



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	January 22, 2021	<b>Case/File No.:</b>	Alpine Family Apartments PDS2020-STP-17-039W1; PDS2020-ER-17-14-010A
<b>Place:</b>	No In-Person Attendance Allowed – Teleconference Only - County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Appeal of Director's decision to approve a Site Plan Modification
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	1460 Marshall Road, Alpine
<b>Agenda Item:</b>	#4	<b>General Plan:</b>	Village Residential 15 (VR-15)
<b>Appeal Status:</b>	No further appeals available	<b>Zoning:</b>	Variable Residential (RV)
<b>Applicant/Owner:</b>	Alpine Family Apartments, LP	<b>Community:</b>	Alpine Community Plan Area
<b>Environmental:</b>	CEQA § 21159.25 Residential or Mixed-Use Housing Projects Exemption	<b>APN:</b>	403-271-20-00 403-271-21-00

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## A. OVERVIEW

The purpose of this report is to provide the Planning Commission with the information necessary to consider an appeal of the Director of Planning & Development Services (PDS) December 14, 2020 approval of a Site Plan Modification (STP) for the Alpine Family Apartments project (Project). The STP will allow for the construction of a 38-unit affordable housing apartment complex located on Marshall Road between Marshall Way and Alpine Boulevard in the Alpine Community Plan area.

The project site is subject to the Village General Plan Regional Category, Land Use Designation Village Residential (VR-15), which allows for a total density of 28 units. Zoning for the site is Variable Residential. The Project is utilizing the Density Bonus program as outlined in the County's Zoning Ordinance (Section 6350) to exceed the base density by 10 units. The Project consists of 37 one-, two-, and three-bedroom apartments for low and very-low income residents, with one unit for the onsite manager. The Project includes four 35-foot tall buildings, three for residential units and one for the leasing office, residential units, laundry, and recreation area. A total of 59 parking spaces are provided in accordance with Zoning Ordinance Section 6370 which allows lower parking ratios for affordable housing projects. As part of the Density Bonus program to maximize the affordable unit count, and consistent with State law, the applicant requested incentives including allowing three story buildings, and allowing retaining walls that exceed maximum heights within the setbacks. The incentives were granted as part of the STP Modification Director's approval. Access to the site is provided from Marshall Road, a private road connecting to Marshall Way, a public road.

On December 24, 2020, the Chair of the Alpine Community Planning Group (CPG) filed an appeal of the Director's decision of approval for the Project on behalf of the CPG. The appeal focuses on concerns of

insufficient off-street parking, unsafe ingress and egress from the Project site, pedestrian safety on the Project frontage and off-site, and traffic impacts to adjacent roads and intersections. The Alpine CPG appeal also raises issue stating that the Project is inconsistent with the Alpine Design Guidelines (Attachment C).

The Project qualifies as an affordable housing development pursuant to California Government Code Section 65580 through 65589.11. Government Code section 65589.5 (Attachment I) details eligibility and special requirements and findings that a local governing agency must adhere to when processing a qualifying affordable housing project.

This report contains relevant information associated with the proposed project including the following: the project description, analysis and discussion of the project and points of appeal, community and public input, the CEQA analysis, and the PDS-recommended decision.

## **B. REQUESTED ACTIONS**

Staff recommends the Planning Commission take the following actions:

1. Deny the Appeal filed by Alpine Community Planning Group.
2. Uphold the Director's Decision approving Site Plan Modification Record ID: PDS2020-STP-17-039W1 (Attachment B), including the adoption of the Environmental Findings included in Attachment E. These include a conclusion that the Project is exempt from CEQA in accordance with Section 21159.25.

## **C. PROJECT BACKGROUND**

The Project is located on two lots totaling 1.86-acres at APN 403-271-20 & -21. The site has an existing single-family dwelling with accessory structures, which will be removed prior to construction of the Project. The Project is a Modification of a previously approved Site Plan (Record ID: PDS2017-STP-17-039) which was approved, along with a Tentative Map (TM) (Record ID: PDS2017-TM-5621), by the Planning Commission on November 16, 2018. The previous project permitted the development of 23 condominium units on one common lot and was reviewed and approved for the "B" Designator requirements for community design review pursuant to the Alpine Design Review Guidelines. A "B" Designator requires a project to be reviewed for site planning, architecture, landscape design, signage, and lighting to ensure the development is compatible with surrounding development and community design goals. The applicant for the STP Modification wishes to abandon this previously approved TM and proceed with a Modification of the previously approved STP.

The Project has entered into an Affordable Housing Agreement with the County of San Diego Housing and Community Development Services Department (HCDS) and was awarded \$4.3 million from the Innovative Housing Trust Fund through HCDS (Attachment F). The Board of Supervisors approved the funding on February 25, 2020 (item #8) (Attachment G). This agreement requires the development to reserve 31 units for very low-income households (households making 50% of less than the County of San Diego Annual Median Income) and six units for low-income households (households making between 51% and 80% of the San Diego Annual Median Income).

