigated" impact on the environment, but a least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addresses.

_____I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in and earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

On file April 28, 2015
Signature Date

Carol Dick, Development Services Director City of Lemon Grove
Printed Name For

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on the project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project.

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particularly physical impact may occur, then the checklist answers must indicated whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact". The lead agency musty describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis", may be cross-referenced).

5. Earlier analysis may be used where, pursuant to the tiering, program EIR or other CEQA process, and effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
   a)Earlier Analysis used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated" describe the mitigation measures which were incorporated or refined from the earlier document and extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances, etc.). Reference to a previously prepared or outside document should where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: a source list should be attached and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form and lead agencies are free to use different formats: however, lead agencies should normally address the questions from this checklist that relevant to the project's environmental effects in whatever format is selected.

9. The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUES AND SUPPORTING INFORMATION

1. AESTHETICS. Would the Project:
a) Have a substantial adverse effect on a scenic vista?
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic?
c) Substantially degrade the existing visual character or quality of the site and its surroundings?
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
___**X**__Less Than Significant Impact
_____No Impact

Discussion:
The site is located in a developed urbanized area. The site is not located in or near a scenic vista or scenic highway. The project area consists of single-family residences, multi-family condominiums, a residential care facility, and auto repair land uses on developed sites with ornamental landscape. The proposed multi-family residential project will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes.
Source: 1, 2, 3, 4

2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
___**X**__No Impact

Discussion:
The project is located within a developed urban commercial area. The property is not located in an area used for agricultural purposes and no such impacts will occur.
Source: 1, 2, 3, 4

3. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
c) Results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under any applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors?
d) Expose sensitive receptors to substantial pollutant concentrations?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
___**X**__Less Than Significant Impact
_____No Impact

Discussion:
The project is not expected to result in a future increase in traffic because the projected average vehicle trips for the proposed project is 96 ADT. An evaluation of existing land uses occurred as a result of a proposed general plan amendment and zoning amendment to revise commercial uses to residential uses identified an approximate reduction of 737 trips less than the projected vehicle trips for the subject area if built out at 29 dwelling units per acre. No significant impact on air resources is likely to occur. The Master Environmental Impact Report (MEIR) for the City of Lemon Grove's General Plan anticipates air quality impacts associated with the build out of Lemon Grove but not to a level of significance. The cumulative air quality impacts will remain significant and unmitigated. However, this project is not considered to result in a cumulatively considerable net increase of any criteria pollutant. Standard conditions of future development project approval will require the control of dust during site grading and construction.
Source: 1, 2, 3, 4, 6

4. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of fish and Game or U.S. Fish and Wildlife service?
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plan, policies, regulations or by the California Department of Fish and Game or U.S. Wildlife service?
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to march vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any resident, migratory wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan and other approved local, regional, or state habitat conservation plan?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
__X__No Impact

Discussion:
The MEIR for the City of Lemon Grove's General Plan confirms there are no known sensitive biological resources, riparian habitat, or wetlands within the project area.
Source: 1, 2, 3, 5

5. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
__X__No Impact

Discussion:
The site is a vacant 0.5 site that has been previously graded and used for soil and debris stockpiles. The site contains drainage and utility infrastructure as well as Broadway roadway slope and is highly disturbed. Unconsolidated materials vary from approximately one foot in depth near Broadway to nine feet in depth at the rear of the site. The proposed conceptual grading plan shows removal of these materials and compaction. The project will comply with the recommendations in the final geotechnical study submitted for the site improvements and building permit. There are no historical or archaeological resources in this area and impacts to paleontological resources are not expected.
Source: 1, 2, 3

6. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on the other substantial evidence of a known fault? Refer

to Division of Mines and Geology Special Publication 42. (ii) Strong seismic ground shaking? (iii) Seismic-related ground failure, including liquefaction? (iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

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

d) Locate on the expansive soil, as defined in Table 18-I-b of the Uniform Building Code (1997), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
__X__Less Than Significant Impact
_____No Impact

Discussion:
The site is a vacant 0.5 site that appears to have been previously graded and uses for a soil stockpiles. Fill materials vary from approximately one foot to nine feet at the rear of the site. The proposed conceptual grading plan requires compaction, but maximum depth is 3-4' near Broadway. The project will comply with the recommendations in the final geotechnical study submitted for the site improvements and building permit. New structures will be required to comply with the current seismic requirements of the California Building Code. Like most urban areas in Southern California, Lemon Grove is subject to earthquakes. The project site is not located in an Earthquake Fault Zone according to the Alquist-Priolo Earthquake Fault Zoning Act and no active faults or ground ruptures have been mapped underlying the site or within the City of Lemon Grove. Active regional faults may cause ground shaking in Lemon Grove. Typical erosion control measures will be required during site grading.
Source: 1, 2, 3, 4

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous material sites complied pursuant to Government Code Section 65962.5 and , as a result would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the area?

f) For a project within the vicinity of a private airstrip would the project result in a safety hazard for people resident or working in the project area?

g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
___X__No Impact

Discussion:
The development of the multi-family residential project will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes. An environmental assessment was prepared for the project applicant and no hazards or hazardous materials were found or expected.

The subject property is not located within the Influence Area of a private airstrip or public airport.

The project is located within an urbanized area and there are no wildlands located within the vicinity of the subject property.
Source: 1, 2, 3, 5, 7

8. HYDROLOGY AND WATER QUALITY. Would the project:
a) Violate any water quality standards or waste discharge requirements?
b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level ((e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
c) Substantially alter existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would resulting a substantial erosion or siltation on- or off-site?
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of surface runoff in a manner which would resulting flooding on- or off-site.
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
f) Otherwise substantially degrade water quality?
g) Place housing within a 100-year floodplain on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
i) Expose people or structures to significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
j) Inundation by seiche, tsunami, or mudflow?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
___X__No Impact

Discussion:
The project concepts comply with the Regional Water Quality Board regulations and requirements and the proposed construction documents shall be consistent with the entitlement approvals. The Lemon Grove Municipal Code requires that the construction documents submitted to the City of Lemon Grove for permits shall conform to the Regional Water Quality Board regulations and requirements.

This project is not located in a flood plain or zone and is not subject to flooding.
Source: 1, 2, 3, 4, 5

9. LAND USE PLANNING. Would the project:
a) Physically divide an established community?
b) Conflict with an applicable land use plan, policy or regulation of agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating environmental effect?
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
__X__No Impact

Discussion:
The project will not divide the community. The majority of properties on the south side of Broadway east of Sweetwater Road and to the City boundary are developed as residential land uses and this project is compatible with those existing uses. Beyond the city boundaries are multifamily and single family development.

The FAA Notice Criteria Tool has identified the project area in proximity to a navigation facility and in accordance with CFT Title 14 Part 77.9, development specifics must be filed with the FAA prior to construction.
Source: 1, 2, 3, 4, 5, 8

10. MINERAL RESOURCES. Would the project:
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
__X__No Impact

Discussion:
There are no known mineral resources of value located within the City of Lemon Grove.
Source: 1, 2

11. NOISE. Would the project:

a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?

c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) Result in a substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public use airport, would the project expose people residing or working in the area to excessive noise levels?

f) For a project within vicinity of a private airstrip would the project expose people residing or working in the project area to excessive noise levels?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
__X__Less Than Significant Impact
_____No Impact

Discussion:
The proposed project will not introduce significant noise sources in the vicinity that are inconsistent with the surrounding area. The surrounding land uses include single-family and multifamily residences to the south and east in the County of San Diego, the SR-125 freeway to the west and north, the SR-94 freeway to the north, and a public storage facility, multi-family residences, and single-family residences in the County of San Diego to the east. The project construction will be required to comply with the California Building Code.

The SR-94 and SR-125 are noise sources within close proximity of the project. Figure N-2 in the 1996 General Plan indicates that the project area is located within an area encompassing 75 db CNEL noise levels or less. The MEIR for the General Plan states that residential uses with existing noise levels below 75 db CNEL is normally unacceptable and a detailed analysis of the noise reduction requirements must be made and the needed noise insulation features included in the design.

The subject property is not located within the Influence Area of a private airstrip or public airport as it relates to noise .
Source: 1, 2, 3, 4

12. POPULATION AND HOUSING. Would the project:

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

b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing units elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

_____Potentially significant Impact

_____Less than Significant with Mitigation Incorporated
___X__Less Than Significant Impact
_____No Impact

Discussion:
The project will not induce substantial population growth. The project does not displace existing housing units or numbers of people.
Source: 1, 2, 3

13. **PUBLIC SERVICES**. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
a) Fire protection?
b) Police protection?
c) Schools?
d) Parks?
e) Other public facilities?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
___X__Less Than Significant Impact
_____No Impact

Discussion:
Services are adequate to support the project.
Source: 1, 2, 3, 5

14. **RECREATION**. Would the project:
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
___X__Less Than Significant Impact
_____No Impact

Discussion:
The proposed project will cause a minor increase in the demand on recreational services in the community and parkland fees will be required to be submitted prior to occupancy of the structure. A parkland fee is required pursuant to the Lemon Grove Municipal Code.
Source: 1, 2, 3, 4

15. **TRANSPORTATION/TRAFFIC.** Would the project:
a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., resulting a substantial increase in either the

number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?

b) Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

d) Substantially increase hazards to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (e.g. farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
___**X**_Less Than Significant Impact
_____No Impact

Discussion:
The project is not expected to result in a future increase in traffic because the projected average vehicle trips for the proposed project is 96 ADT. An evaluation of existing land uses occurred as a result of a proposed general plan amendment and zoning amendment in the area to revise commercial uses to residential uses and identified an approximate reduction of 737 trips less than the projected vehicle trips for the subject area if built out at 29 dwelling units per acre. No significant impact on existing traffic loads and capacities is likely to occur. East Broadway would operate at a Level of Service (LOS) D or higher at 33,400 average daily trips (ADT). The SANDAG 2050 Forecast estimates 30,600 daily trips for this section of Broadway and the proposed traffic would be below the acceptable LOS D standard.

Development within the area is required to file an application to the FAA for a determination regarding impacts to the navigation aids in the area.
Source: 1, 2, 3, 4, 6, 7, 8

16. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment facilities which services or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with the federal, state, and local statues and regulations related to solid waste?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
___X_Less Than Significant Impact
_____No Impact

Discussion:
The project consists of 16 additional dwelling units. The proposed projects will increase the demand for utilities and service systems, but can be made to meet those demands with facilities that do not cause significant environmental effect.
Source: 1, 2, 3, 4

17. MANDATORY FINDINGS OF SIGNIFICANCE.

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

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
___X__No Impact

Discussion:
The project consists of the development of a 0.5 acre parcel in an urban environment. The project site is disturbed from surrounding construction activities over the past decades and has often been an attractive nuisance for dumping trash and debris. The development of the site will reduce the potential for undesirable nuisance activity. Residential land uses are required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively Considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
___X___No Impact

Discussion:
A recent General Plan Amendment and Zoning Amendment identified that this project and other future residential development would not contribute cumulatively considerable impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Attachment F

Planning Commission Staff Report9/28/15
Attachment C

_____Potentially significant Impact
_____Less than Significant with Mitigation Incorporated
_____Less Than Significant Impact
___**X**__No Impact

Discussion:
The proposed project will not cause a substantial adverse effect on human beings.
Source: 1, 2, 3, 4

In view of the above analysis, it is determined that the project will not have a significant impact on the environment and an environmental impact report is not required.

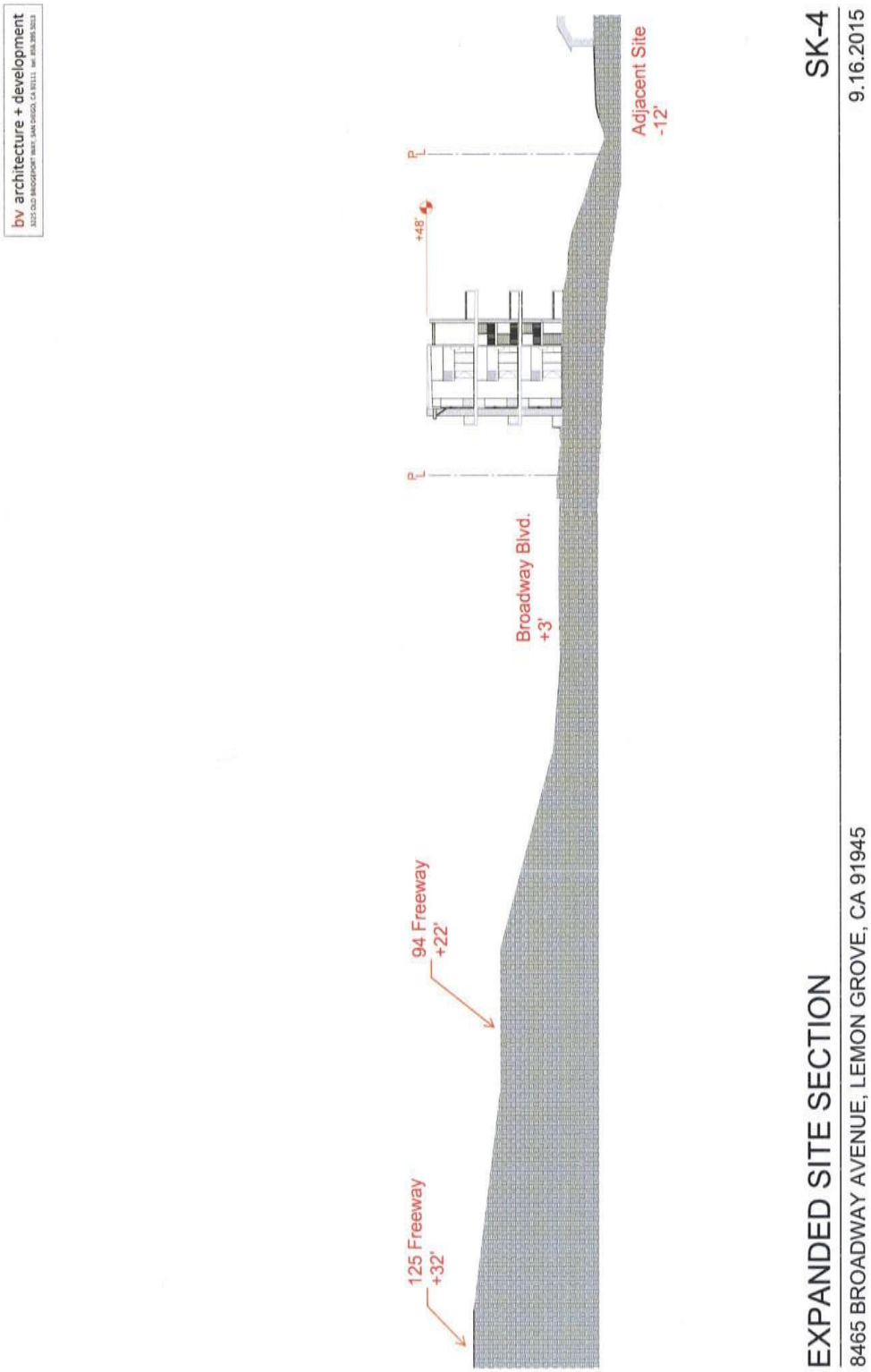
EARLIER ANALYSIS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents prepared and utilized in this analysis are listed below. All of the documents are available at the City of Lemon Grove, Development Services Department, 3232 Main Street, Lemon Grove.

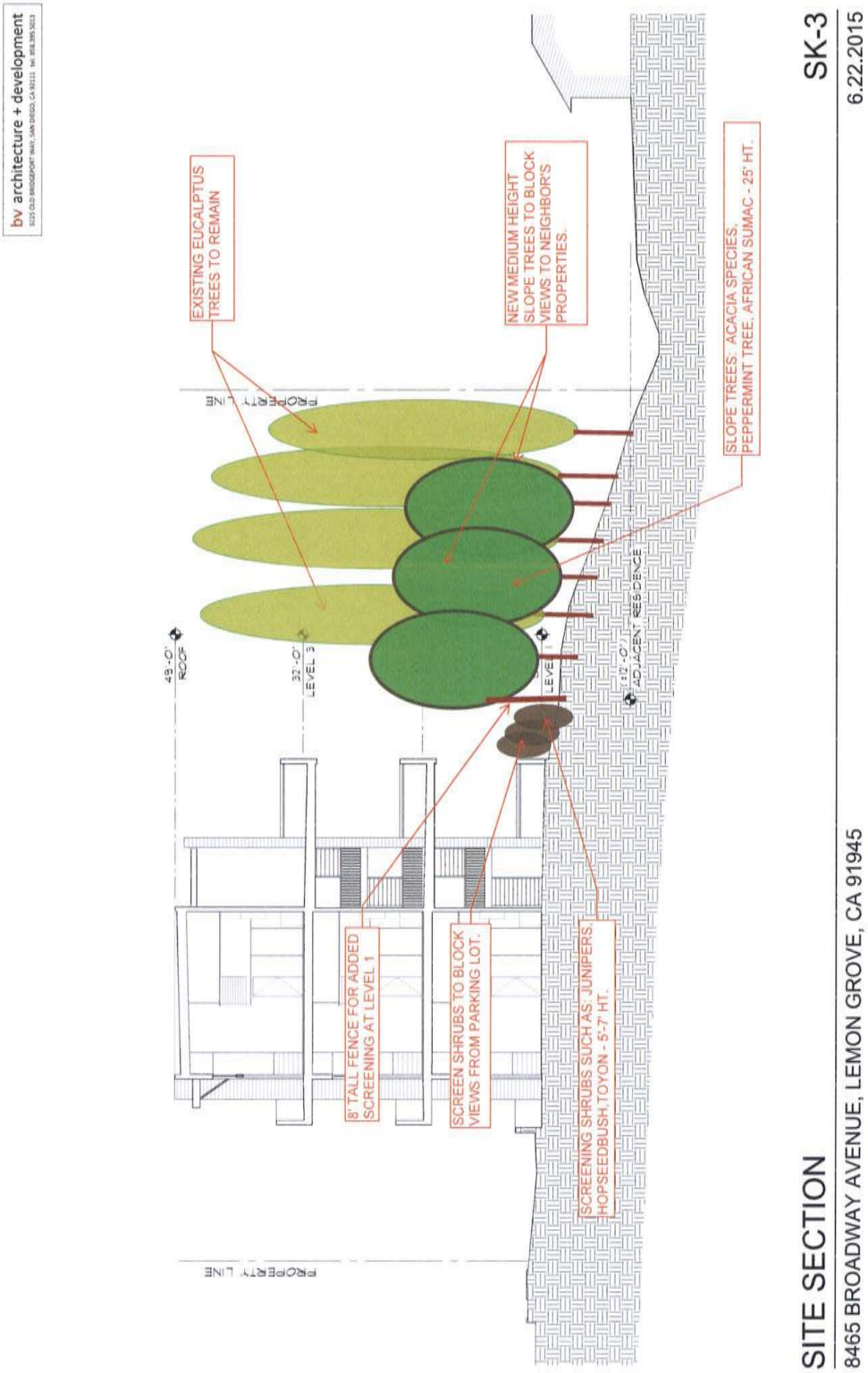
Reference #	**Document Title**
1.	City of Lemon Grove General Plan
2.	Master Environmental Impact Report for the Lemon Grove General Plan
3.	Application submitted by Suncrest Residential, LLC.
4.	City of Lemon Grove Municipal Code
5.	Firm Insurance Rate Map Community Panel No. 06073C1910G May 16, 2012
6.	Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, SANDAG; April 2002
7.	Montgomery Field Airport Land Use Compatibility Plan, May 2009
8.	FAA Notice Criteria Tool

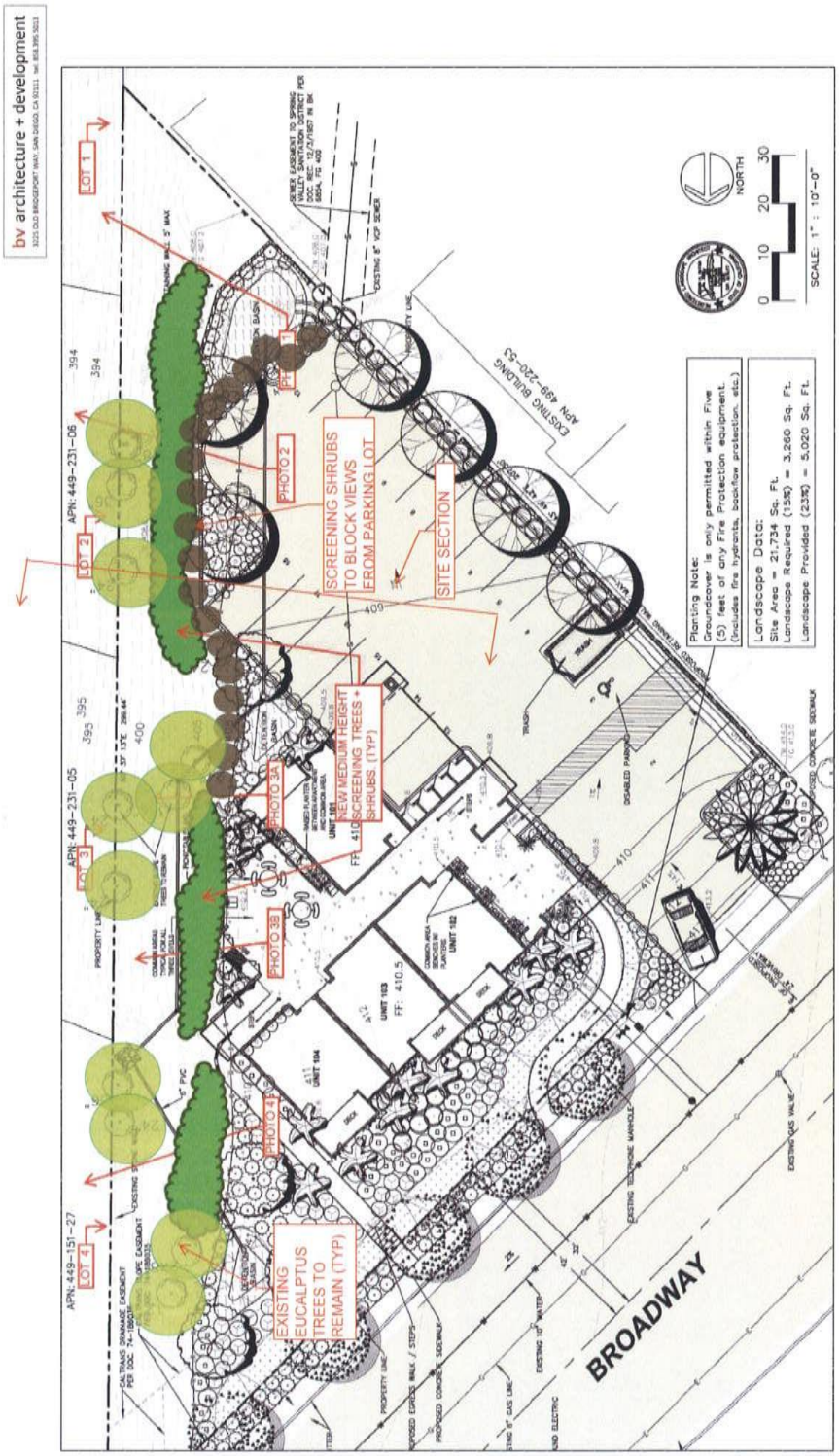
Individuals and Organizations Consulted
Carol Dick, Development Services Director, City of Lemon Grove
Dave DeVries, Principal Planner, City of Lemon Grove
Tamara O'Neal, Interim City Engineer, City of Lemon Grove
Chris Jensen, Deputy Fire Marshal, Heartland Fire & Rescue


bv architecture + development
+48'
P.L.
P.L.
Adjacent Site
-12'
Broadway Blvd.
+3'
94 Freeway
+22'
125 Freeway
+32'
EXPANDED SITE SECTION
8465 BROADWAY AVENUE, LEMON GROVE, CA 91945
SK-4
9.16.2015

Attachment F

Planning Commission Staff Report9/28/15
Attachment D





SK-4

6.22.2015

LANDSCAPE SCREENING

8465 BROADWAY AVENUE, LEMON GROVE, CA 91945

Attachment F

Planning Commission Staff Report9/28/15
Attachment D

bv architecture + development
3223 OLD BRIDGEPORT WAY, SAN DIEGO, CA 92111 tel: 858.395.3023

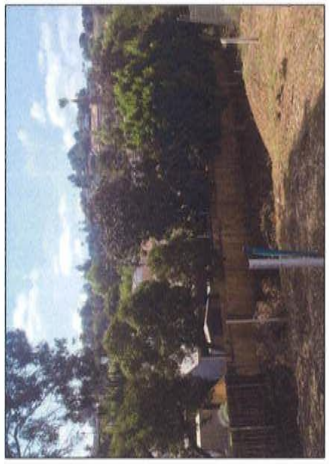


PHOTO 1

PHOTO 2

PHOTO 3A

PHOTO 3B

PHOTO 4

VEIWS TO ADJACENT RESIDENTIAL LOTS

8465 BROADWAY AVENUE, LEMON GROVE, CA 91945

SK-5

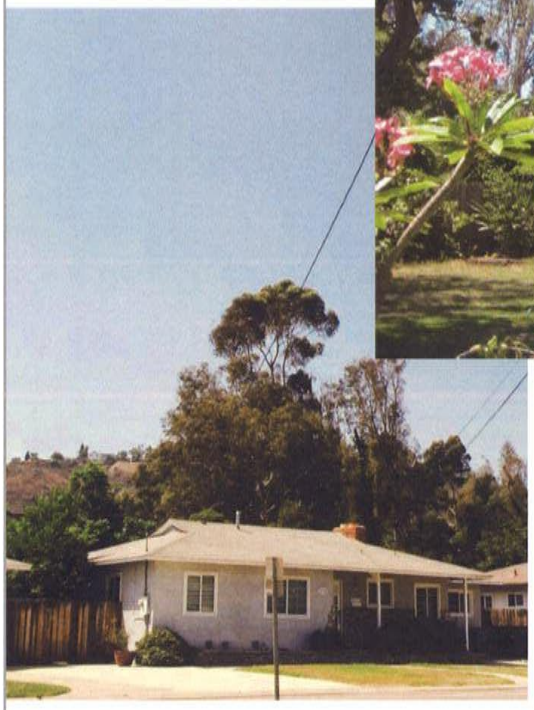
6.22.2015

AERIAL PHOTOS

Attachment F

Planning Commission Staff Report9/28/15
Attachment D

Photo below was taken from Fairview Drive, looking towards subject property



Photos taken from the backyards of homes abutting the subject property, looking towards the currently vacant site.

These photos were provided to us courtesy of Mrs. Theresa Bailey (one of the residents whose home is adjacent to the subject site).

Sketch of proposed project (as it would be viewed without trees) from adjacent lot

View looking towards subject property from adjacent lot

Attachment F

Planning Commission Staff Report9/28/15
Attachment D

Composite view of proposed building (from neighboring property) with existing vegetation

Meeting with Brookside Community members on July 29th to discuss their concerns and review proposed landscape screening options.

Mr. Robert Vryheid and another member of the Brookside Community taking measurements to project the height differential between the subject property and adjacent lots – see attached email (dated 6/29).

According to another neighbor, John Neil, the pole that is being held in this photo is 9.33 ft. tall. Based on his correspondence (also attached), the tall tree in this photo can be projected to be approximately 46.8 ft. tall and the one adjacent 39.8 ft. tall.

09/16/2015

Mrs. Carol Dick
City of Lemon Grove
3232 Main Street
Lemon Grove, California 91945

Re: Grove Lofts – 8465 Broadway Lemon Grove, CA 91945
"Planning Commission Meeting – September 28th, 2015 – County Resident Comments/Meeting and Phase 2 Environmental"

Dear Carol,

In anticipation of our third (3rd) planning commission meeting for the above-referenced property we would like to address a few points that we feel are worth mentioning. Since our last meeting we have had an opportunity to complete our Phase 2 environmental review and correspond (and meet onsite) with the neighbors surrounding the subject property.

Environmental
The Phase 2 Environmental Report for the project included borings and soil samples among other things. The results were consistent with our expectations that there are no UST's on the site nor are there any soil irregularities.

Neighbors
During our meeting with the neighbors from the Brookside Community, we were able to engage in an extensive and meaningful discussion on screening strategies. Given the allowable height in the zoning we feel the neighbors are fortunate that there are already fifty (50) foot tall Eucalyptus trees screening the project from their view. Upon our communicating that the Eucalyptus Trees along the drainage channel will not be removed most of the neighbors agreed that the project's screening was acceptable. However, two of the neighbors in attendance requested additional screening and another complained of headlights. To which we were able to work out a compromise that was acceptable; we agreed to add an eight (8) foot tall fence and additional trees further screening the building from view. (See Attached Exhibits). We have also looked at the height of the freeways in relation to Broadway Blvd and found there to be 32 feet height differential. We believe that our building / project will screen the freeway and any noise therefrom; a point that seems to have been overlooked by the neighbors.

We have also been in communication with our neighbor John Neil who is strongly in support of our project. He shared with us some of the issues that have arisen over the years. According to Mr. Neil there have been several brush fires at the site over the last 15 years putting his property at risk as well as the neighbors homes and beyond. Additionally, we have had an increase in trash being dumped on the property and homeless people sleeping along the drainage area at the rear of the site. These issues are mitigated, if not completely resolved, with the proposed development.

Zoning
Reflecting on the comments received from County residents over the past several months, we believe that their concerns are primarily attributed to the RMH zoning designation of the subject property. In looking at the allowable height, for example, we do not believe that the proposed 4 ft. deviation in height creates a substantial impact on the adjacent residents. The current zoning allows for structures up to 45 ft. in height (or 50 ft. with parapet.

Prior to the purchase of the property our team of consultants, our development team and investors examined all aspects of the zoning including but not limited to the allowable height and density. Based on our findings, our review of the zoning, and our preliminary review with development staff (in which a design that contained sixteen (16) units was recommended/supported in lieu of an eighteen (18) unit design originally proposed), we proceeded with the purchase of the property. It is also worth mentioning that there is another developer contemplating a development of a large multi-family project a few doors away from our project. My architect was present during the city council's adopting of the new zoning for that site; according to Mr. Varol there was no dispute from the neighbors regarding the height allowable in the RMH zoning. Although we are quite familiar with the discretionary review process it would seem logical that comments regarding building height be addressed during the rezoning process.

In summary, our property is zoned for what our group is proposing (Multi-Family Development) and its features are substantially within what is allowable in the zoning (RMH). The property was acquired by our company on the basis of the existing zoning criteria and the outcome of our pre-application meeting with staff. We feel that we have given substantial consideration to the comments from the neighbors (as requested by planning commission) at meetings on four (4) separate occasions as well as countless email correspondence and telephone conversations with all. As a result have made multiple revisions to accommodate their requests.

Thank you for your consideration.

Sincerely,

Theodore A. Koros
Suncrest Residential, LLC
4370 La Jolla Village Dr. Suite 400
San Diego, CA 92122

Phone:858.546.5424
Fax: 858.646.3097
Cell: 858.997.9027
Email: TedK@SuncrestCommercial.com

BROADWAY GROVE - Sixty-FOUR Apartments

Operational Address: 8429 Broadway, Lemon Grove, CA 91945
Billing Address : 4219 Rueda Dr, San Diego, CA 92124
Phone (858) 560-7569

15 September 2015

Planning Commission Chairman
City of Lemon Grove
3232 Main St
Lemon Grove, CA 91945

RECEIVED
SEP 17 2015
FINANCE DEPARTMENT

Dear Mr. Chairman:

This letter addresses the Planned Development Permit PDP-150-0001, a proposed multi family dwelling that would be located on lot 499-220-53-00 which is to the immediate east of my property at 8429 Broadway, Lemon Grove. I understand that there is to be a Planning Commission meeting on this application on September 28. I will be out of the country on that date, so I would like to send me comments in writing. I have already expressed my opinion favoring the development at the first planning commission meeting in June. Therefore, my comments in the attachment here address in rebuttal the concerns of the residents of Fairway Dr, to the south of the subject property. Those residents have not formally voiced their concerns at prior Planning Commission meetings, but I understand that they believe the proposed building will be a tall monstrosity that will impair their privacy and spoil their northern view. Please share my comments with other members of the Planning Commission and the attendees at the Sept 28 meeting.

Yours sincerely,

John M. Neill

Comments in Rebuttal

Figure 1 attached shows the tall Eucalyptus trees on the east side of the subject property. Using a pole of length 9.33 feet, I measured the two tallest trees at 46.8 and 41.8 feet respectively. Thus, the proposed building of 48 feet high will be only a few feet above those trees. More important, the balconies at 32 feet high on that building will be below the height of those trees. Thus, nobody sitting on balconies on that building will be able to look over Fairview Dr residents in their backyards.

It is worth noting that the yards of Fairview Dr residents are about 12 feet below the ground level of the proposed building. The resulting projected angle makes it difficult to see that building from Fairview Dr homes to the east and south east of the property.

Figure 2 attached shows a plot map of the area. The red dots follow a drainage channel which lies between my property and residents of Fairview Dr. On my side of the channel are some tall Eucalyptus trees which were bushier a year ago. I had to have them trimmed because a resident along Fairview Dr complained about them. Nevertheless, these trees and the projected angle obscure the proposed building until the projection of these trees reaches the residence located at 3610 Fairview Dr. Homes to the east of that address will see only obscure or no views of the proposed building. Homes to the west of that address will see the building at such a distance that it could only be called view-obstructing with substantial exaggeration.

The arguments of view spoiling and lack of privacy by Spring Valley residents should be weighed against the prior problems with the lot that I, a Lemon Grove City owner, have had with the lot. These problems include unsightly dumping, overgrown with tumbleweed, at least one fire, a homeless person living with mounds of trash in the bushes to the far east of the property. I would hate to see these problems continue if there were no development on the site. It is a difficult site to develop and I believe that the developer is doing his best to make a building that is aesthetic and economically feasible, while providing needed low-income housing.

Pole 3.75cm 9.23 ft
Tree 18.8cm 46.8ft
Big Tree 16.0cm 39.8ft
Smaller Tree 16.8 41.8ft
FIGURE 1

Attachment F

Planning Commission Staff Report9/28/15
Attachment E

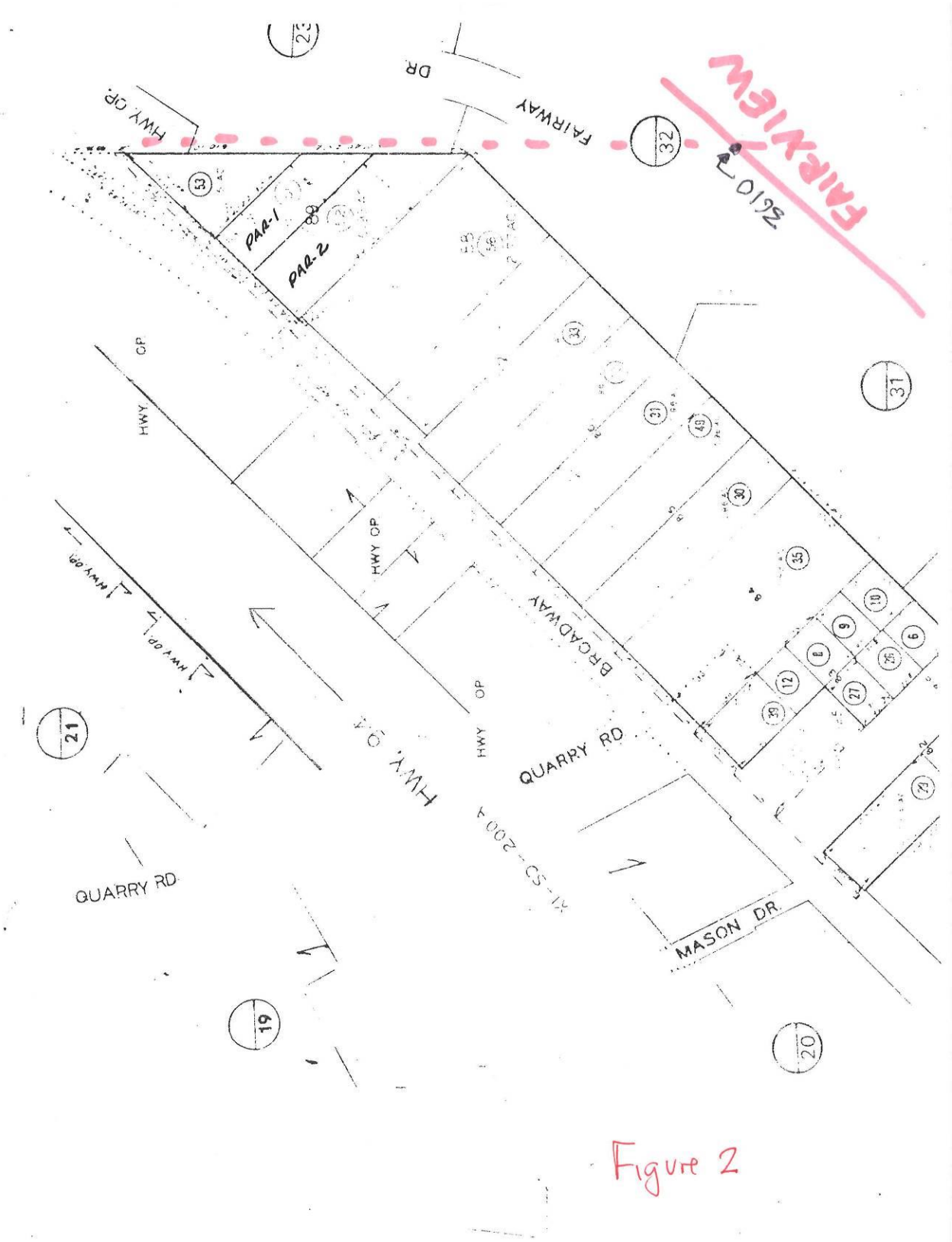


Figure 2

Carol B. Dick

From:	Theresa Bailey <tmbailey@live.com>
Sent:	Tuesday, September 22, 2015 11:56 AM
To:	Carol B. Dick
Cc:	Gary & Debby; Theresa Bailey
Subject:	Brookside comments regarding phase 2 report
Attachments:	meeting 7.29.docx; Slope Calculation by Robert V.docx; Review and Comment_BES Phase II Subsurface Investigation Repor final.pdf

Hi Carol,

We met as a community and gathered our thoughts regarding this project and what was asked of from the last hearing.