The Project has requested two development standard incentives pursuant to the County of San Diego Zoning Ordinance Section 6350. First, the Project has requested to increase the number of stories permitted from two to three and secondly to increase the height of retaining walls allowed within the setback from six feet high to 14 feet high. Zoning Ordinance Section 6365 requires the Project applicant to submit information sufficient to show that these reduced development standards will result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic



feasibility of the reserved units in the proposed housing development. Without the requested incentives, the applicant would be able to develop approximately 26 units, and the cost of these units would increase. These incentives must be approved unless PDS makes written findings to deny them based upon substantial evidence, as specified in the Zoning Ordinance Section 7420b.

#### **D. REGIONAL SETTING AND PROJECT LOCATION**

The Project site is located at the west end of Marshall Way in the Alpine Community Plan area, 0.3 miles south of Interstate 8 (I-8) (Figure 1). The Project site is surrounded by existing single-family dwellings, condominiums, and multi-family housing developments, and is approximately 550 feet south of Alpine Boulevard. To the east and south are single family homes, and to the west and north are multi-family housing developments (Figure 2). Access to the site is proposed from a section of Marshall Road which is not publicly maintained.

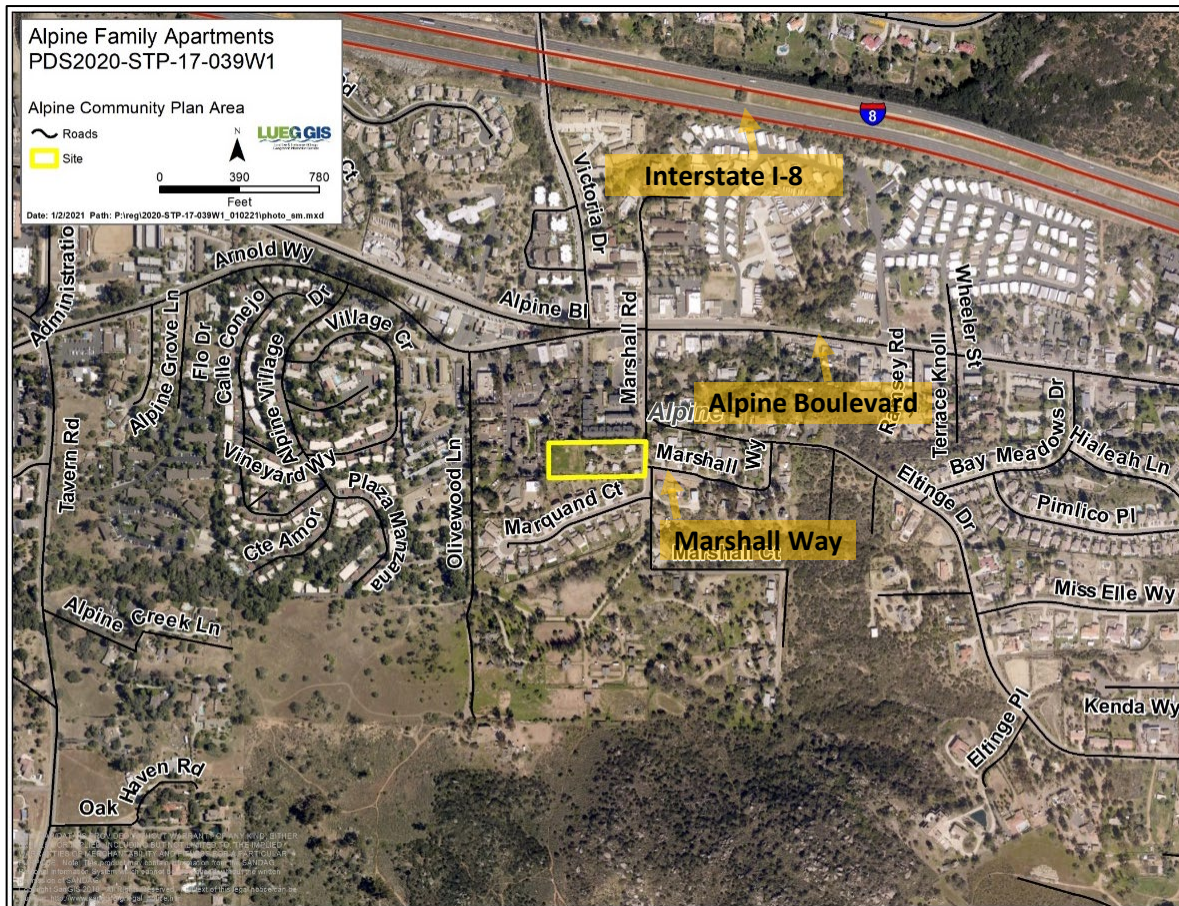


Figure 1: Vicinity Map





Figure 2: Aerial Map (Project Site, Existing Conditions)

The General Plan Regional Category for the site is Village, and the General Plan Land Use Designation is Village Residential 15 (VR-15). The Village Residential 15 Land Use Designation is intended for a wide range of residential use types including single family residences, group residential uses, multi-family dwellings, and condominiums. Zoning for the site is Variable Residential (RV), which allows for residential uses and some civic and agricultural use types.

Please refer to Attachment A – Planning Documentation, for maps of surrounding land uses and zoning designations.