At the last planning commission hearing, the commissioners asked that we meet with the developers. We have done that and attached is a list of topics we covered and their responses to us (attachment 1). In addition, the commission asked that someone get a measurement of the slope from one of the homes on Fairway. This was done by one of our neighbors and attached is his diagram of the measurement (attachment 2).

With regard to the phase 2 report, we have met as a community and have attached our comments regarding the analysis and our concerns (attachment 3). Please share with the developer as this is information that is helpful to them as well.

Please confirm you received all attachments and let me know if you have any questions.

Thank you,
Theresa Bailey on behalf of Brookside Residents

September 21, 2015

Ms. Carol Dick
Development Services Director
City of Lemon Grove
3232 Main Street, Lemon Grove, California

Subject: Review and Comment Response to Phase II Subsurface Investigation
Planned Development Permit PDP15-0001
Authorizing the Construction of a 16 Unit Residential Apartment Development
0.5-acre Vacant Parcel
Assessor's Parcel Number (APN) 499-220-53-00
8465 Broadway, Lemon Grove, California

Reference: Benchmark Environmental Services, Inc. (BES), 2015, "Phase II Subsurface Investigation Performed On: 8465 Broadway, Lemon Grove, CA, Benchmark Project #15300," dated August 5, 2015

Dear Ms. Dick,

The residents of Brookside, an unincorporated community of San Diego County, California that is located east and south of the proposed development, have prepared this *Review and Comment Response to Phase II Subsurface Investigation* for the above referenced subject property. This response provides comments and concerns regarding the subsurface environmental investigation and planned development of the vacant parcel referenced above. This response letter was prepared as part of the Public Review period under the California Environmental Quality Act (CEQA). Our concerns are as follows:

1). Work should be reviewed by a California registered technician
2). Soil samples are to be performed by a CA. registered technician
3). Anomalies should be investigated further as recommended by the Geophysical survey company
4). Discrepancy in use of screening levels, depth of investigation and unauthorized release of hazardous substances

BACKGROUND

On June 22, 2015, a Public Hearing was conducted at which time the residents of Brookside Community expressed concerns regarding the past historical use of the property. Specifically, information obtained through aerial photograph review, as well as first hand testimony indicated that the subject property had been previously utilized as a gas station. This was later confirmed by the City of Lemon Grove by contacting the County of San Diego Assessor's Office and requesting records relating to the history of the property. Those records were not provided to the public for review or comment. Based on the additional information provided, the Planning Commission requested that additional investigation was warranted and requested that the developer perform a subsurface assessment to evaluate potential environmental impacts relating to past uses. This letter summarizes the review and comment responses related to that work.

REPORT SUMMARY

Benchmark Environmental Services, Inc. (BES), 2015, "Phase II Subsurface Investigation Performed On: 8465 Broadway, Lemon Grove, CA, Benchmark Project #15300," dated August 5, 2015.

Brookside residents obtained a copy of the above referenced report from the City of Lemon Grove. According to the report, on July 21' 2015, Benchmark, on behalf of the developer performed a subsurface investigation on the subject property that included a geophysical survey of the subject site to determine if any remaining USTs exist on the site, and to identify any potential underground utilities that may be in conflict with the investigation area. A total of 11 soil borings were advanced beneath the subject property and to a maximum depth of 20 feet below ground surface. Eleven soil samples were submitted to TestAmerica Laboratories in Irvine, California for one or more of the following California Environmental Protection Agency (CALEPA) regulated compounds: Diesel range Organics (DRO), Gasoline Range Organics (GRO), Benzene, Toluene, Ethylbenzene and Xylenes (BTEX) and Poly Nuclear Aromatic Compounds (PNAs).

The consultant concluded that the laboratory results of the soil samples analyzed did not exceed the applicable Environmental Screening Levels (ESLs) and Preliminary Remediation Goals (PRGs), and that only minor detections of GRO/DRO were detected. The consultant also stated that based on the Geophysical Survey and the probing of the anomalies, no USTs appear to remain onsite and no significant soil impacts are present, therefore, no additional investigation or remediation is necessary at this time.

Comments

1). The Phase II subsurface investigation was performed by Mr. William Liniewicz, Certified Hazardous Materials Management (CHMM), Benchmark's Principle [sic].

According to Section 5 of the County of San Diego Department of Environmental Health (DEH), Site Assessment and Mitigation (SAM) Manual

"An PG, CEG, RCE, or CHG who is registered with, or certified by, the State of California must log all soil and rock materials. A trained and experienced technician working under the direct supervision and review of one of these registered professionals shall be deemed qualified, provided this professional assumes responsibility for the accuracy and completeness of the logs. In addition, all work and reports that require geologic or engineering evaluation and/or judgements must be performed under the direction of an appropriately registered or certified professional. The registered professional must sign all reports containing such information."

The work performed and conclusions made as a result of this investigation should be reviewed by a California registered PG, CEG, RCE, or CHG as indicated in the DEH SAM Manual.

2). B. Soil Sample Collection. The report states that Benchmark personnel performed oversight of the soil drilling operation, collected the soil samples, visually inspected the soil samples for signs of contamination, performed head-space analysis on samples with a PID, and classified each soil sample in terms of texture and color in accordance with the Unified Soil Classification System. As stated under 1., such activities are to be performed by a California registered PG, CEG, RCE, or CHG.

3). The results of a Geophysical survey on the subject property identified various small anomalies along the northern property boundary and a large anomaly was detected near the north-central/northwest area of the property. The Geophysical survey company, Subsurface Surveys, Inc. identified:

"a large metallic anomaly suggestive of possible multiple USTs lying side-by-side. The total object appears to be composed entirely of ferrous metal and is estimated to be approximately 12 x 10 feet in size and 4 feet below the current ground surface. Based on certain instrument responses, we believe that this total anomaly may actually be multiple, smaller metallic objects lying immediately adjacent to each other. While this is an excellent candidate anomaly for multiple USTs, the data is not wholly definitive as there were survey interferences in the vicinity including metal fence posts and a nearby manhole leading to a communications value. We therefore suggest that Benchmark Environmental first confirm the true nature of these objects via inexpensive excavating or potholing."

Benchmark subsequently directed the GeoProbe (i.e., drilling subcontractor) to perform a series of probe holes in the area of the large anomaly. The proposing operations found no indication of a UST.

Typically, probe holes in the vicinity of a potential UST is avoided, as this may cause unnecessary damage to the UST, if present, and in turn potentially release additional chemicals of concern to the subsurface. Furthermore, the probe holes are approximately 2-inches in diameter; therefore, visual confirmation of the subsurface would not be attainable. Additionally, no soil samples were reportedly collected and analyzed for potential chemicals of concern, during the additional probing. Therefore, as recommended by the Geophysical survey company, additional investigation of the anomalies appears to be warranted.

4). Concentrations of Gasoline Range Organics (GRO) and Diesel Range Organics (DRO) were detected in soil samples collected during the investigation. The maximum GRO and DRO concentration detected was 440 milligrams per kilogram (mg/kg) (boring B-3 at 16-20 feet) and 6.3/84 mg/kg (boring B-10 at 10-15 feet bgs), respectively.

It is unclear the depth at which the GRO and DRO concentrations were detected, as the samples were reportedly collected at depths ranging from 7-10 feet bgs; 8-12 feet bgs; 9-12 feet bgs; 10-15 feet bgs; 11-15 feet bgs; and 16-20 feet bgs. Typical UST investigations include discrete sampling intervals, such as 5-foot intervals, to provide adequate characterization of the vertical distribution of potential chemicals of concern. This form of sampling also assists in identifying layers of contamination that may not be readily detectable, or simply missed if samples are collected at varying depths.

UST systems vary in size and capacity. Typical UST are placed 4-6 feet bgs, and depending on the size of the tank can extend an additional 10-12 feet in depth. Therefore, it is possible that additional contamination is present at depth, which was not detected during the investigation performed on the subject property. A soil boring should be considered in the central portion of the anomaly (i.e., source area) and soil samples collected at 5-foot intervals and the soil-groundwater interface. If chemicals of concern are detected, deeper, step-out sampling should be performed to evaluate the lateral extent of any contamination identified. Furthermore, the property owner should consider conducting a soil vapor survey to identify any additional contamination that was not previously identified, and to evaluate whether or not chemicals of concern exist beneath the site that may pose a potential vapor intrusion condition for future workers and building occupants. The California Department of Toxic Substances Control (DTSC) provides guidance on suggested methods for evaluating potential vapor intrusion conditions.

Given the age of the former service station, it is likely that the fuel contained lead. Therefore, additional soil (and if warranted, groundwater) sampling should be performed that includes lead.

The consultant notes that the detected GRO and DRO concentrations are less than the USEPA PRGs-Industrial (Table 1 [sic]) and San Francisco Regional Water Quality Control Board, Residential Environmental Screening Levels (ESLs). It should be noted that San Diego County DEH does not provide risk-based screening levels for potential chemicals of concern. Furthermore, the PRGs do not have risk-based screening levels for GRO or DRO. The Region 9 Preliminary Remediation Goals (PRGs) have been harmonized with similar risk-based screening levels used by Regions 3 and 6 into a single table: "Regional Screening Levels (RSL) for Chemical Contaminants at Superfund Sites." These updated screening levels, along with a detailed user's guide and supplementary tables, can be accessed directly on-line or downloaded to your own computer. When compared to the RSLs, the GRO and DRO concentrations detected, exceed the Total Petroleum Hydrocarbons (Aromatic Low, Medium and High) values of 8.2 mg/kg, 11 mg/kg and 250 mg/kg.

Depth to groundwater information was not provided in the report, nor was an attempt to sample groundwater performed. If groundwater beneath the subject property is utilized for beneficial purposes, sampling should be performed to rule out any potential chemicals of concern. Furthermore, a seasonal and unlined drainage is located along the southern portion of the subject property. Sampling of soil, sediment and/or water within the drainage should be performed both up and down stream to evaluate potential impacts from the historical service station.

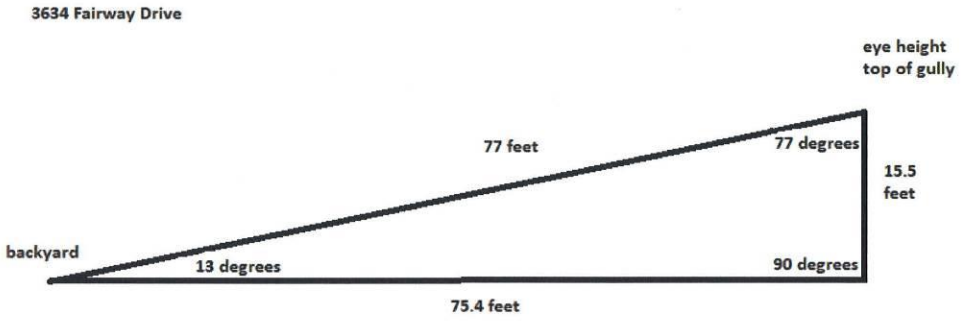
Given the history of the subject property use (e.g., gas station and fill dump site), additional chemicals of concern, such as Organochlorine Pesticides, Heavy Metals, Polychlorinated Biphenyls (PCBs), and Asbestos may be present in site soil. Additional sampling should be performed to rule out the possibility of additional contamination sources.

The consultant notes that low levels of GRO and DRO were detected but less than residential screening levels. Based on the presence of these chemicals, an unauthorized release appears to have occurred. The nature and extent of the release, as well as confirmation of whether or not USTs remain on-site has not been adequately demonstrated. According to Section 3 of the SAM Manual, *"A release for the purposes of this Manual is defined as any spill, leak, discharge, or disposal of hazardous substance into the waters of the state, the land, and surface or subsurface soils."* The results of this investigation indicates that a release of GRO and DRO to site soils has occurred. The likely source of the contamination appears to be the historical gas station operation. The property owner should be aware of the unauthorized release notifications outlined in CCR, Title 23, Division 3, Chapter 16, Article 5, and the corrective action process defined under Article 11. California law requires the UST owner or operator to report an unauthorized release, spill, or overfill condition to DEH within 24 hours of discovery.

Attachment F

Planning Commission Staff Report9/28/15
Attachment E

Distances and Angles from Proposed Apartments Ground Down into Backyard



File name: apartments backyard distances angles v01.docx

RED = BROOKSIDE RESPONSE BLUE = BV ARCH.

Meeting Notes 7/29/2015 6pm with Brookside & the Architect & landscaper for Triangle lot

Attendance; Rebecca, Theresa, Gary, Debby, Brian M, RobertV, Jody & Tom, Kelley, Beri V, Nick& Steve

The Response to our questions is in red below:

Beri Varol advised that the hearing was the last step in the process and all other depts. such as LG engineering, water, fire, building & planning have already approved. This was news to me and very disheartening to hear we are the last to hear or be consulted. We have many unresolved concerns that remain a high priority to our community. [bv] My comments at our meeting was misunderstood and/or misinterpreted. I advised the members of the Brookside community that the hearing was the last step in the discretionary approval process and that various other departments (i.e. planning, fire, engineering, building, etc.) had reviewed the proposed development. I did not indicate that the project had been approved by any of the aforementioned departments. There appears to be a lack of understanding about the entitlement process (on the part of the county residents) and a 5 minute explanation of our work with the City of Lemon Grove was clearly not sufficient.

1. Provide a list of trees, shrubs, plants that will provide screening between the properties. We need the species name, how dense they grow, and growth rates. We rec'd list of trees and shrubs.

2. Will they keep all trees that exist today (they already provides us some shielding from the property) Can they build around them? Yes they will keep all the Trees on the slope with the exception of one, the one nearest to the detention basin by Rebecca's house. I asked if they could build the basin around it and they said they did not know.

3. Will they share the EIR results with us from drilling that occurred on the site this past Monday 7 /20? Nick, owner said that prelimary results are clean.

4. Can they tell us if the spray painted spots on the site will be excavated to see if gas tanks are in the ground (spray painted area resembles the exact spot the gas station existed in our aerial photos) Nick and Beri said No, that sometimes it is more hazardous to remove than to leave it in the ground. They would pave over since located in the parking area near the street.

5. Can they provide Story Poles up on the lot so the community can see the actual height of the buildings on the site (visual is better for us) Beri and Nick said no, that it would be costly and not sure where they would get poles tall enough...may have to be steel. Also they said it would not help our talks. [bv] Story Poles are typically used in communities such as La Jolla and Del Mar to show how a new residential structure will impact the views of their neighbors. They are typically no more than 20 to 25 feet in height. The City of Lemon Grove does not require story poles for new construction and attempting to erect them for a 48 foot structure is not something that can be achieved without substantial cost, time and effort.

6. How are they going to handle the erosion that exists on the North east side of the property near the mouth of the flood channel? No specifics were given, the developers said "the water dept. has already approved their plans". No other plans other than the detention basin construction were provided. [bv] I do not recall making the statement that the water department had already approved our plans. What I did say is that our Civil engineer had prepared an extensive WQRT report (which covers this subject) and that the initial findings by the engineering

department was that the proposed mitigation measures for storm water runoff were consistent with the City of Lemon Grove's Standard Urban Storm Water Mitigation Plan (SUSMP) requirements.

7. What are the details with regard to the 3 detention basis in the plan and will pipes be exposed to the filtration box? Is the filtration box actually in the flood channel (looks like it in the plan). They were not sure, their plan shows a basin in the Caltrans easement, but they were not sure if that was a filtration box. [bv] Our civil engineer was not present at this meeting. He is the one most qualified to respond to these types of questions.

8. Whose property do the existing Eucalyptus trees belong? We believe the two trees marked to be saved are on Rebecca McElyea's property, but what about the other trees? They said the trees are on their property, but some look like they are half on their property and half on the easement.

9. Who will maintain the landscape screening? When the property is built and then resold/changes ownership, who will remain in charge of the care of the landscape screening? They said since an asset to the property, they would or the new owner would. I asked if the green screen and landscaping could be a clause/grandfathered into the property docs (just like the low income unit is in the staff report) and they said they would not want to do that. I said we were not comfortable with that since the trees are providing some screening at present and we do not want a tree cut down for no good reason. [bv] It was explained that the only reason the owner would ever consider cutting down a tree is if the tree was considered a threat to one of the adjacent properties.