Table D-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Alpine Village Core Mixed Use	Alpine Village Zone 1 (ALV1), Alpine Village Zone 2 (ALV2)	Eltinge Road, Alpine Boulevard	Condominiums, Commercial Uses
East	Village Residential (VR-15)	Variable Residential (RV)	Marshall Road, Eltinge Road	Single Family Dwellings

Location	General Plan	Zoning	Adjacent Streets	Description
South	Village Residential (VR-7.3)	Single Family Residential (RS)	Marshall Road, Marquand Court	Single Family Dwellings
West	Village Residential (VR-15), Alpine Village Core Mixed Use	Variable Residential (RV), Alpine Village Zone 1 (ALV1)	N/A	Multi-Family Housing

## E. DEVELOPMENT PROPOSAL

### 1. Project Description

The Project will allow for the construction of a 38-unit affordable housing apartment complex on a 1.86-acre property located on Marshall Road between Marshall Way and Alpine Boulevard. The project site is subject to the Village General Plan Regional Category, Land Use Designation Village Residential (VR-15), which allows for a total density of 28 units. Zoning for the site is Variable Residential. The Project is utilizing the Density Bonus Program as outlined in the County's Zoning Ordinance (Section 6350) to exceed the allowed density by 10 units. The Project consists of 37 one, two-, and three-bedroom apartments for low and very-low income residents, with one manager unit. The Project includes four 35-foot tall buildings, three for residential units and one for the leasing office, residential units, laundry, and recreation area (Figures 3, 4, and 5). A total of 59 parking spaces are provided in accordance with Zoning Ordinance Section 6370 which allows lower parking ratios for affordable housing projects. As part of the Density Bonus program to maximize the affordable unit count, the applicant requested incentives including allowing three story buildings and retaining walls that exceed maximum heights within the setbacks. Access to the site is provided from Marshall Road, a private road connecting to Marshall Way, a public road.



Figure 3: Typical apartment building, looking north



*Figure 4: View of leasing office building, with 2<sup>nd</sup> and 3<sup>rd</sup> story apartments and resident services*

The Project is designed to conform to the Alpine Design Guidelines. The Project has organized the proposed apartment buildings to maximize usable open space for outdoor living activities (Figure 6). Buildings have been designed with recessed areas, porches, and eaves for depth and shadow relief, and roof forms are gabled and serve to break up visual monotony. Doorways are accented by covered entrances and street facing windows have wood shutters (Figure 5). The Project's retaining walls are made of textured concrete masonry, are stepped to follow the terrain, and are landscaped to provide visual relief. Canopy trees and other plantings are utilized in the parking area to create shade and screening from the public road. The Conceptual Landscape Plan has been reviewed and been found consistent with the Alpine Design Guidelines and the County of San Diego Landscaping Ordinance. The Project is required to process a full Landscape Plan prior to occupancy.

The Project includes a variety of sustainability features, including solar panels, seven Electric Vehicle (EV) pre-wired parking spaces (Figure 6), LED lighting, and low flow water fixtures, in accordance with Building Code Standards and the County of San Diego Landscape Ordinance. These additions serve to reduce the Greenhouse Gas (GHG) emissions and increase the sustainability of the Project.





Figure 5: Proposed architecture and landscaping, view of leasing office from project driveway



Figure 6: Conceptual landscape plan

## F. ANALYSIS AND DISCUSSION

The project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the County Zoning Ordinance, the Alpine Community Plan, the Alpine Design Review Guidelines, and CEQA Guidelines. The Project's consistency with applicable codes, policies, and ordinances is described on the following pages.

PDS staff reviewed and analyzed the points of appeal detailed in the submitted appeal application from the Alpine CPG (Attachment C). The appeal focuses on the following concerns: (1) inadequate off-street parking, (2) vehicular ingress and egress safety, (3) pedestrian safety, (4) traffic impacts on adjacent roads and intersections, and (5) inconsistency with the Alpine Design Review guidelines. Each of these issues have been analyzed and PDS has not identified any deficiencies in the project approval. As explained in detail below, the Project is consistent with the San Diego County General Plan, the County Zoning Ordinance, the Alpine Community Plan, and the Alpine Design Review Guidelines. PDS staff recommends that the appeal be denied.

## 1. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and policies of the General Plan?
- b. Does the project comply with the policies set forth under the Alpine Community Plan and Alpine Design Review Guidelines?
- c. Is the proposed project consistent with the County's Zoning Ordinance?
- d. Is the project consistent with other applicable County regulations?
- e. Does the project comply with CEQA?
- f. Is the project consistent with Government Code section 65589.5(d) (Housing Accountability Act)?

## 2. Analysis

### Land Use Compatibility and Site Plan Analysis

The property has a "B" Special Area Designator for Community Design Review, which requires the processing of a Site Plan for any development. The property must also be consistent with the applicable standards of the General Plan and Zoning Ordinance, as well as the applicable sections of the Alpine Community Plan and Design Guidelines. Staff has analyzed the Project for consistency with the "B" Special Area Designator and determined the proposed use is consistent with the General Plan and Zoning designations. The proposed multi-family residential use is allowed by-right within the Variable Residential (RV) zone; save for the "B" Special Area Designator, the proposed development could be constructed with only ministerial approvals. The General Plan Land Use Designation of Village Residential (VR-15) allows a total density of 28 units on the 1.86-acre parcel. The Project includes 38 units based on the Density Bonus Program calculation (Zoning Ordinance Section 6360), which allows a maximum 35% bonus, equaling 10 additional units. The Project includes 37 reserved affordable units for low- and very-low income residents, and one unit of the onsite manager. All necessary public facilities and services are available to the site based on service-availability forms provided by utility providers and districts.