10. Can plant screening be added to the 3 communal terraces proposed in the project? They will consider it. To be determined.

11. Can they consider reducing the project to a 2 story complex and 10 units? No. not interested [bv] Reducing the project to 2 stories would require eliminating 6 of the 16 units. The project is not feasible with only 10 apartments.

12. We asked in Green Screens could be installed near the parking structure to block view of Kelley Fialo's yard. They said they would consider it. To be determined.

13. Will they consider meeting with the SVPG? Beri and Nick said no, they do not need to work with them since property is in Lemon Grove. I pressed for this, but they would not budge. Beri instead said he would send photo shop picture of the building from views from our back yards. I have his email address and will send him the pictures. [bv] The requested composite photo was shared

14. I asked if the building would block the sun in our back yards due to the height. They said yes, Beri thought an hour would be lost, Nick thought a half an hour, but no further details were given since the sun sets at different stages during the year.

15. I asked what they thought about the commissioner's remark that it looked like they were trying to put 10 lbs of flour in a 5 lb bag. They said there are new people on the commission and they do not know why he said that. Beri said they are asking for very little, I interjected and stared to name several of their variances, and then we dropped it.

BVArchitecture

From:	Mr Robert Vryheid <rvryheid@yahoo.com>
Sent:	Monday, June 29, 2015 1:57 PM
To:	bvarol@bvarchitecture.com
Subject:	Diagram of View from Apartment Area to Neighbor's Back Yard
Attachments:	apartments backyard distances angles v01.docx

Mr. Varol,

The neighbor in the brick house 3634 Fairway and I measured the distances and angles from the apartment area down to her back yard, as requested by the Lemon Grove Planning Commission. I attached a file with the diagram. We measured it from the top of the embankment above the stream (also called the swale), at my eye height. We used a string, tape measure, compass, a pole, and high school geometry and trigonometry to calculate this. The distances may be accurate within about a foot. The distances and angles appear to be similar to nearby back yards, but we did not measure them.

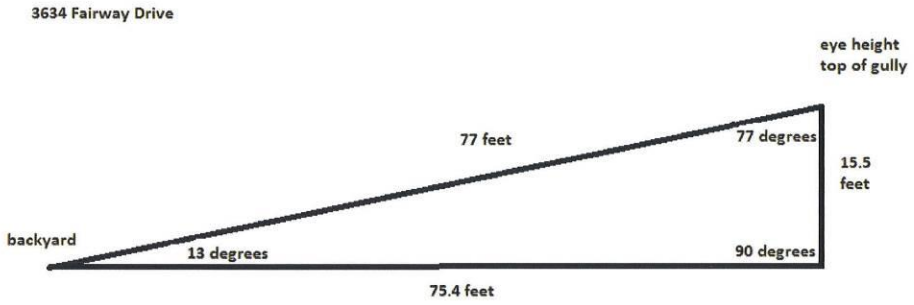
Sincerely,

Bob Vryheid

Attachment F

Planning Commission Staff Report9/28/15
Attachment E

Distances and Angles from Proposed Apartments Ground Down into Backyard



File name: apartments backyard distances angles v01.docx

BVArchitecture

From: Theodore Koros <TedK@suncrestcommercial.com>
Sent: Friday, August 21, 2015 9:25 AM
To: BVArchitecture
Subject: FW: 8465 Broadway Lemon Grove CA 91945
Attachments: Poletree1.jpg

Beri,
We should also include this email and pic in the submittal.
TED

From: John Neill <jmuirn74@yahoo.com>
Reply-To: John Neill <jmuirn74@yahoo.com>
Date: Tuesday, July 21, 2015 at 7:39 PM
To: Theodore Koros <tedk@suncrestcommercial.com>
Subject: Re: 8465 Broadway Lemon Grove CA 91945

Ted:

Nice to talk to you and good luck with your project.

Attached is a picture of somebody holding a 9.33 ft long pole against the trees on your lot. I calculated the tall tree to be 46.8 ft and the one adjacent to be 39.8 ft.

The trees follow a line to the rear of my property (Broadway Grove) that projects to 3610 Fairview. Any houses to the east of that adddress would not see your proposed building since it would be obscured by the row of trees.

Please let me know if I can be of further help. However, I will be out of the country from July 15 thru July 30.
Sincerely,

John Neill

From: Theodore Koros <TedK@suncrestcommercial.com>
To: "jmuirn74@yahoo.com" <jmuirn74@yahoo.com>
Sent: Tuesday, July 21, 2015 4:07 PM
Subject: 8465 Broadway Lemon Grove CA 91945

John,

Nice seeing you again today at the your property on Broadway in Lemon Grove.
Please have your son contact me and we will try to get him involved in the utility selection/security cameras.

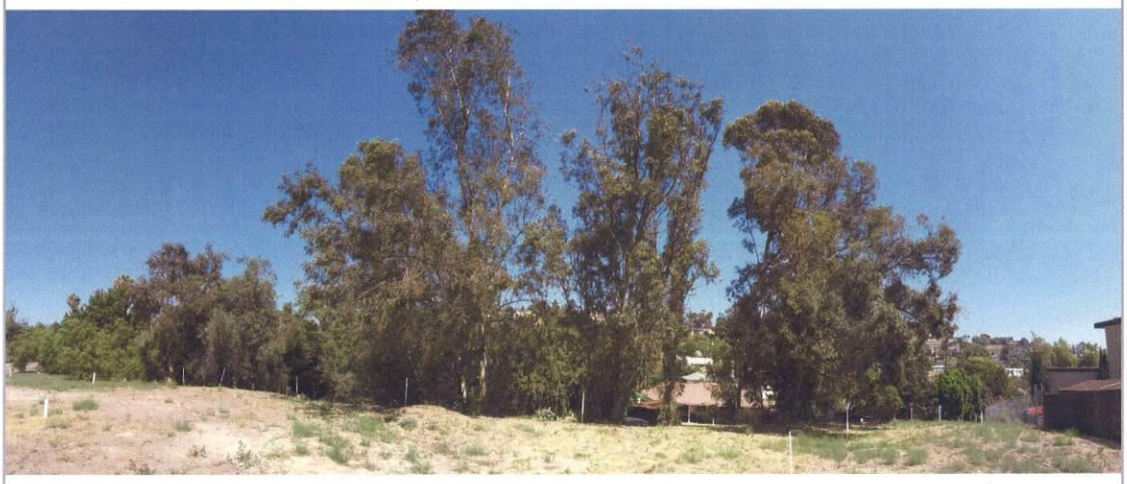
Attached are some exhibits that will help you get an idea of what we will be pitching to the neighbors.

Best,

TED KOROS
Suncrest Commercial Inc.
4370 La Jolla Village Dr. Suite 400
San Diego, CA 92122

Office 858.546.4424
Cell: 858.997.9027

Panoramic view of Broadway Blvd. and MKL Freeway beyond (from subject property)



Panoramic view of existing landscape buffer between proposed development and adjacent residential lots.

LETTER	COMMENT (PARAPHRASED)		STAFF RESPONSE
A			
Email dated June 4, 2015 (1 page)	1	Privacy – project faces our houses loss of privacy	Not an environmental impact.
	2	Parking – spillover parking onto Fairway Drive	Proposal is consistent with State Law.
	3	Safety – no sidewalks between Fairway Drive and lot.	LGMC requires that the project provide street improvements along project frontage only.
	4	Building Height – inconsistent with neighborhood.	Height increase may be allowed as Density Bonus incentive and pursuant to LGMC. Structure height is approximately 12 feet above other Lemon Grove structures on Broadway (finish floor to ridgeline).
	5	Financials – Zone change to support more units and developer financial gain.	The project does not include a zone change.
B			
Letter dated May 16, 2015 received June 17, 2015 (6 Pages)	1	Building Height – privacy and glare	See items 1and 4 above. Project required to meet performance standards related to light and glare.
	2	History of the parcel – fill material, contamination	County Assessor Building Records support statement of previous use starting in 1927 (gas station and attached residence). County records state improvements were gone by 1973. Applicant's Phase 1 did not include this discussion.
	3	Privacy -	See item 1 above.
	4	Glare	Project required to meet performance standards related to light and glare.
	5	Storm water runoff	Standard Conditions of Approval require on-going compliance to Water Quality Regulations.
	6	Access to drainage easement	Maintenance of drainage facilities and easements is obligation of the property owner in perpetuity.
	7	MEIR is outdated	Physical existing and projected conditions (part of the SR125) as identified in the General Plan and the

LETTER	COMMENT (PARAPHRASED)		STAFF RESPONSE
			MEIR remain valid and appropriate for purposes of environmental analysis of this project.
	8	County LUEG GIS	The project is located within the jurisdiction of the City of Lemon Grove.
	9	Violation of City ordinances and codes	The City ordinances and codes contain provisions allowing the governing body to approve requested deviations, waivers, and modifications. The project complies with or will be made to comply with all health and safety provisions as identified in the Resolution of Approval.
	10	10-day notice	The initial notice did not meet the 21 day requirement and a new notice was distributed for a June 22, 2015 public hearing.
	11	Too many variances	The project request includes State Density Bonus incentives, a Minor Modification of a setback and a waiver of open space pursuant to Planned Development Provisions.
C			
Letter dated June 16, 2015 received June 17, 2015	1.	Inadequate notice and review period	The notice and review period have been corrected and the project now complies with noticing and CEQA schedule requirements.
	2.	Project does not provide required open space	A deviation is requested pursuant to LGMC 17.28.030.
	3.	Project does not provide the required parking.	The project provides two spaces in excess of State Density Bonus provisions (Gov.65915-65918).
	4.	Project does not provide 20 foot rear setback.	The project exceeds the rear setback requirement by 72 feet (currently rear setback is 92 feet).
	5.	Project does not provide parkland.	The applicant is required to pay an in-lieu fee (LGMC18.36.060)
	6.	Safety of tenants is reduced with proposed	No such hazard exists with

LETTER	COMMENT (PARAPHRASED)		STAFF RESPONSE
		front setback variance.	the request for a minor modification of 5 feet to the front yard setback
	7.	Aesthetics criteria not identified.	The project does not affect a scenic vista or highway. Lighting glare is addressed as a standard condition pursuant to LGMC 17.24.080. Building height is not an aesthetic criteria.
	8.	Air quality exacerbated.	Air Quality was addressed in the MEIR which included the build out potential of the General Plan Land Uses. A Statement of Overriding Consideration was adopted with the original Land Use Map. The ADT generated by 29-32 units is within acceptable tolerances and capacity of the roadway.
	9.	Mature tree preservation and animals in swale	The City of Lemon Grove does not have a tree preservation ordinance. The property is within an urban environment and there are no mitigation measures required.
	10.	MEIR is outdated	Site has been previously disturbed and no cultural resources are expected. County on-line records have been reviewed for underground tank history. County Assessor Building Records confirm the presence of a gas station and additional investigation is warranted.
	11.	Additional information regarding the water "table", potential contaminants, and erosion should be provided.	A final geotechnical study prepared by a licensed professional shall be requested prior to issuance of the Building Permit that includes additional analysis and recommendations if needed.
	12.	The Environmental Assessment prepared by the applicant is inadequate.	County Assessor Building Records confirm the presence of a gas station and

LETTER	COMMENT (PARAPHRASED)		STAFF RESPONSE
			additional investigation is warranted.
	13.	Project will produce substantial runoff. Preservation of a natural spring source should be required if confirmed.	The project is obligated to comply with the recommendations of the Hydrology Report and Major Stormwater Management Plan. No further mitigation measures are required.
	14.	The increased density and proposed building height are significant	The property is zoned for 29 dwelling units per acre and pursuant to State Density Bonus provisions may request incentives. The State Law establishes increased density consistent with the adopted General Plan. The LGMC contains provisions to allow residential structures to be built up to 60 feet height with increased setbacks.
	15.	Additional noise from communal terraces and car alarms is an adverse effect.	A noise study was conducted and appropriate mitigation measures have been incorporated.
	16.	Ordinance 427 noticing was inadequate	Ordinance 427 was legally adopted and reduced land use conflicts in the area. Ordinance 427 is not a part of this project, although compatible.
	17.	This lot can be used as a future park.	The property is privately owned.
	18.	The ADT calculation used 29 units rather than the proposed 32 units.	The calculation used the appropriate residential formula (6 ADT per unit) based on apartment (or any multi-family unit with more than 20 du/acre).
	19.	Project does not provide required parking for tenants.	Project complies with and exceeds State Law.

Carol B. Dick

From: Jody Vacala <jodyvacala@yahoo.com>
Sent: Thursday, June 04, 2015 10:35 PM
To: Carol B. Dick
Cc: tvacala@yahoo.com
Subject: RE: Planned Development Permit PDP-150-0001

Dear Ms. Dick,

We are unable to attend the hearing re: planned development permit PDP-150-0001 as we will be out of town that day. We are opposed to the development of a 16-unit, 3-story apartment building on vacant lot APN 499-220-53-00. We own the property at 3618 Fairway Drive which is right behind the lot and in direct line of sight to the proposed apartment building. Following is a list of our concerns:

1. Privacy – units w/balconies will be facing the backs of homes on Fairway thereby eliminating our privacy. The other apartments in the area have only small high windows facing towards Fairway Drive. A building with balconies that face into our backyards is a direct invasion of our privacy and our neighbors whose homes also border the lot.

2. Parking – the developers are counting on tenants having only 1 car and are planning on providing 1 parking space per unit plus a couple of extras. If there are tenants with more than 1 car or if multiple tenants have guests, where are they supposed to park? There is no parking on Broadway, therefore, any spillover would have to park on Fairway Drive. If this happens, they are taking up the spaces where the residents that live on Fairway Drive and their guests need to park. In this case, where are we supposed to park?

3. Safety – there are no sidewalks between the lot and Fairway Drive. This will create an unsafe situation, and especially at night, for anyone who has to resort to parking on Fairway Drive as they will be forced to walk in the street to get back and forth from their apartment to their car.

4. Building height – the planned building height is out of line with everything else in the neighborhood. The developers should be required to put up story poles and anyone involved in the decision process should be required to view from Broadway, Fairway, and surrounding streets to have a clear picture of building height and how this will affect the neighborhood.

5. Financials – the developers have admitted that the only way they can make any money on this project, is for it to be rezoned to allow for more units. Since the size of the property is small and challenging due to changes in elevation, they also need to limit it to smaller than usual units, add an extra story and hope that the tenants won't have anymore than 1 car. Changing the zoning for one group to make money now opens the door and sets a precedent that others will now also expect.

Please consider the future. By letting the developers split hairs on the building codes along with zoning changes, you will forever change the skyline of the neighborhood and open the doors for more tri-story apartment buildings built on lots that are not zoned to accommodate them.

Tom and Jody Vacala

A

PAGE 1 OF 1

Original

May 16, 2015

JUN 17 2015 PM12:13

Dear: Carol Dick and Lemon Grove Planning Commission

We the citizens of San Diego County, residing in an unincorporated suburb known as Brookside, respectfully oppose the planned development permit PDP-150-0001 for 0.5 acre vacant lot (APN 499-220-53-00). Our neighborhood is located adjacent to this project and we would be significantly impacted by its construction. We are concerned with the proposed development variances and past uses of the site, which may impact the overall development, as well as the community of Brookside. Additional concerns include the density of the proposed development, the height of the structures, the developer's inadequate understanding of the history of the parcel, the presences of fill material as thick as nine feet below grade, potential contamination from past dumping, privacy and glare relating to the building height, storm water runoff and impacts on the natural drainage swale, and concerns regarding a plan to provide access to the drainage easement as it relates to the development and the use of the old 1996 MEIR to develop a negative declaration of environmental impact.

It is our belief that the City of Lemon Grove Planning Commission is not adhering to the rules outlined/zoned by the San Diego County Map developed by LUEG GIS, and is in 50% violation of its own city ordinances and codes concerning public safety regarding standard "set- backs", waivers and modifications, that directly impact the environment and aesthetics of our neighborhood.

Please refer to this letter, the attached petition and supplement, and our response to the Planned Development Permit, which outlines our reasons for opposing the authorization of this project. You may contact Theresa Bailey at 619-569-6742 should you have any questions regarding the petition. Please note that initially we were given notice of the proposed project, and were allowed a 10 day review period. This was later determined by the City to be insufficient and additional public review was provided. Thank you for your time and consideration.

Sincerely,

Brookside Residents and neighbors

Attachments

B

PAGE 1 OF 6

Supplement to Petition pertaining to Development Permit PDP-150-0001.

The residents of the unincorporated city of Brookside request that current research and analysis be performed to compare the IES, EIR & MEIR used to develop this project with actual current information. We feel these reports are outdated and do not qualify or address our specific region of San Diego County and a current EIR must be completed. Specifically it should also include the environmental impacts the SR I25 Freeway has had on our region. The new report should include current noise studies and analysis, air quality analysis, biological resources analysis, historical and cultural resource analysis, geology research, etc. The reports we found on the internet refer to 1996 data and name streets and locations that were studied, that are not in our neighborhood and are many miles away. The report also refers to projections using this outdated data. We have focused our opposition of this plan for environmental reasons such as erosion of slope at the lot site, the existence of a stream/natural spring behind the homes on Fairway, crime, traffic and parking, aesthetics of the neighborhood, privacy and noise. We also oppose the development permit at this time since the planning commission and the developer are not conforming to the zoning requirements of the County Map, specifically speaking with regard to taking into consideration the San Diego County RS7 zone adjacent to the lot. According to the (Chapter 17.28 of the LG Municipal Code item B.4) says *"Granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the same vicinity and zoning district"*. It is felt that too many variances are being requested by the developer and should not be allowed for this project.