The proposed location, size, and design of the Project will be compatible with adjacent uses and the visual character of the community, which can be characterized as village residential, with multi-family housing, condominiums, and single-family dwellings. Commercial uses are located along Alpine Boulevard, approximately 550 feet north of the site. The Project is not visible from Interstate 8 (I-8), which is the nearest County-designated scenic corridor, due to distance and intervening buildings and topography (see Figures 1 and 2). The Project is compatible with existing uses in the area as it is adjacent to existing multi-family residential developments and is within walking distance of the Alpine commercial corridor.

### Inadequate Off-Street Parking

*Point of Appeal:* The appeal states that the Project does not provide enough off-street parking to accommodate future residents.

*Analysis and Response:* The Project includes 38 affordable apartment units. Per Zoning Ordinance Section 6370, projects which meet the eligibility requirements for a density bonus can use the following parking ratios:

Number of Bedrooms	Number of on-site parking spaces needed
0 – 1	1
2 – 3	2
4+	2.5

The Project includes 17 one-bedroom units, 11 two-bedroom units, and 10 three-bedroom units, which in total require 59 parking spaces. The Project includes 22 standard parking spaces and 28 tandem spaces reserved for the two- and three-bedroom units, four accessible spaces, six pre-wired electric vehicle charging spaces, and one space reserved for the Postal Service, bringing the total parking spaces to 61. If the Project was not a qualified affordable housing development, it would be required to accommodate 62 parking spaces.

#### Vehicular & Emergency Vehicle Ingress/Egress Safety

*Point of Appeal:* The appeal states the Project creates unsafe ingress/egress for residences and emergency vehicles. In subsequent conversations with the appellant, a request was made for the applicant to extend curb, gutter, and sidewalk improvements from their project frontage to the intersection of Marshall Road and Eltinge Drive, and to re-pave the entire private section of Marshall Road.

*Analysis and Response:* The Project is located along a portion of Marshall Road that is privately owned and maintained and takes access through a small portion of the private easement road before connecting to Marshall Way, a County-maintained road (Figure 7). The Project, through compliance with the County's Centerline Ordinance and as a condition of approval, will be required to improve the access point onto Marshall Way to public road standards and ensure sight distance at the intersection is met.

The Alpine Community Planning Group (CPG) raised concerns about residents using the private section of Marshall Road to access Alpine Boulevard to the north instead of the public Marshall Way and Eltinge Drive. The applicant conducted a Focused Traffic Study as part of the centerline review, which concluded that Project trip generation, 228 average daily trips (ADT), does not warrant off-site improvements such as intersection controls or additional sidewalk improvements. The ADT threshold to require off-site analysis is 250. The applicant would need to agree to additional off-site improvements and get concurrence from the existing private easement holders to make any improvements. After making the required frontage and access improvements and ensuring adequate sight distance is maintained, the Project will not create unsafe road conditions. The Alpine Fire Protection District reviewed the Project and concluded that it provides adequate emergency access and fire apparatus turning radius on-site. With the inclusion of the frontage improvements as required by the County's Centerline Ordinance, the project will ensure safe ingress and egress for residents and emergency vehicles.





Figure 7: County-maintained road network

### Pedestrian Safety

*Point of Appeal:* The appeal states that the Project creates unsafe conditions for pedestrians.

*Analysis and Response:* The Project fronts a section of Marshall Road which is not publicly maintained. This private section is an approximately 20-foot-wide paved, 240-foot-long easement for road and utility purposes. The Project is required to improve the private portion of Marshall Road along the Project frontage, which is approximately 120-feet long and includes curb, gutter and sidewalk connecting the internal pedestrian paths with the surrounding roads and sidewalks to the north and south (see orange call-out in Figure 8). The remaining private portion of Marshall Road is not owned by the Project applicant and is not required to be improved. There is a sidewalk connecting to the adjacent single-family development to the south, and a sidewalk on both sides of Marshall Way to the east. The nearest existing sidewalk to the north is on Marshall Road just north of the private portion fronting the adjacent multi-family development. In discussions with the Alpine CPG, a request was made for the applicant to extend the sidewalk improvements approximately 120 additional feet to connect with existing sidewalk to the north. Currently the private easement road does not have a sidewalk, only a dirt path on the edge of the paved road (Figure 9). This 120-foot section is not required to be improved as part of the Project because it is off-site. The applicant would need to agree to additional off-site improvements and get concurrence from the existing private easement holders.