PAGE 2 OF 6

PETITION TO REJECT PLANNED DEVELOPMENT PERMIT PDP-150-0001

Petition Summary and Background:	see supplemental
Action Petitioned For:	Reject Project as currently written

Printed Name	Signature	Address	Comment(s)
Jon Maes		3618 Fairway Dr	
Deborah Flam		3633 Fairway Dr.	
John Bailey		3642 Fairway Dr.	
Barry Flam		3633 Fairway Dr.	
Louis Flam	Louis Flam	3633 Fairway DR.	please don't build THIS
Theresa Bailey	Theresa Bailey	3642 Fairway Dr.	
Rebecca McKee		3631 Fairway Dr.	CRIME, Privacy!
Abigail Nazareno		3450 Par Drive	crime!
ELIZABETH MARTINS		3401 FAIRWAY DR	crime,
CARLOS MARTINS		3401 FAIRWAY DR	TRAFFIC, crime
Susan Smith		3642 Nereis Dr.	No!
Thomas Smith		3642 Nereis Dr.	No.
Anthony Sisson		3450 PAR DR.	
Lisa DiMeo	L. Alyn DiMeo	3584 Fairway Dr	enviromental impact
Larry K. Long		3610 Fairway Dr	Fresh water spring
Rob Better		3411 Trophy Dr	
Joanne Barron		3411 Trophy Drive	NO!
RYAN PHILLIPPI		3544 TROPHY DR	
Samuel Yu		3414 TURF LN	NO!
Mariko Murataki		3414 TURF LN	
SHAWN E. GANLOCK		3419 TROPHY DR	ENVIRONMENTAL CONCERN DISTURBS WILDLIFE
Miriam Phillippi		3544 Trophy Dr	
Shelly Blizard		3501 Foursome Dr	No!
Brian Munat		3674 Fairway Dr	No!
Tammy Malloy-Ruth		3521 FAIRWAY DR	NO! NO! NO!
Susan Olinger		3565 N. Slick	No
Maura Prins		3220 Par Dr.	No thank you!
Don Machado		3431 Fairway Dr.	
Tyler Tran		3334 Par Dr	
Janet Tran		3334 Par Dr.	
GAVL SANDERSON		3220 FAIRWAY D	
Breanne Halan		3220 Fairway Dr	NO!
Marisa McKellar		3643 Fairway Dr	
Mark McKellar, Dr		3656 Fairway	

PAGE 3 OF 6

PETITION TO REJECT PLANNED DEVELOPMENT PERMIT PDP-150-0001

Petition Summary and Background:	See supplemental
Action Petitioned For:	Reject Project as currently written

Printed Name	Signature	Address	Comment(s)
Glynda Coatsleger	Glynda Coatsleger	3705 Fairway Dr	
Roy AN FRANCIS	[illegible]	3642 Niblick Dr	
Ron Eigsti	[illegible]	3717 Fairway Dr	
Barb Eigsti	[illegible]	3717 Fairway Dr	
Louis Serrano	[illegible]	3779 Fairway Dr	
MARTHA FOWLER	Martha Fowler	7333 RANDEL CT. SD 92119	
Charlotte Esquivel	Charlotte Esquivel	3726 Fairway Drive LM 91941	
Isabel Sottomone	[illegible]	3720 Fairway Dr La Mesa 91941	
Brian Brennan	[illegible]	3666 Fairway Dr, La Mesa, CA	
Paget Brennan	[illegible]	3666 Fairway Dr La Mesa CA 91941	
Steve Ashton	[illegible]	3557 Trophy Dr La mesa CA 91941	
Melissa Andersen	[illegible]	3558 Foursome Dr La Mesa 91941	
~~[illegible]~~			
Mark Martin	[illegible]	3406 Fairway Dr	
Cecilia Munter	Cecilia Munter	3655 Fairway Dr. La Mesa	
Llew Munter	[illegible]	3655 Fairway Dr	
Roberts Vryheid	[illegible]	3714 Fairway Dr	
Tom [illegible]	[illegible]	3327 Lakeview Dr.	
Darik Vacala	[illegible]	3618 Fairway	
Tom Vacala	[illegible]	3618 Fairway Dr	
Tom Lutil	[illegible]	3521 Fairway Dr.	
Andrea Cruz-Oliva	[illegible]	3504 Foursome Dr	
Gabriel Oliva	[illegible]	3504 Foursome Dr.	
Rebecca Vega	[illegible]	3511 Fairway Dr.	
Ridi Stasko	[illegible]	8501 Broadway	
Lisa Mellhaus	[illegible]	8501 Broadway	
Sarah Riley	[illegible]	3343 Fairway Dr La Mesa CA	
David Riley	[illegible]	3343 Fairway La Mesa CA	
John Ramos	[illegible]	3359 Fairway Dr	
Jacqueline Ibarra	[illegible]	3419 Fairway Dr.	
Cheryll Ulibarri	[illegible]	3671 Fairway Dr	La Mesa, CA
Carol Buckaway	[illegible]	3473 Trophy Dr.	La Mesa, CA
Eric Buckaway	[illegible]	3473 Trophy Dr	La Mesa CA

PAGE 4 OF 6

Attachment F

Planning Commission Staff Report9/28/15
Attachment F

6

Printed name	Signature	Address	Comments
JOLANTA MANROE		3650 FAIRWAY DR.	NO!
ERWIN ORFICA	E.O.	3552 JADE LN	
Camille Hyatt	Camille Hyatt	3225 Par Dr.	
MIKE FIALHO		3626 FAIRWAY DR	NO GO!
DONNA LANE	Donna Lane	3738 FAIRWAY DR	NO
MARTHA FOWLER	Martha Fowler	3732 FAIRWAY DR	NO
Carlos ANJO		3666 NIBLICK	no
CARLOS MARTINS		3401 Fairway.	No
Christina Fong	Christina Fong	3432 Trophy	
Shannon Webb		3323 Niblick Dr.	NO NO NO!!!
JIM MILLMAN		3302 Par Drive	↓
Miranda Millman		same ↑	The heck you thinking?!
Luna Blye	Luna Blye	6001 Amarillo Ave	NO!
JONATHAN FONG		3432 TROPHY DR	
OLIVE FORSYTHE		3215 PAR DR	NO
Kelly Fialho	Kelly Fialho	3626 Fairway Dr.	NO!
Ernest Lanphair		3517 Niblick	
Theresa Fox		3414 Niblick Dr.	No as Current / maybe w/ revisions
Lora Lowe		9009 Moch	disapprove
WALTER LAKE		8650 Golf Dr 91977	
Wende Chan		3589 Fairway Dr 91941	disapprove!
Christina Vanal		3512 Fairway Dr 91941	disapproval
Alan Vancil		3472 Fairway Dr	91941 Disapproval
Brady Duke		3550 Trophy Dr	
Julie Duke		3550 Trophy Dr.	No
Keith Hass		3465 Fairway Dr	No.
John Wadlow		3445 Fairway Dr	NO.
Marcela Villalobos		3538 Trophy Dr	No
Julian Albegni		3533 Trophy Dr	No
Ernest Fuller		8881 Lamna St	No

PAGE 5 OF 6

N

Legend
8405 Broadway
Parcels
Roads

PAGE 6 OF 6

CITY OF LEMON GROVE
JUN 17 2015
DEVELOPMENT SERVICES

June 16, 2015

Ms. Carol Dick

Development Services Director

City of Lemon Grove

3232 Main Street, Lemon Grove, California

Subject: Response to Planned Development Permit PDP15-0001

Authorizing the Construction of a 16 Unit Residential Apartment Development

0.5-acre Vacant Parcel

Assessor's Parcel Number (APN) 499-220-53-00

8465 Broadway, Lemon Grove, California

Dear Ms. Dick,

The residents of Brookside, an unincorporated community of San Diego County, California that is located east and south of the proposed development, have prepared this *Response to Planned Development Permit PDP15-001*. This response provides comments and concerns regarding the development of the vacant parcel referenced above. This response letter was prepared as part of the Public Review period under the California Environmental Quality Act (CEQA) and provides a review of the Lemon Grove Planning Commission Staff Report, dated May 11, 2015. The Staff Report also includes an Environmental Checklist Form, City of Lemon Grove, Development Services Department, Environmental Assessment No. ND15-02.

C

PAGE 1 OF 20

BACKGROUND

The subject property is a 0.5-acre vacant parcel identified by APN 499-220-53-00, and addressed as 8465 Broadway, Lemon Grove, California. According to information reviewed at the City of Lemon Grove, the subject property has been vacant and undeveloped. The City of Lemon Grove staff have noted that the subject property is a nuisance, due to illegal dumping, homeless encampments, and notes that undocumented fill material is located on the property. Furthermore, a geotechnical investigation performed on the subject property noted that fill material as thick as nine feet below grade exist on the property.

The current owner/developer, Suncrest Residential, LLC (developer) proposes to redevelop the vacant subject property into a 16 unit, multi-story loft setting, with on-site parking, and limited landscaping. The developer is requesting variances in the City of Lemon Grove's development criteria, which includes modifications to the height of the building and density requirements. The City of Lemon Grove, the lead agency under the CEQA review process has determined that the proposed project "could not" have a significant effect on the environment, and a Negative Declaration will be prepared.

The following is a review of the environmental assessment and concerns by the Brookside community regarding the findings of the assessment, and development. In general, concerns include inadequate notification regarding the rezoning of the subject property; inadequate notification of the planned development, inadequate public review period for the proposed development plan under CEQA; the density of the proposed development; the height of the proposed structures; and lack of reasonable alternatives to the development, such as similar density to the surrounding area along with additional variances that are being requested as follows:

- The plan is not providing the required open space. Only providing 3214 sq. ft. vs. the required 8,000 sq. for the number of units.
- The development plan is not providing the required parking spots required for the number of units, only providing 18 vs. 20.
- The plan is not providing 20' foot rear set back to properties on the south east side of the boundary by developing within 4-5 feet of the easement

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5 • The plan is not providing any parkland and standard would be $8,712. We would like to see a park developed in our area with the fees vs. the developer paying a fee in order to be able to skip this requirement.

6 • The plan is not providing for the safety of the tenants in asking for a variance on the front set back of 20' vs. the required 25'. There have been two incidents in which cars have come off the freeway and down the embankment. With the close proximity of the freeway, this should not be allowed.

ENVIRONMENTAL ASSESSMENT NO. ND15-02

The following sections summarize the findings of the Initial Study and Environmental Assessment. Included is the supporting statement prepared by the City of Lemon Grove. The bulleted items provided after the statement are concerns and/or comments prepared by Brookside residents.

AESTHETICS

Less Than Significant Impact

7 *"The* site is located in a developed urbanized area. The site is not located in or near a scenic vista or: scenic highway. The project area consists of single-family residences, multi-family condominiums, a residential care facility, and auto repair land uses on developed sites with ornamental landscape. The proposed multi-family residential project will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes. "

• The lead agency does not identify the significant criteria or threshold used to evaluate the environmental factor.

• The lead agency states that the project will be required to comply with performance standards related to environmental factor. Compliance of performance standards does not rule out past, present, and/or reasonably foreseeable impacts associated with the environmental factor or project.

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- The project building height, estimated to be 49 feet above grade, exceeds the 45-foot standard set forth by the City of Lemon Grove.

- Appropriate documentation and/or references should be provided in support of a Less Than Significant Impact relating to this environmental factor.

- It is felt that a substantial adverse effect to a scenic vista would occur to the tenants in the apartments on the west side of the project. The proposed 49 foot structure would block their view of a scenic vista of the Mt. Helix Cross.

- The proposed development will have a significant impact not only on the day-to-day lives of the Brookside community to the east and south, due primarily to privacy, but also potential future impacts to housing values associated with the proposed addition of medium/high density development.

Agricultural Resources

No Impact

Air Quality

Less Than Significant Impact

"The project is not expected to result in a future increase in traffic because the projected average vehicle trips for the proposed project is 96 ADT. An evaluation of existing land uses occurred as a result of a proposed general plan amendment and zoning amendment to revise commercial uses to residential uses identified an approximate reduction of 737 trips less than the projected vehicle trips for the subject area if built out at 29 dwelling units per acre. No significant impact on air resources is likely to occur. The Master Environmental Impact Report (MEIR) for the City of Lemon Grove's General Plan anticipates air quality impacts associated with the build out of Lemon Grove but not to a level of significance. The cumulative air quality impacts will remain significant and unmitigated. However, this project is not considered to result in a cumulatively considerable net increase of any criteria pollutant. Standard conditions of future development project approval will require the control of dust during site grading and construction"

8

- The staff report discussion admits that air quality impacts remain significant and unmitigated. For this reason it is felt a higher density will exacerbate a negative air quality that already exists.

- The calculation for average daily trips uses a base of 29 units vs. 32 units which is being proposed by the plan. For this reason, it is felt that this projection may be inaccurate. Also, since a majority of households have two cars, the equation may need to be loaded to account for the two car households. According to the developer "The lofts will be marketed toward single executives" if this is the case, more trips will need to be considered because the younger generation generally go to work, school, and travel to exercise. With that said, the number of trips could potentially triple vs. decrease.

- The SANDAG GUIDE is felt to be out dated since it is valued as of 2002. If a current version exists, it should be utilized.

9

Biological Resources

No Impact

"The MEIR for the City of Lemon Grove's General Plan confirms there are no known sensitive biological resources, riparian habitat, or wetlands within the project area"

- There is a concern for the hundred year old eucalyptus trees on the easement at the rear of the property. We would like to know the law/ordinance that keeps these trees from being trimmed or cut down at the developer's hand. The trees are a must have on this lot for the privacy of the abutting properties and the birds that nest there.

- It is felt the 1996 MEIR is too out dated to say this has "no impact. With the SR125 bridge erection, it is felt that more animals may have migrated to the southeast end of Broadway and may reside in the large trees and take shelter in the easement/swale.

Cultural Resources

No Impact

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"The site is a vacant 0.5 site that has been previously graded and used for soil and debris stockpiles. The site contains drainage and utility infrastructure as well as Broadway roadway slope and is highly disturbed. Unconsolidated materials vary from approximately one foot in depth near Broadway to nine feet in depth at the rear of the site. The proposed conceptual grading plan shows removal of these materials and compaction. The project will comply with the recommendations in the final geotechnical study submitted for the site improvements and building permit. There are no historical or archaeological resources in this area and impacts to paleontological resources are not expected"

- There is no drainage that exists on the lot, other than the hillside at the rear of the property and the ground soil.

10

- The South Coastal Records should be referenced to confirm that there are no cultural/ Native American ties to this specific lot APN4992205300.

- County records should be referenced to determine that there are no underground gas tanks on the site or other buried hazardous materials since a prior land owner back in the 1950's-70's was a gas station/sole proprietor

- The 1996 MEIR is felt to be too old to be utilized as a definitive source of NO IMPACT of historical, archaeological or paleontological resources.

Geology/Soils

Less Than Significant Impact

"The site is a vacant 0.5 site that appears to have been previously graded and uses for a soil stockpiles. Fill materials vary from approximately one foot to nine feet at the rear of the site. The proposed conceptual grading plan requires compaction, but maximum depth is 3-4' near Broadway. The project will comply with the recommendations in the final geotechnical study submitted for the site improvements and building permit. New structures will be required to comply with the current seismic requirements of the California Building Code. Like most urban areas in Southern California, Lemon Grove is subject to earthquakes. The project site is not located in an Earthquake Fault Zone according to the Alquist-Priolo Earthquake Fault Zoning Act and no active faults or ground ruptures have been mapped underlying the site or within the City of Lemon Grove. Active regional faults may cause ground shaking in Lemon Grove. Typical erosion control measures will be required during site grading"

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(11)

- It is felt that the water table in this region is closer to the surface in the neighboring community, hence the name "Spring Valley". It is felt that County records should be utilized to confirm no active faults or ground ruptures have been mapped for Spring Valley as well. The vacant lot is abutting Spring Valley and this search should not be narrowly scoped by the City of Lemon Grove alone.

- Due to the high probability of contaminants on the site from dumping, it is felt that a pollution policy should be required for the property owner/developer and general contractor.

- It has been noted that a large section of erosion exists on the site, approx. 75 yards from the mouth of the Caltrans easement swale. It is felt that this should be examined and controlled prior to any grading, trash removal or improvements.

Hazards & Hazardous Materials

No Impact

"The development of the multi-family residential project will be required to comply with performance standards related to noise, glare, traffic, vibrations, hazardous materials, airborne emissions, and liquid and solid wastes. An environmental assessment was prepared for the project applicant and no hazards or hazardous material were found or expected. The subject property is not located within the Influence Area of a private airstrip or public airport. The project is located within an urbanized area and there are no wetlands located within the vicinity of the subject property. "

(12)

An environmental assessment (EA) was prepared by Benchmark Environmental Services, Inc. (Benchmark), on behalf of the applicant and used to support No Impact for Hazards and Hazardous Materials in the Initial Study. The "Risk Cheque Plus Environmental Report," dated July 28, 2014 was completed on the subject property, identified as 8465 Broadway, Lemon Grove, California. The EA was limited in nature and only included the subcontracting of an environmental records database search, Sanborn Fire Insurance map review, aerial and topographic photograph review (aerial photograph years: 1956, 1966, 1979, 1981, 1994, 2002, and 2013), and assessor's records review. Based on the findings of the EA, Benchmark concluded that the site was historically undeveloped, the site was considered "Low Risk", and no further action required.

- It should be noted that the EA was limited in nature and did not comply with American Society for Testing and Materials (ASTM) Standard E1527-13 for the preparation of Phase I Environmental Site Assessments (ESA). Furthermore, the EA does not satisfy the All Appropriate Inquires (AAI) standards set forth by 40 Code of Federal Regulations (CFR) Part 312 and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) liability.

- A review of the EA's supporting documentation, specifically the aerial photographs obtained during the preparation of the report indicated poor photograph quality that provided limited data interpretation of the subject property. Furthermore, the limited EA did not include a review of City Directory listings, City/County Building Records, City/County Fire Department Records, and interviews with past and present property owners.

- Brookside residents requested an aerial photograph review package from Environmental Data Resources (EDR), an environmental database provider. Aerial photographs from 1949, 1953, 1964, 1970, 1974, 1985, 1989, 1995, 2005, and 2012 were reviewed. Copies of the photographs are attached to this summary. The following is a summary of the photograph review:

  - 1949: The subject property appears to be developed with a structure located on the west-central portion of the site. The northern portion of the site appears to be cleared, and contains smaller structures, and/or parked vehicles.

  - 1953: The subject property appears to be developed with a structure located on the west-central portion of the site.

  - 1964: The subject property appears to be developed with a structure located on the west-central portion of the site. Two to three additional structures are noted in the central portion of the site. A single structure is also noted on the southern end of the site.

  - 1970: The subject property appears to be developed with structures located on the west-central, central and southern portions of the site.

- 1974: The subject property appears to be developed with structures located on the west-central and central portions of the site.

- 1985, 1989, 1995, 2005, and 2012: Broadway appears to be widened and realigned. The roadway adjustment appeared to reduce the overall property size, when compared to its current configuration and size. No developed structures are noted on the subject property during this timeframe.

Based on aerial photographic review, the subject property was developed from approximately 1949 to 1974. In 1985, Broadway was widened and realized, which reduced the overall property size and configuration.

According to written statements by former and current Brookside residents: Mr. Walter Malecek, Mr. Larry Long (3610 Fairway Drive, La Mesa, CA) and Mrs. Rebecca McElyea (3634 Fairway Drive, La Mesa, CA) the subject property was previously developed with historical structures and that the property use included a family owned gas station. The residents note playing on the property, purchasing candy at the gas station store, and filling and having routine maintenance performed on their vehicles. It should be noted that the gas station was present prior to the development of the Brookside community and operated throughout the 1950s, 1960s and part of the 1970s, which corresponds to developed structures observed in aerial photographs. The operation of the gas station would be prior to City of Lemon Grove incorporation (1977).

The initial study and lead agency has stated that the subject property is a nuisance due to illegal dumping. A public records request obtained from the City of Lemon Grove, indicated that 10 records were on file for the subject property. Seven of the 10 records were related to "junk and debris" being placed on the property. Furthermore, the initial study and lead agency have stated that fill material and soil stockpiles have been imported onto the subject property. The origin of the fill/stockpiles material is unknown and reportedly extends to a depth of nine feet below grade. The initial study and supporting documentation has not provided evidence that rules out potential chemicals of concern (e.g., asbestos, pesticides, heavy metals, polychlorinated biphenyls) that may be associated with the fill/stockpiles, or illegally disposed of wastes associated with dumping of trash and debris. Furthermore, it is possible that buried or concealed trash, waste, piping, and underground storage tanks (USTs) could be present in site soils from the previous site development and use, undocumented fill, and potential historical gas station.

Proposed future site improvements will cause soil disturbance that may result in the migration of potential chemicals of concern associated with the fill/stockpiles, trash and debris, both on and offsite and in the direction of residential development to the south and east.

In summary, the EA prepared by the applicant for the subject property and in support of "No Impact" for Hazards and Hazardous Materials, does not adequately define the historical use of the subject property, nor does it rule out the possibility of environmental impact from historical site use. According to Brookside residents, the subject property was developed as a family owned gas station. No records indicating the operation of the gas station were available at the City of Lemon Grove. Additional research and/or investigation, appears to be warranted in order to support a No Impact determination, and to rule out potential environmental impacts associated with the project.

Hydrology/Water Quality

No Impact

"The project concepts comply with the Regional Water Quality Board regulations and requirements and the proposed construction documents shall be consistent with the entitlement approvals. The Lemon Grove Municipal Code requires that the construction documents submitted to the City of Lemon Grove for permits shall conform to the Regional Water Quality Board regulations and requirements.

This project is not located in a flood plain or zone and is not subject to flooding"

- It is felt that the project will provide substantial runoff due to solid surface parking area, cement communal area and terraces and roof top which will strain the Caltrans Swale at the rear of the property and could potentially pollute the ground.

- It was noted by a resident Mr. Larry Long (3610 Fairway Drive, La Mesa, CA) that a natural spring once existed where what is now called the Caltrans Swale directly behind Mrs. Rebecca McElyea's home (3634 Fairway Drive, La Mesa, CA). If this can be confirmed, it is felt we should preserve a natural spring source and not allow it to be polluted or tampered with, especially since San Diego County is presently in a long term drought with mandatory water restrictions.

- The 1996 MEIR is felt to be outdated to be a source to state "No Impact".

Land Use/Planning

No Impact

"The project will not divide the community. The majority of properties on the south side of Broadway east of Sweetwater Road and to the City boundary are developed as residential land uses and this project is compatible with those existing uses. Beyond the city boundaries are multifamily and single family development.

The FAA Notice Criteria Tool has identified the project area in proximity to a navigation facility and in accordance with CFT Title 14 Part 77.9, development specifics must be filed with the FAA prior to construction"

(14)

- It is felt that no impact should be changed to potentially significant impact due to the increased density and a proposed building height of 49 ft.
- The dwellings on the southeast side are zoned RS7, 7.3 dwellings per acre, which is significantly lower than 32 dwelling units per acre as proposed by the project plan.
- It has been noted that the lot should never have been changed to RMH from Commercial back in 1996, especially since it is many residents' recollection that the proposal at the time was to change many properties on Broadway to light industrial not RMH. It was not until after the commission decided against the light industrial zone, that this irregular lot was changed to RMH? Why was a correlation made that the triangle lot should be RMH because of the I25 freeway? There are no 4 story structures anywhere along Broadway, east of Sweetwater Road.
- It is felt that a rezone to RLM for the irregular triangle lot would best suit the lot due to its proximity to the majority of households, which are single family dwellings and buildings at a max height of 25 ft.

Mineral Resources

No Impact

"There are no known mineral resources of value located within the City of Lemon Grove"

- It is felt that the General Plan and MEIR are too outdated to make this statement of "No Impact" and specific testing of the site should occur.

Noise

Less Than Significant Impact

"The proposed project will not introduce significant noise sources in the vicinity that are inconsistent with the surrounding area. The surrounding land uses include single-family and multifamily residences to the south and east in the County of San Diego, the SR-125 freeway to the west and north, the SR-94 freeway to the north, and a public storage facility, multi-family residences, and single-family residences in the County of San Diego to the east. The project construction will be required to comply with the California Building Code.

The SR-94 and SR-125 are noise sources within close proximity of the project. Figure N-2 in the 1996 General Plan indicates that the project area is located within an area encompassing 75 db CNEL noise levels or less. The MEIR for the General Plan states that residential uses with existing noise levels below 75 db CNEL is normally unacceptable and a detailed analysis of the noise reduction requirements must be made and the needed noise insulation features included in the design.

(15) The subject property is not located within the Influence Area of a private airstrip or public airport as it relates to noise "

- It is believed by many in the community that the freeway noise and traffic on Broadway is at a climax. Any additional noise from echo due to closed quarter communal terraces and car alarms will adversely affect the neighboring apartments and single family dwellings adjacent to the property.

- It is the recollection of some in the community that back in 1996 (SR125 City Council Meetings) we were told that by 2012 the noise level would reach 80 db CNEL noise levels along Broadway. Since the Noise Contour/ was performed prior to 2012, it is felt that a current study is needed for the community and should be used for future development plans in this region.

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- Individual AC units are called for in the development plan for each studio unit due to the existing freeway noise. This additional noise from AC units will significantly impact the residents abutting the project.

- It was noted that vibration is felt at times on raised decks at residences along Fairway due to traffic up on Broadway.

Population/Housing

Less Than Significant Impact

"The project will not induce substantial population growth. The project does not displace existing housing units or numbers of people"

16

- It is felt that what is built on the irregular triangle lot will set precedence of what developers can propose for future developments as a direct result of Ord 427 being approved. (Rezoning of commercial auto shops on Broadway to RMH).

- It is felt that all homes in the Brookside neighborhood should have been notified of Lemon Grove Ord 427 as it directly relates to what can be proposed for future development on Broadway (less than a mile from this vacant lot and the community of Brookside).

Public Services

Less Than Significant Impact

Recreation

Less Than Significant Impact

"The proposed project will cause a minor increase in the demand on recreational services in the community and parkland fees will be required to be submitted prior to occupancy of the structure. A parkland fee is required pursuant to the Lemon Grove Municipal Code"

17

- It was noted that if Park fees are collected in lieu of providing parkland required per dwelling unit, that a specific park area should be planned near this community to show the direct result of the collection of these fees.

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- It is felt that perhaps this irregular lot can be used as the future park area for developers who seek development plans due to Ord 427 being approved. This developer can sell the lot to the future developers of the auto body and auto repair shops on Broadway.

Transportation/Traffic

Less Than Significant Impact

"The project is not expected to result in a future increase in traffic because the projected average vehicle trips for the proposed project is 96 ADT. An evaluation of existing land uses occurred as a result of a proposed general plan amendment and zoning amendment in the area to revise commercial uses to residential uses and identified an approximate reduction of 737 trips less than the projected vehicle trips for the subject area if built out at 29 dwelling units per acre. No significant impact on existing traffic loads and capacities is likely to occur. East Broadway would operate at a Level of Service (LOS) D or higher at 33,400 average daily trips (ADT). The SANDAG 2050 Forecast estimates 30,600 daily trips for this section of Broadway and the proposed traffic would be below the acceptable LOS D standard.

Development within the area is required to file an application to the FAA for a determination regarding impacts to the navigation aids in the area"

18

- The calculation for average daily trips uses a base of 29 units vs. 32 units which is being proposed by the plan. For this reason, it is felt that this projection may be inaccurate. Also, since a majority of households have two cars, the equation may need to be loaded to account for the two car households. According to the developer "The lofts will be marketed toward single executives" if this is the case, more trips will need to be considered because the younger generation will generally go to work, school, and travel to exercise on a daily basis. With that said, the number of trips could potentially triple vs. decrease.

- The SANDAG GUIDE is felt to be out dated since it is valued as of 2002. If a current version exists, it should be utilized.

19

- The development project is not providing the required parking spaces for its tenants. In turn, it is felt that parking will spill over onto Fairway Drive, which is already impacted by the Chevy Chase apartment building.

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Utilities/Service System

Less Than Significant Impact

Mandatory Findings of Significance

No Significance

"The proposed project will not cause a substantial adverse effect on human beings"

In light of the community's concerns pertaining to 1996 MEIR and sources viewed to develop the staff report, it is felt that further research is needed before a "No Significance" rating can be made.

This is a community developed response to the development plan. Should you have any questions, you may contact Theresa Bailey at 619-569-6742 or via email at Tmbailey@live.com.

Thank you for your time and consideration,

Brookside Residents

MOVED TO BROOKSIDE NIEGBORHOOD WITH MY PARENTS WHEN I WAS A SMALL CHILED IN 1952.

THERE WAS A GAS STATION ON BROADWAY RD. (ADDRESS UNKNOWN) WICH IS NOW A EMPTY LOT NEXT TO BROADWAY GROVE APARTMENTS. THE GAS STATION WAS THERE FOR MANY YEAS BEFORE 1952.

WALTER MALECEK
Walt Malecek
6-16-2015

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Larry K. Long
3610 Fairway Drive
La Mesa, CA 91941

16 June 2015

Concerned Brookside Resident:

In 1951 my parents moved into a new home on Fairway Drive. As a six year old kid I used to visit the Gas Station that was located on Broadway, just north of the current Broadway Grove Apartments, to buy candy and play in the field behind the station. I do remember that you had to watch your step and not get into the spilled oil from the cars.

The station was there for many years, but I do not remember when the station was removed or if the underground tanks were removed.

It should be noted that there is a natural water spring on the East side of the property for the proposed apartments. As a kid I remember the hill had rocks that always had small amounts of water dripping down the hill.

Sincerely,

Larry K. Long

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June 16, 2015

Atten. Carol Dick

I purchased my home at 3634 Fairway Drive on 9-7-63. My property is directly behind the proposed project.

At the time that we purchased our home, there was a gasoline station located on the proposed property on Broadway. My husband and I purchased our gasoline and oil at this station. We also had a new engine installed in our 1957 Ford Fairlane by the owner Curtis. He and his wife, Edna Gerlich lived on the aforementioned property.

Sincerely.

Rebecca F. McElyea

Rebecca F. McElyea

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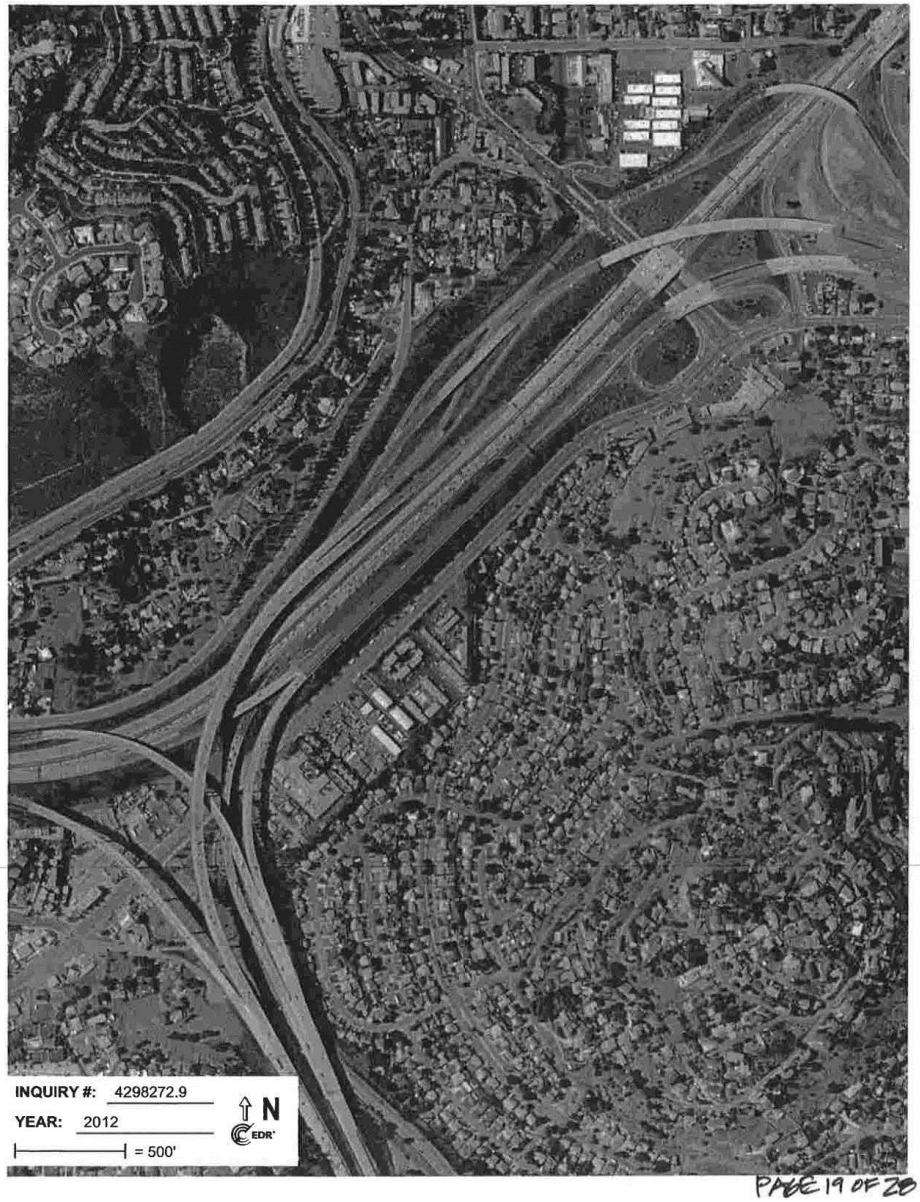
Attachment F

Planning Commission Staff Report9/28/15
Attachment F



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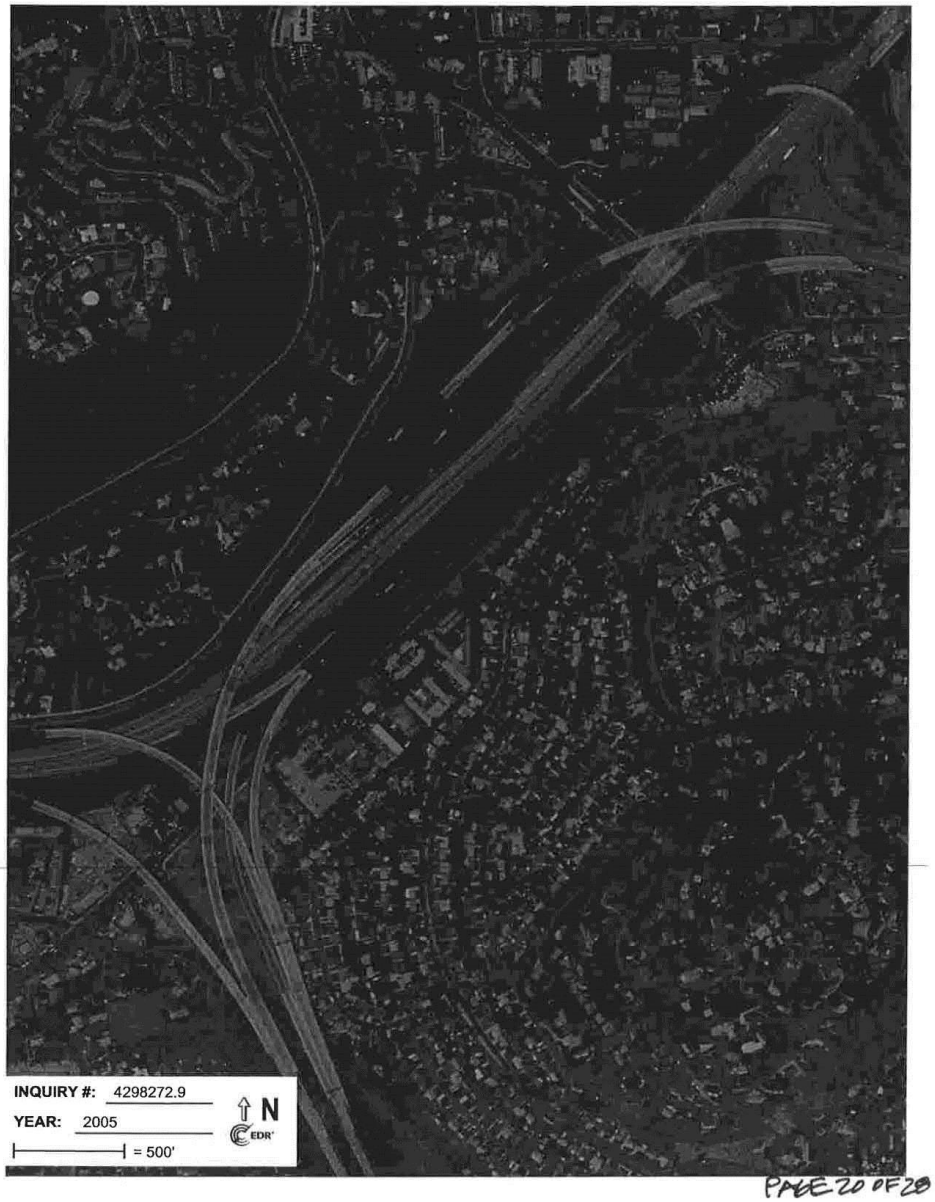