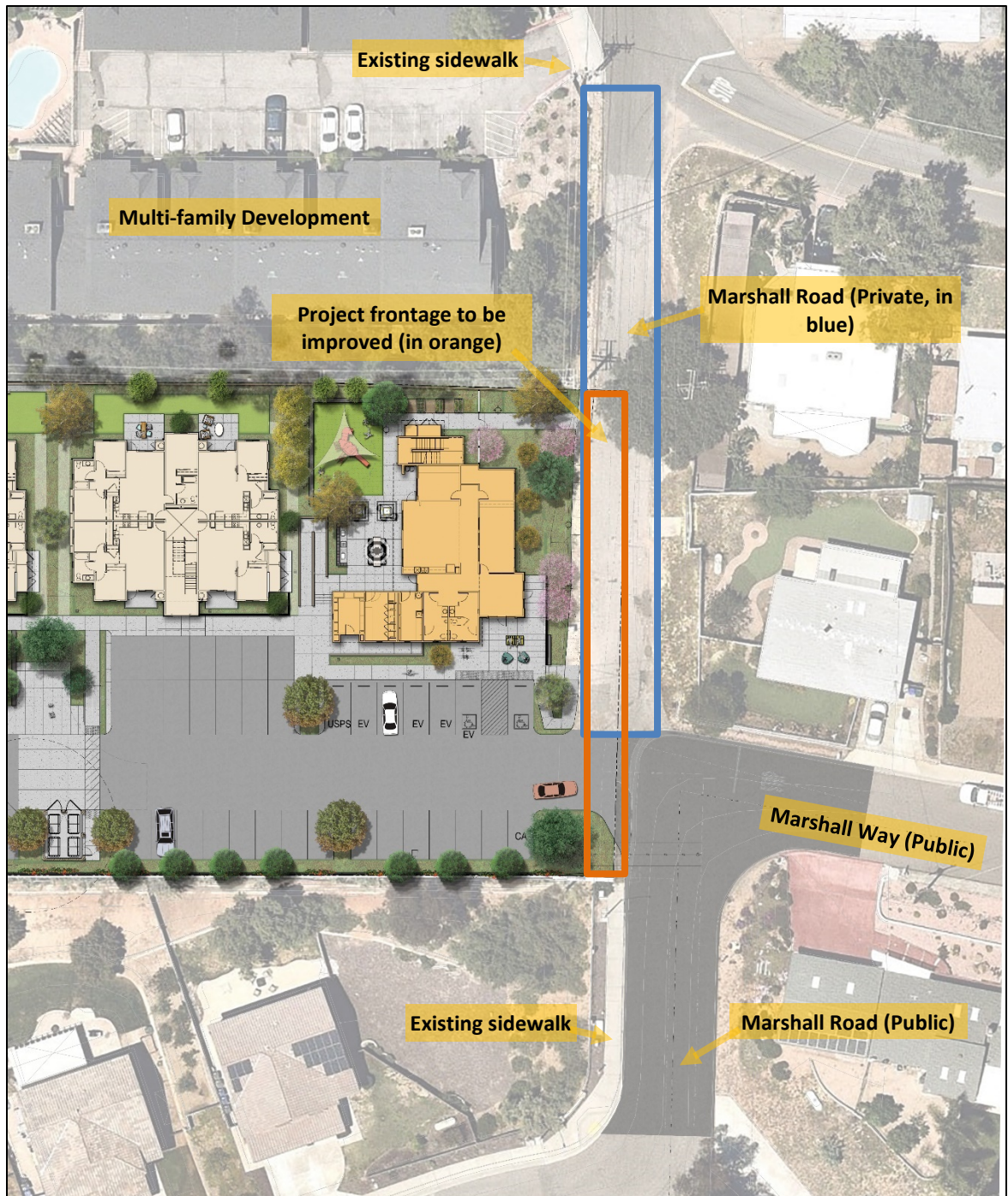


Figure 8: Existing and improved curb, gutter, and sidewalk



Figure 9: Existing private easement portion of Marshall Road, looking north

#### Traffic Impacts on Adjacent Roads/Intersections

*Point of Appeal:* The appeal asserts that the Project will negatively impact the surrounding roads and intersections.

*Analysis and Response:* The project qualifies for a CEQA 21159.25 Residential or Mixed-Use Housing Exemption and is therefore not subject to vehicle miles traveled (VMT) review, which is the new CEQA metric to determine transportation impacts. In addition to the CEQA exemption, according to the newly adopted County Transportation Guidelines, affordable housing projects are not subject to VMT review. Furthermore, the Project generates less than 250 average daily trips (ADT) and does not require a Local Mobility Analysis (LMA) which considers Level of Service (LOS) to analyze impacts to nearby intersections separate and apart from CEQA.

After concerns regarding traffic were raised at a Community Planning Group meeting, the applicant agreed to conduct an LMA to assess how project traffic will affect road operations. The study found that the intersection of Alpine Boulevard and Marshall Road currently operates at an unacceptable LOS F in the PM peak period. However, with the addition of project traffic, the amount of added delay is within the allowable limits based on County Guidelines. The LMA also determined that there is currently limited sight distance for northbound vehicles looking west and attempting to turn left onto Alpine Boulevard because of an existing historical building located on the southwest corner of the intersection. Because the issues at the Alpine Boulevard and Marshall Road intersection are existing conditions, and because the Project does not add more than 5 seconds of delay to the existing failing conditions, there is no legal requirement for the Project to include offsite improvements.

The Project is approximately 1,000 feet from the nearest Metropolitan Transit System (MTS) bus stop. The bus route from this location travels east and west along Interstate 8 from El Cajon to the Viejas Casino and Resort and includes stops at a variety of civic and commercial use centers.



## Consistency with Alpine Design Review Guidelines

*Point of Appeal:* The appeal states that the Project does not meet the standards of the Alpine Design Review Guidelines regarding site lighting, off-street parking, relationship to existing natural features, circulation, topography, and on-site open space and landscaping.