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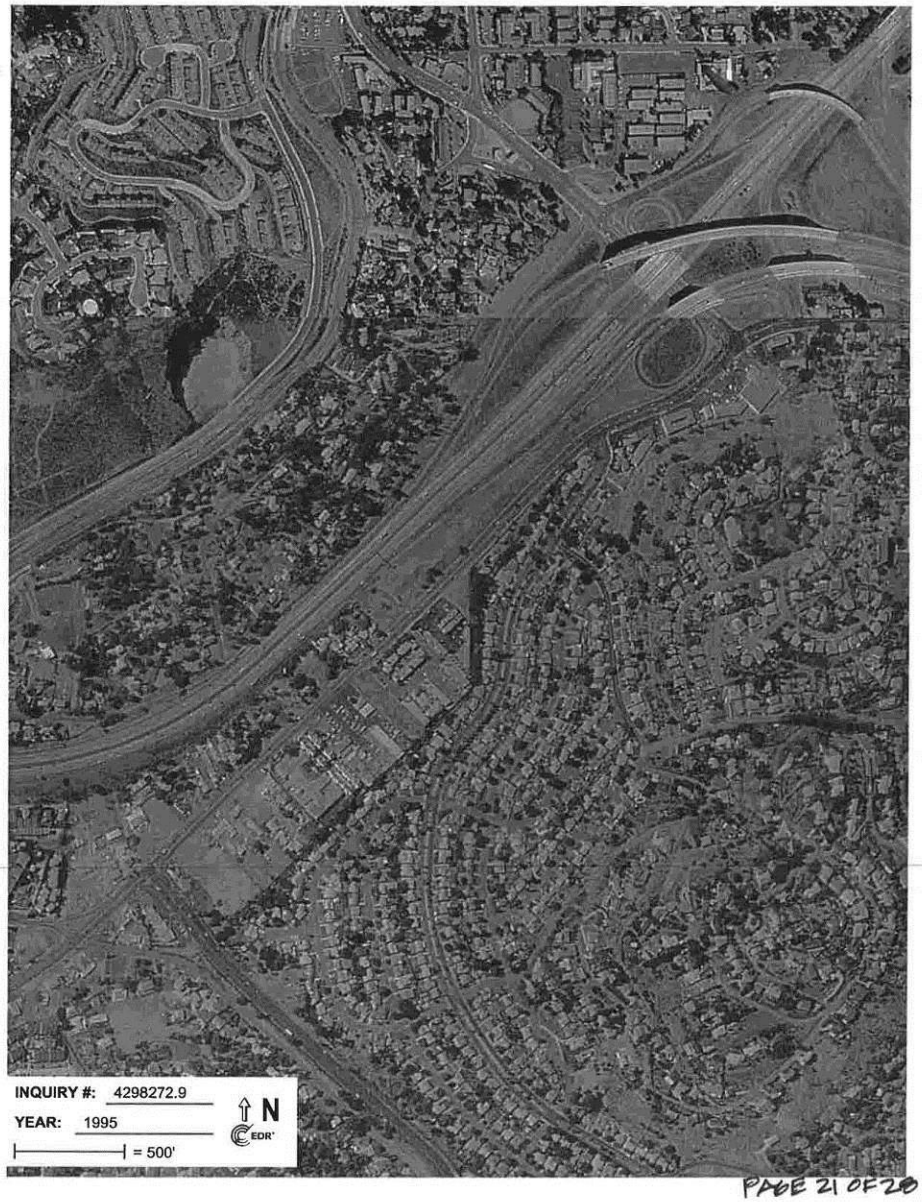
Attachment F



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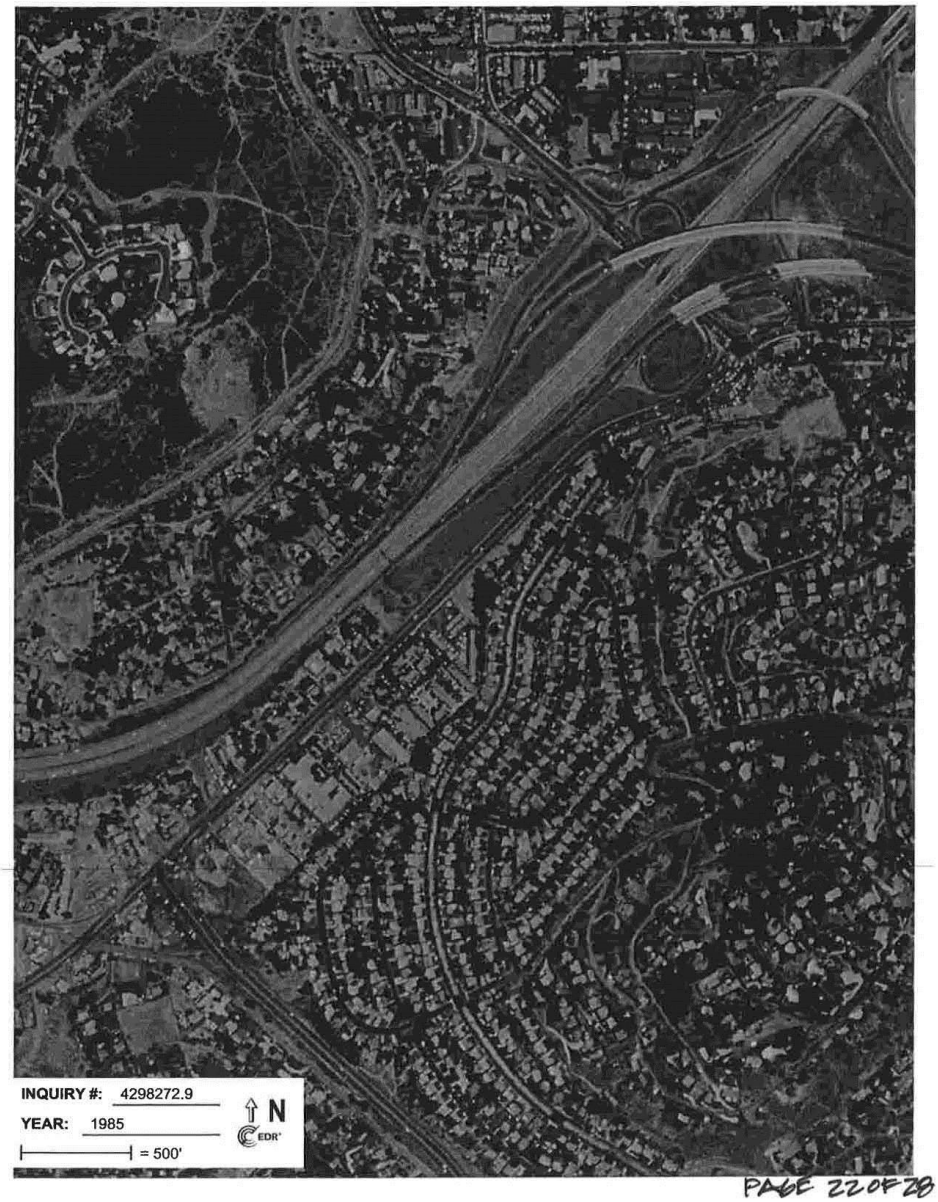

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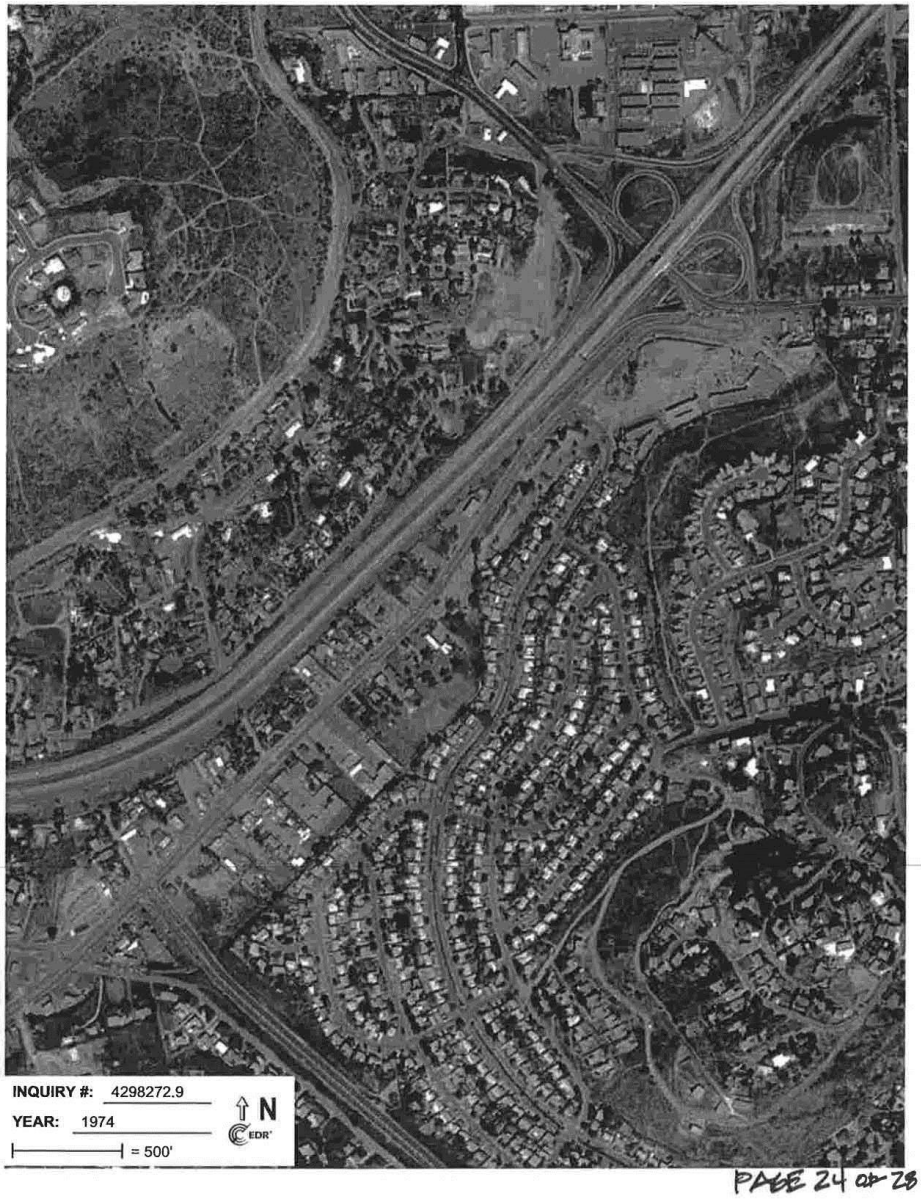

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Attachment F

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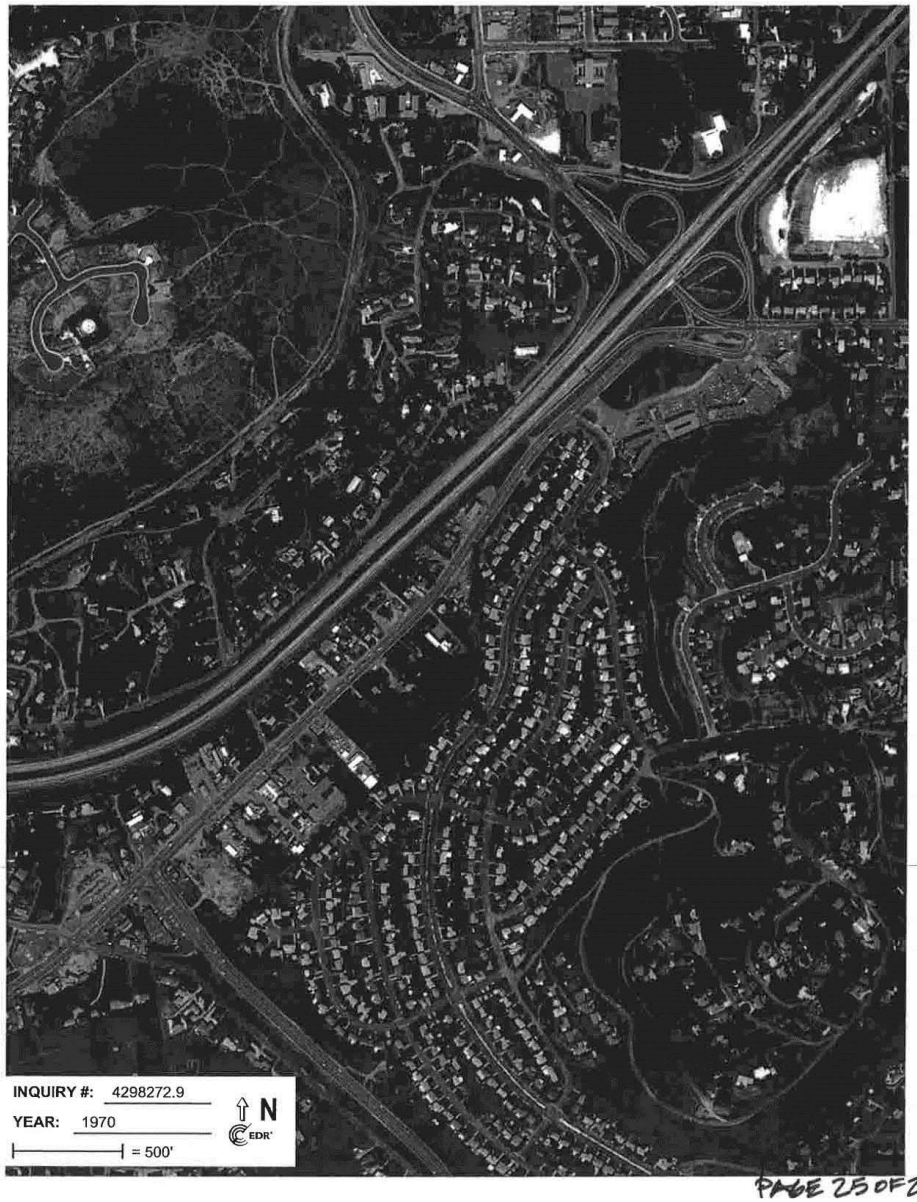

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INQUIRY #: 4298272.9
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Attachment F

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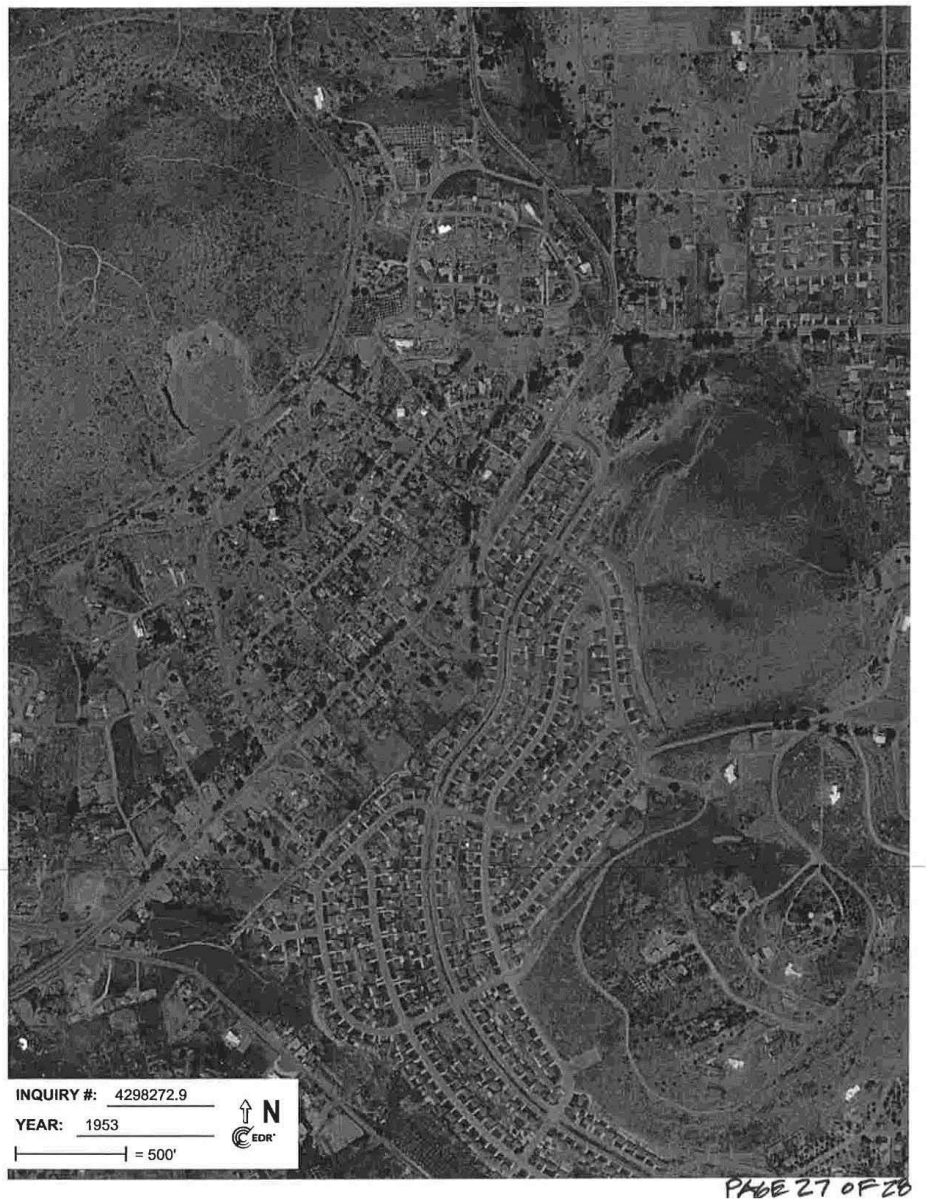

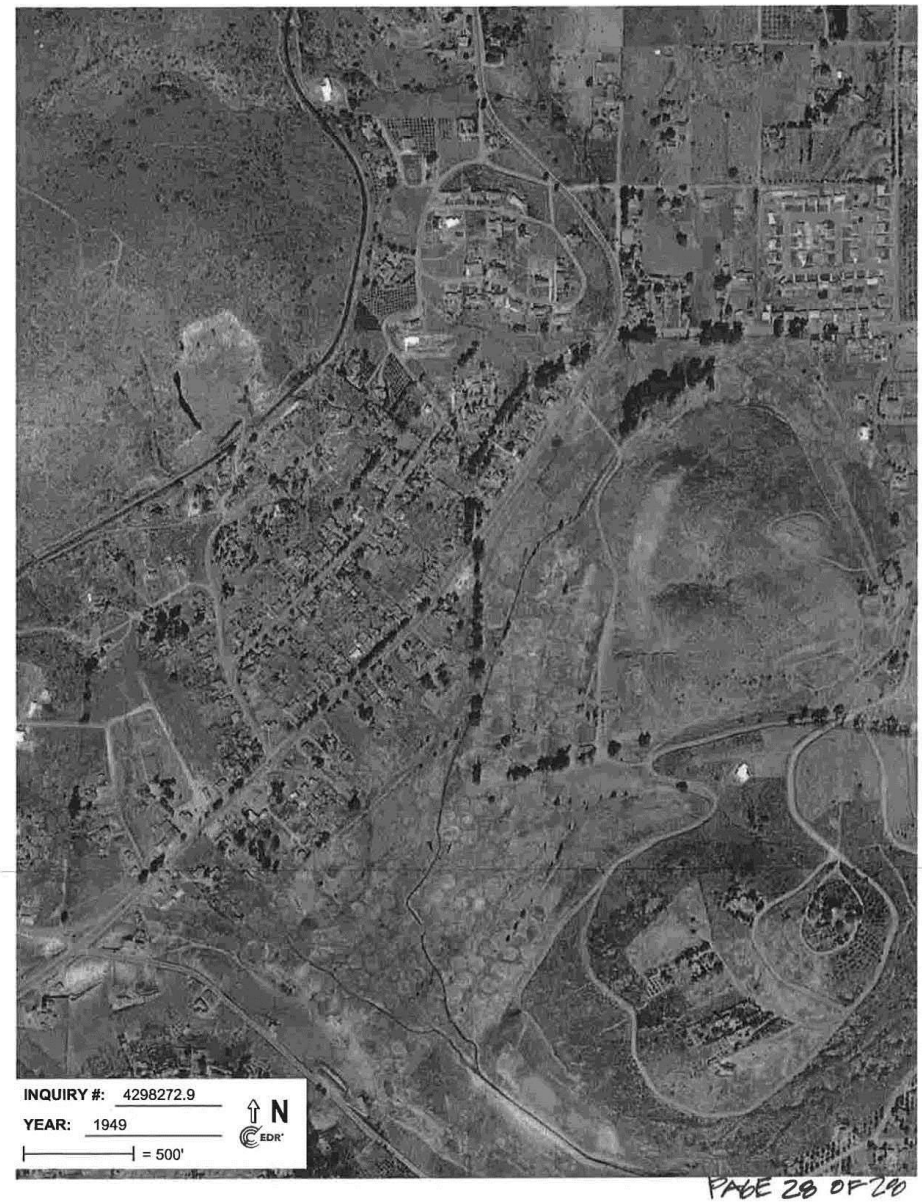

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CITY OF LEMON GROVE
REGULAR PLANNING COMMISSION MEETING
SEPTEMBER 28, 2015

MINUTES

1. CALL TO ORDER

Vice Chair Cole called the Regular Planning Commission Meeting of September 28, 2015 to order at 6:00 PM.

2. ROLL CALL

Vice Chair Sean Cole, Commissioners Bob Bailey, Regina Caskey, and Susan Yepiz were present. Staff Members present were Kathi Henry, Interim City Manager; Carol Dick, Development Services Director; Dave DeVries, Principal Planner; and Patti Peterson, Development Services Technician.

3. PLEDGE OF ALLEGIANCE

Vice Chair Cole led the Pledge of Allegiance.

4. APPROVAL OF THE MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING OF AUGUST 24, 2015.

On a motion by Commissioner Bailey, seconded by Commissioner Caskey, the minutes of the Planning Commission meeting of August 24, 2015 were approved by a vote of 4-0.

5. **CHANGES TO THE AGENDA:** None

6. CITIZEN COMMUNICATION:

a) Written Correspondence: None

b) Oral Correspondence: None

7. **CONSENT ITEMS:** None

8. CONTINUED PUBLIC HEARINGS:

a) **Planned Development Permit 150-0001**: This project was continued from the June 22, 2015 Planning Commission meeting and is a request to authorize the construction of a 16 unit apartment building utilizing density bonus provisions with design incentives and minor modifications regarding front setback and vehicle parking requirements and subject to affordability restrictions. The project includes a three story building, communal areas, surface parking lot, landscape and drainage improvements. The project is located on a 0.5 acre vacant lot (APN 499-220-53-00) located at 8465 Broadway in the Residential Medium/High Zone. Applicant: Suncrest Residential, LLC. Staff Assigned: Carol Dick.

Ms. Dick presented the staff report and stated that this project originally came to the Planning Commission on May 11, 2015, but was deferred to June 22, 2015,

due to a noticing error. At that time, knowledge of history on the site became available and the public hearing was continued to tonight's meeting to allow the applicant time to complete a Phase II environmental assessment. Ms. Dick stated that the analysis determined that there were minimal amounts of contamination that are considered within acceptable levels.

Ms. Dick stated that the City acquired the County Assessor Building Records which are not considered public record. She said that the documents show that the site contained a service station with an attached residence. County records show that the structures were demolished in 1974. It is not clear whether the underground tank was removed or abandoned in place.

Ms. Dick stated that the property was changed from commercial zoning to multi-family in 1996 with the General Plan update. She said that the surrounding uses are transportation (SR94 and SR25), multi-family residential (Lemon Grove), and single-family residences (County of San Diego).

Ms. Dick stated that the project proposes to utilize State Density Bonus provisions to increase allowable density. She said that the State allows density bonuses and waivers of development standards as incentives for the provision of affordable housing units. Ms. Dick stated that the proposed deviations include a reduction of the parking ratio (State Density allowance), a four foot height increase (State Density incentive/waiver), a reduction in usable open space (PDP Deviation) and a five foot reduction of the front setback (Minor Modification). She said that existing setbacks for existing structures along Broadway vary and the project exceeds the requirement for side yard and rear yard setbacks.

Ms. Dick stated that after the June 22, 2015 Planning Commission meeting was continued, the developer was urged to meet with the neighbors in the surrounding community to help resolve some of their concerns. She said that as a result of these meetings, the developer is proposing more landscaping along the property line adjacent to the single-family homes, and an eight-foot high fence around the parking area. Ms. Dick referred to several power point slides depicting the existing site, and proposed elevations for the project. She said that the project proposes loft style studios with a bedroom that is in a loft area above the living area creating a volume space. Ms. Dick stated that loft area studios provide greater separation between living and sleeping areas.

Ms. Dick stated that a condition of approval has been added regarding the request for a third party evaluation of the Phase II Environmental Assessment. She said that the County of San Diego Department of Environment Health (DEH) offers a Voluntary Assistance Program (VAP) for third party review. She said that this generally takes anywhere from two weeks to two months for the County to complete the review. Ms. Dick stated that a condition of approval has been included in the Resolution that requires the applicant to complete the DEH process and submit a copy of a "No Further Action" or a "Concurrence" letter to the City. She said that the condition requires receipt of the letter prior to issuance of a grading permit.

Vice Chair Cole stated that there was a question in correspondence submitted by a neighbor regarding the qualifications of the person preparing a Phase II Environmental Assessment and that the information submitted by the applicant did not meet the standards of San Diego County Department of Environmental Health.

Ms. Dick stated that is correct. She said that the City will accept an analysis from a licensed professional, but that the County requires a specific licensed professional. Ms. Dick stated that is part of the reason for the condition requiring that the applicant submit to the Volunteer Assistance Program to review the report and to provide third party conclusions.

Commissioner Yepiz asked if the Housing Element shows a demand for more affordable studio units.

Mr. DeVries stated that the current Regional Housing Needs Assessment shows approximately 300 housing units are needed through 2020 and recognizes 40% market rate, and 60% are to be affordable low to moderate housing.

Public testimony was opened beginning with those in favor of the project.

Mr. Larry Walsh stated that he is the project civil engineer. He said that he is available to answer questions.

Mr. Steve Hutton stated that he is the landscape architect for the project. He said that to provide more privacy they have added additional tall trees and mid-size trees to fill in gaps in the existing landscape. He said that he feels that an eight-foot high fence is excessive, but the applicant is willing to provide the fence. Mr. Hutton stated that a six-foot fence is more than adequate to shield the neighboring houses from car headlights.

Commissioner Caskey asked if they will space the proposed trees to fill in the existing gaps in the landscape.

Mr. Hutton said yes.

Mr. Beri Varol stated that he is the architect for the project. He said that they met with neighbors and agreed to more landscaping and raising the fence height to help shield the neighbors from car headlights. Mr. Varol stated that he would be happy to revisit these concessions if necessary. He said that this is an irregular lot and that there is a density difference between the two jurisdictions. Mr. Varol stated that he understands the neighbors' concerns, but they are building the project to current code standards.

Mr. Bill Linnewitz stated that he is with Benchmark Environmental. He said that they will bring in Ardent Environmental to work with the DEH. Mr. Linnewitz stated that he is confident that they will get a "No Further Action" or "Closure" letter.

Those in opposition to the project provided public testimony.

Ms. Beth Bailey stated that she lives on Fairway Drive. She said that this an excruciating process. She said that she appreciates the efforts the developer

has gone to, but that a four-story building should not be allowed next to single-family development. Ms. Bailey stated that she is concerned about the balconies. She said that none of the other multi-family structures in the area have balconies that would allow someone to look down on private residences.

Ms. Teresa Bailey stated that she is a resident on Fairway Drive. She presented a photo board and handouts for the Planning Commission. She said that she feels that the rear yard should be considered from a different angle. Ms. Bailey stated that if her calculations are correct, the alternate setback would be 21 feet versus 92 feet. She said that the height of the proposed structure is misrepresented in the artist rendering. Ms. Bailey stated that she flew balloons at 49 feet, and they are considerably higher than the developers rendering of the proposed structure. She said that another concern is how the project will impact the sunlight she currently receives in her garden.

Ms. Bailey referred to the Lemon Grove Master Environmental Impact Report (MEIR). She said that this document is outdated and does not address current issues in the area including the SR125 and SR94. Ms. Bailey stated that the developer is asking for multiple variances. She said that if this were the perfect project, variances would not be necessary. Ms. Bailey stated that the neighbors would prefer a project of no more than two stories, with no balconies or large windows in the rear units. She said that this would be gentler for the small triangular lot and adjacent neighbors. Ms. Bailey stated that they, as a community, are not against development, just this proposed project.

Ms. Rebecca McElyea stated that she is a resident on Fairway Drive. She presented handouts to the Planning Commission and referred to the photo board. She said that she is concerned with storm water runoff. She said that her home is immediately west of the project and the existing drainage swale is between her house and the project. Ms. McElyea stated the proposed project will change the amount and flow of the water. She said that she is concerned that pollutants from the previous gas station and possible underground tank are not being properly addressed.

Mr. Jake Christie stated that he is a Spring Valley resident. He said that he covers planning groups, mainly the Spring Valley Planning Commission, and that is how he heard about this project. He said that this is one of the oddest project he has seen. Mr. Christie stated that this project is better suited for downtown San Diego, not an east county community. He said that he could not find any information regarding the developer, other than they have only been in business for one year. Mr. Christie stated that with the proximity to freeway and local colleges, this complex could become a college dorm. He said that the project does not fit the neighborhood.

Ms. Lorna Stafford-Bently stated that she is a resident on Fairway Drive. She said that she lives directly behind the self-storage project located on Broadway. Ms. Stafford-Bently stated that there is sufficient parking for the storage units, and no concern about loss of privacy. However, she said that there is not enough proposed parking for this project. She said that Broadway is a busy

street and should not be considered for street parking. Ms. Stafford-Bently also stated that not enough research has been done regarding the possibility of an underground tank and the storm water runoff.

Mr. Robert Vryheid stated that he is a resident on Fairway Drive. He handed out pictures to the Planning Commission. Mr. Vryheid stated that these pictures show the views into the neighboring properties from the project site. He said he would like to request a more detailed landscaping plan that shows the height of the proposed trees and the degree of growth for immature plantings.

Commissioner Bailey stated that he appreciates these photos as they give an added perspective to the project.

Ms. Deborah Flam stated that she is a resident of the Brookside community and that she would like to thank her neighbors for investing their time, money, and resources to investigate the proposed project. She said that she is concerned with the privacy issue. Ms. Flam stated that the project is proposed to be 49 feet high and the slope down to her property is 16 feet. Ms. Flam stated that makes the structure 65 feet, which is comparable to a six-story building. She said that residents of the project will be able to look directly into the neighbors properties. Ms. Flam stated that the surrounding properties that are multi-family only have two stories. She said that the new building will also block sunlight during certain times of the day from the neighbors yards.

Mr. Gary Flam stated that he is a resident of the Brookside community. He said that the proposed parking is inadequate. Mr. Flam stated that most families have more than one car. He said that Broadway has few legal areas that allows street parking. Mr. Flam stated that their community has already experienced overflow parking because of the Chevy Chase apartments. He said that traffic on Broadway will be affected with the residents turning into and exiting from the property.

Mr. Brian Brennan stated that he is also a Brookside resident. He said that he believes that the process needs more evaluation. Mr. Brennan stated that they have only scratched the surface of potential problems because of the uncertainty of the history of the land. He said that the Planning Commission should defer their decision until the proper environmental studies have been concluded.

Mr. Beri Varol stated that this is a very passionate community and he understands their concerns. He said that they (the developers) have been very open and he is surprised that the community did not share more of their concerns during their meetings. Mr. Varol stated that the height issue is a matter of perspective. He said that the pictures presented by the neighbors to the Planning Commission during testimony show mostly greenery. Mr. Varol stated that this property has natural screening and they are proposing to add to that screening. He said that the subject property allows for high density and that this project meets the requirements of the zoning code. Mr. Varol stated that the Lemon Grove Municipal Code allows them to request the deviations. He said that the setbacks are not an issue. Mr. Varol stated that the code allows for an eight-foot parapet to screen roof top mechanical which would make the overall

height of a building in the zone acceptable at 53 feet. He said that the project's actual roof elevation is at 48 feet including a one foot parapet.

Mr. Bill Linnewitz stated that the VAP will deal with the environmental concerns.

Mr. Steve Hutton stated that a detailed landscape plan is required with the submittal of structural drawings for a building permit.

Mr. Larry Walsh stated that conceptual plans are submitted for discretionary permits. He added that the current storm water requirements are very thorough and runoff and drainage will be concisely detailed in the construction documents submitted for improvement and building permits.

Commissioner Bailey stated that this is a tough project. He said that he credits staff with providing the legality and explaining how the project meets the code. Commissioner Bailey stated that both the City and the State allow deviations through the codes. He said he thought that this project could be compared to putting 10 pounds of flour in a 5 pound bag, but after revisiting the project site, it's more like trying to put 15 pounds in a 5 pound bag. Commissioner Bailey stated that he drove on Fairway Drive, and it is a very nice community. He said that he stood in the median on Fairway Drive and could barely see the existing two story structure adjacent to the project site. Commissioner Bailey stated that a three story structure will be very visible and the balconies will look right into the adjacent neighbors properties. He said that he is impressed with the proposed building design, but that it does not belong in this neighborhood.

Commissioner Caskey stated that she agrees with Commissioner Bailey. She asked rhetorically that as Lemon Grove residents, do we want this project? Commissioner Caskey stated that she appreciates the work that the developers put into the project, and that they met with the community. However, she does not feel that this is a good project for this community.

Commissioner Yepiz stated that as a City, we usually want high density projects. She said that this parcel is one of the last available vacant sites in the City and an entry point on Broadway and she feels that it should tie in with the community better. Commissioner Yepiz stated that she feels that less density would be better suited for this irregular lot. She said that it is not a good fit for Lemon Grove or the Brookside community.

Vice Chair Cole stated that this project would fit better in our downtown village. He said that the neighbors lack of privacy is an issue. Vice Chair Cole stated that developers provide benefits for communities and concessions are allowed. However, he said that he agrees with his fellow Commissioners that this project is not a good fit for the neighborhood. Vice Chair Cole stated that he commends the developers and the community for all their work regarding this project.

Ms. Dick referred the Commissioners to the findings and asked, based on what she heard the Commissioners saying, if Findings 1. and 3. in the staff report required revisions.

On a motion by Commissioner Bailey, seconded by Commissioner Yepiz, the public hearing was closed and the Resolution disapproving Planned

Development Permit PDP-150-0001 based on the inability to make findings 1. and 3. (pages 11 and 12 of the staff report) was adopted by the following vote:

AYES: Cole, Bailey, Caskey, Yepiz

9. BUSINESS FROM THE CITY ATTORNEY: None

10. BUSINESS FROM THE DEVELOPMENT DIRECTOR:

Ms. Dick stated that this is the last official meeting for the Planning Commission. Staff would like to thank the Commissioners for their service with a celebration immediately following the meeting.

11. BUSINESS FROM THE PLANNING COMMISSION:

Commissioner Bailey stated that it has been his pleasure to have served as a Planning Commissioner for the last eleven years. He said that he especially wanted to thank staff for all their hard work.

Commissioner Caskey stated that she is excited to see the direction that Lemon Grove is taking with new development. She said that she has enjoyed her time on the Planning Commission.

Commissioner Yepiz stated she had some concerns with issues the City faces and decided to get involved with the community. She said that she appreciates all that staff does with limited resources.

Vice Chair Cole stated that he felt compelled to speak at a public hearing regarding public safety. He said that at that time he decided to apply for the Planning Commission and become a part of the decision making. He said that he would also like to thank staff, and Commissioner Bailey for all his help.

ADJOURNMENT;

On a motion by Commissioner Bailey, seconded by Commissioner Caskey, the Regular Planning Commission meeting of September 28, 2015 adjourned at 8:00 PM.

Attachment H

EXHIBIT "A" – PROJECT PLANS

Enclosed in Planning Commission packet and

available at City Hall for Public Review