*Analysis and Response:* The Project is required to comply with the lighting standards of the San Diego County Code of Regulatory Ordinances Section 51.200, Light Pollution, and to comply with guidelines for site lighting within the Alpine Design Review Guidelines. The Design Guidelines state that site lighting should be shielded and limited to necessary lighting such as security, safety, and identification. The Project incorporates building lighting, parking lot lighting, and sidewalk lighting; all light fixtures will be fully shielded, and the photometric study prepared for the Project shows proposed lighting complies with the Light Pollution Code. Site lighting is reviewed during building permit processing, to ensure compliance with Community Design Guidelines and the Light Pollution Code.

The Project meets the intent of the off-street parking guidelines. While the Project does not show a planted break between parking every six spaces, all parking stalls are within 30 feet of a tree to ensure proper screening and shading. Trash enclosures are located away from the view of the public road. The Project conforms to guidelines for existing natural features. The Project will develop the entire project site and has minimized grading of the natural landform to the extent possible. The Project has minimized surface drainage issues by creating a stormwater detention basin and connecting to existing storm drains. The Project site is previously disturbed for residential use and has no important vegetation, rock outcroppings, or other natural features. The Project has minimized potential problems from building in an area of excessive slope by proposing retaining walls.

The Project complies with the design goals for circulation and parking. The Project has organized internal circulation for vehicles and pedestrians, the access points for ingress and egress will be made safe through conditioning to require a sight distance certification and a centerline review, and the parking areas are landscaped to minimize views from neighbors. The Project complies with the topography guidelines to protect natural features. The building pads are shown within the main building setbacks and disturb the natural contours as little as possible, while still retaining the desired development and number of units. The Project complies with the Group Open Space guidelines of the Alpine Design Review Guidelines which require 15% of the site be dedicated to landscaping and usable open space. The Project provides approximately 20,335 square feet of useable open space and landscaping, including a tot lot and community garden, common rear back yards with turf, and common landscape areas. This is approximately 20% of the total site, not inclusive of the stormwater retention basin and solar panel areas on the western portion of the site.

## Compliance with Government Code Section 65589.5

Government Code Section 65589.5, also known as the Housing Accountability Act, limits the discretion local jurisdictions have relating to housing development projects for very low-, low-, or moderate-income households. The law states that jurisdictions cannot deny these types of housing developments, or condition approval in a manner that renders a development infeasible, including through the use of design review standards, unless the jurisdiction makes written findings, based upon a preponderance of the evidence in the record for any of the following:

- a. *The Project will cause a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable*

- As discussed previously, through project conditioning and compliance with the County of San Diego Centerline Ordinance and all other relevant County ordinances, the Project will not create an impact to public health or safety.
- b. The denial of the project is required in order to comply with specific state or federal law*
- There is no state or federal law which requires denial of the Project.
- c. San Diego County has met or exceeded its share of the regional housing need allocation for the income categories included in the Project*
- The 2019 General Plan Annual Progress Report states that 3,670 units of very low- and low-income housing is required as part of the Regional Housing Needs Allocation. In 2019, only 285 units of very low- or low-income housing were created. San Diego County has not met its share of regional housing need allocation for very low- and low-income households. The Project would contribute 37 units to the Regional Housing Needs Allocation.
- d. The Project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities*
- The Project site is not zoned for agriculture or resource preservation and the Project has adequate water and sewer services available.
- e. The Project is otherwise inconsistent with both the Zoning Ordinance and General Plan land use designation as of the date the application was deemed complete*
- As previously discussed, the Project is consistent with the Zoning Ordinance and the General Plan land use designation VR-15.

Because the Project does not meet any of the requirements described above, PDS has concluded that the Project should not be denied.

### 3. General Plan Consistency

The site is subject to the Village General Plan Regional Category and the Village Residential 15 (VR-15) Land Use Designation. The Project is consistent with the following relevant General Plan goals, policies, and actions as described in Table F-1.

Table F-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
<p><b>Policy LU-1.2 – Leapfrog Development.</b> Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.</p>	<p>The Project is considered an in-fill multi-family housing development, within a Village area, and with all necessary public utilities and services. The Project does not establish a Village density outside of an established Village area.</p>
<p><b>Policy LU-9.5 – Village Uses.</b> Encourage development of distinct areas within communities offering residents places to live, work, and shop, and neighborhoods that integrate a mix of uses and housing types.</p>	<p>The Project is a 38-unit affordable housing development within the Alpine Village Core area. The Project offers low- to very low-income housing to the residents of Alpine. The Project site is surrounded by existing residential development (single family and multi-family) and is located approximately 550 feet from Alpine Boulevard, the major commercial center of the area.</p>
<p><b>Policy LU-9.12 – Achieving Planned Densities in Villages.</b> In villages, encourage future residential development to achieve planned densities through multi-family, mixed use, and small-lot single-family projects that are compatible with the community character.</p>	<p>The Project achieves the planned density of 15 du/ac, or 28 units. The Project achieves a higher density by utilizing a Density Bonus pursuant to the Zoning Ordinance Section 6350, to allow for 38 units.</p>
<p><b>Policy LU-13.1 – Commitment of Water Supply.</b> Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.</p>	<p>The Project will obtain water service from the Padre Dam Municipal Water District for the operations of the Project. The Project will not rely on groundwater for any proposed uses and will utilize municipal water for the Project.</p>
<p><b>Policy LU-14.2 – Wastewater Disposal.</b> Require that development provide for the adequate disposal of wastewater concurrent with the development and that the infrastructure is designed and sized appropriately to meet reasonably expected demands.</p>	<p>The Project has obtained a Service Availability Form from the San Diego County Sanitation District. The Project will be connected to the sewer district to properly dispose of wastewater.</p>

General Plan Policy	Explanation of Project Conformance
<b>Policy S-6.5 – Concurrency of Fire Protection Services.</b> Ensure that fire protection staffing, facilities and equipment required to serve development are operating prior to, or in conjunction with, the development. Allow incremental growth to occur until a new facility can be supported by development.	A Fire Service Availability Form has been provided for the Project for the Alpine Fire Protection District that demonstrates there are adequate fire services for the Project.

#### 4. Community Plan Consistency

The Project is consistent with the following relevant Alpine Community Plan goals, policies, and actions as described in Table F-2.

*Table F-2: Community Plan Conformance*

Alpine Community Plan	Explanation of Project Conformance
<b>Community Character – Policy 7:</b> Require high-density multi-family residential (7.3 du/ac or greater) projects or zoned property to comply with the Alpine Design Review Guidelines and to be compatible with surrounding development.	The Project is a multi-family housing development adjacent to multi-family housing on the west and north, and single-family dwellings to the east and south. The Project, as discussed in the analysis section of this report, complies with the Alpine Design Review Guidelines.
<b>Land Use, Residential – Policy 1:</b> (b) Higher density development in the existing sanitation district area is encouraged over that in areas requiring major extension of sewer lines.	The San Diego County Sanitation District has completed a Service Availability Form for the Project. The Project will be served by the sanitation district.
<b>Housing – Policy 2:</b> Support the availability of housing and rehabilitation centers to serve the handicapped/disabled of the Alpine Community.	The Project provides 37-units for low and very low-income households. In accordance with State guidelines, the Project shall be designed to be ADA accessible. The Project supports the availability of housing for the handicapped/disabled of the Alpine Community.
<b>Public Facilities and Services – Policy 2:</b> Facilities Service Agreements should only be granted when public agencies can reasonably conclude that quality services on a permanent basis will be available at the time of project completion.	Service Availability Forms have been completed for the Project by the San Diego County Sanitation District, Padre Dam Municipal Water District, Grossmont Union High School District, Alpine Unified School District, and the Alpine Fire Protection District. All public facilities and services are available for the Project.
<b>Conservation – Policy 24:</b> Promote the use of alternate and renewable, non-polluting energy system.	The Project includes solar panels, seven Electric Vehicle (EV) pre-wired parking spaces, LED lighting. These features serve to reduce GHG emissions and promote renewable, non-polluting energy generation.

<b>Open Space – Policy 2:</b> Integrate open space areas in private developments to maximize a functional open space/recreation and wildlife management system.	The Project includes a common outdoor patio area, a community garden, a playground, and yard space behind each apartment building. These areas are not fenced or walled off, creating a more appealing open space for tenant enjoyment.
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## 5. Zoning Ordinance Consistency

The Project complies with all applicable zoning requirements of the Variable Residential (RV) zone with the incorporation of conditions of approval (Table F-3).

Table F-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	RV	Yes
Animal Regulation:	Q	N/A
Density:	-	N/A
Lot Size:	6000	Yes
Building Type:	K	N/A
Height:	G	Yes, upon approval of a Density Bonus
Lot Coverage:	-	N/A
Setback:	J	Yes
Open Space:	A	N/A
Special Area Regulations:	B	Yes, upon approval of a STP

Table F-4: Zoning Ordinance Development Regulations Compliance Analysis

Development Standard	Proposed/Provided	Complies?
Sections 2100 of the Zoning Ordinance allows for Family Residential uses within the RV zone by right.	The Project is a 38-unit multi-family housing development which meets the criteria of Family Residential.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Section 4300 of the Zoning Ordinance requires the Project to comply with the “W” building type requirements.	The Project meets the building type requirements for residential buildings	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Development Standard	Proposed/Provided	Complies?
Section 4600 of the Zoning Ordinance requires that the Project meet the “G” height requirement of 35 feet, and no more than two stories	All proposed buildings associated with the Project are 35 feet in height or less and meet the height requirements. The proposed buildings are three stories, which is permitted upon granting a development standard incentive for a qualifying Density Bonus project.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Upon approval of a Density Bonus application
Section 4800 of the Zoning Ordinance requires that the Project meet the “J” setback requirements of a 50-foot front yard setback, a 5-foot interior side yard setback, and a 25-foot rear yard setback.	The proposed structures meet the setback requirements established by the “J” setback, except for proposed retaining walls on the north and south edges of the project site. These retaining walls within the setback area can be permitted upon granting a development standard incentive for a qualifying Density Bonus project.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Upon approval of a Density Bonus application

#### 6. California Environmental Quality Act (CEQA) Compliance

The Project has been reviewed for compliance with CEQA, and a Notice of Exemption was prepared. CEQA Section 21159.25 provides a statutory exemption for qualifying Residential or Mixed-Use Housing projects. The Project qualifies for a 21159.25 statutory exemption because the Project is a multi-family development surrounding by urban uses and in an urbanized area. The Project is consistent with the General Plan and Zoning Ordinance, and will be served by all required utilities and public services. See the Notice of Exemption and a discussion on the project qualifications for Section 21159.25 in Attachment E. On December 14, 2020, the Project was determined to be in conformance with CEQA by the Director, who found that the Project met the qualifications of CEQA Section 21159.25.

#### 7. Applicable County Regulations

Table F-5: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	The Project has been found to comply with the RPO because it will not impact any wetlands, floodplains/floodways, steep slopes, or sensitive habitat lands.
b. County Consolidated Fire Code	The Project has been reviewed by the Alpine Fire Protection District and complies with the County Consolidated Fire Code.
c. Noise Ordinance	The proposed project demonstrates compliance with the County Noise Ordinance and will not expose potential sensitive receptors to noise limits beyond the thresholds outlined within the County Noise Ordinance.



d. Light Pollution Code	The Project will implement outdoor lighting and glare controls, which will ensure compliance with the Light Pollution Code. The Project is conditioned to comply with the County Light Pollution Code.
e. Watershed Protection Ordinance (WPO)	A Stormwater Quality Management Plan (SWQMP) was prepared for the Proposed Project in compliance with the WPO.

## **G. COMMUNITY PLANNING GROUP**

On October 22, 2020, the Alpine Community Planning Group (CPG) heard the Project at their regular meeting. The CPG passed a motion to postpone their recommendation until the Alpine Design Review Board (DRB) had reviewed the Project and to give the applicant time to address concerns raised by CPG members.

On November 9, 2020, the Alpine Design Review Board (DRB) voted 1-2-0-2 (1-Aye, 2-Noes, 0-Abstains, 2-Vacant/Absent) to recommend approval with modifications, however the motion failed. The recommendations were to add additional landscaping to parking areas, add additional architectural detail to the 2<sup>nd</sup> and 3<sup>rd</sup> floor exteriors, add additional parking spaces, connect the detention basin into an overflow outlet, provide a safe turning solution for the Marshall Road and Alpine Boulevard intersection, add a sidewalk near the southeast corner of the project site to connect with the existing sidewalk, reduce the height of the retaining walls on the north and south perimeters of the project site, and reduce the maximum stories of the proposed buildings to two. While these recommendations did not pass, the applicant did add additional landscaping to parking areas and additional architectural detail to the 2<sup>nd</sup> and 3<sup>rd</sup> floor exteriors. The applicant ensured their detention basin will connect to existing outflow outlets.

On November 19, 2020, the Alpine CPG voted to recommend denial of the project with a vote of 8-0-0-7 (8-Ayes, 0-Noes, 0-Abstains, 7-Vacant/Absent). The Alpine CPG raised concerns with traffic and pedestrian safety, surrounding road conditions, ingress and egress, the project frontage private easement, and inconsistencies with the Alpine Design Review Guidelines.

On December 22, 2020, the Alpine CPG voted to appeal the Director's decision of approval made on December 14, 2020. The CPG voted to appeal with a vote of 10-0-0-5 (10-Ayes, 0-Noes, 0-Abstains, 5-Vacant/Absent). The CPG appeal is based on concerns that the Project does not provide adequate off-street parking and creates unsafe ingress/egress from the project site. The CPG is also concerned about pedestrian safety, traffic impacts on nearby roads and intersections, and inconsistency with the Alpine Design Guidelines. These issues are described in section two of the Analysis and Discussion section of this report.

Please see Attachment D for Alpine CPG and DRB Meeting Minutes.

## **H. PUBLIC INPUT**

In accordance with the County Zoning Ordinance, public notices are not required to be sent to nearby property owners when a Site Plan is submitted. No public comments were received during processing of the project.

## **I. STAFF RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

1. Deny the Appeal filed by the Alpine Community Planning Group.

2. Uphold the Director's Decision approving Site Plan Modification Record ID: PDS2020-STP-17-039W1 (Attachment B), including the adoption of the Environmental Findings included in Attachment E. These include a conclusion that the Project conforms with CEQA, in accordance with Section 21159.25.

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**Report Prepared By:**

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**Report Approved By:**

Mark Wardlaw, Director  
858-694-2962  
[mark.wardlaw@sdcounty.ca.gov](mailto:mark.wardlaw@sdcounty.ca.gov)

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AUTHORIZED REPRESENTATIVE: \_\_\_\_\_



MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

Attachment A – Planning Documentation  
Attachment B – Form of Decision Approving PDS2020-STP-17-039W1  
Attachment C – Appeal Application Form  
Attachment D – Alpine CPG and DRB Meeting Minutes  
Attachment E – Environmental Documentation  
Attachment F – County of San Diego Health and Human Services Agency Density Bonus Regulatory Agreement  
Attachment G – Board of Supervisors Minutes February 25, 2020  
Attachment H – Service Availability Forms  
Attachment I – Government Code Section 65589.5 on Affordable Housing Development

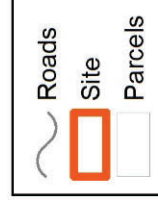
## **Attachment A – Planning Documentation**

# Alpine Family Apartments PDS2020-STP-17-039W1 Vicinity Map

Alpine  
Community Plan Area



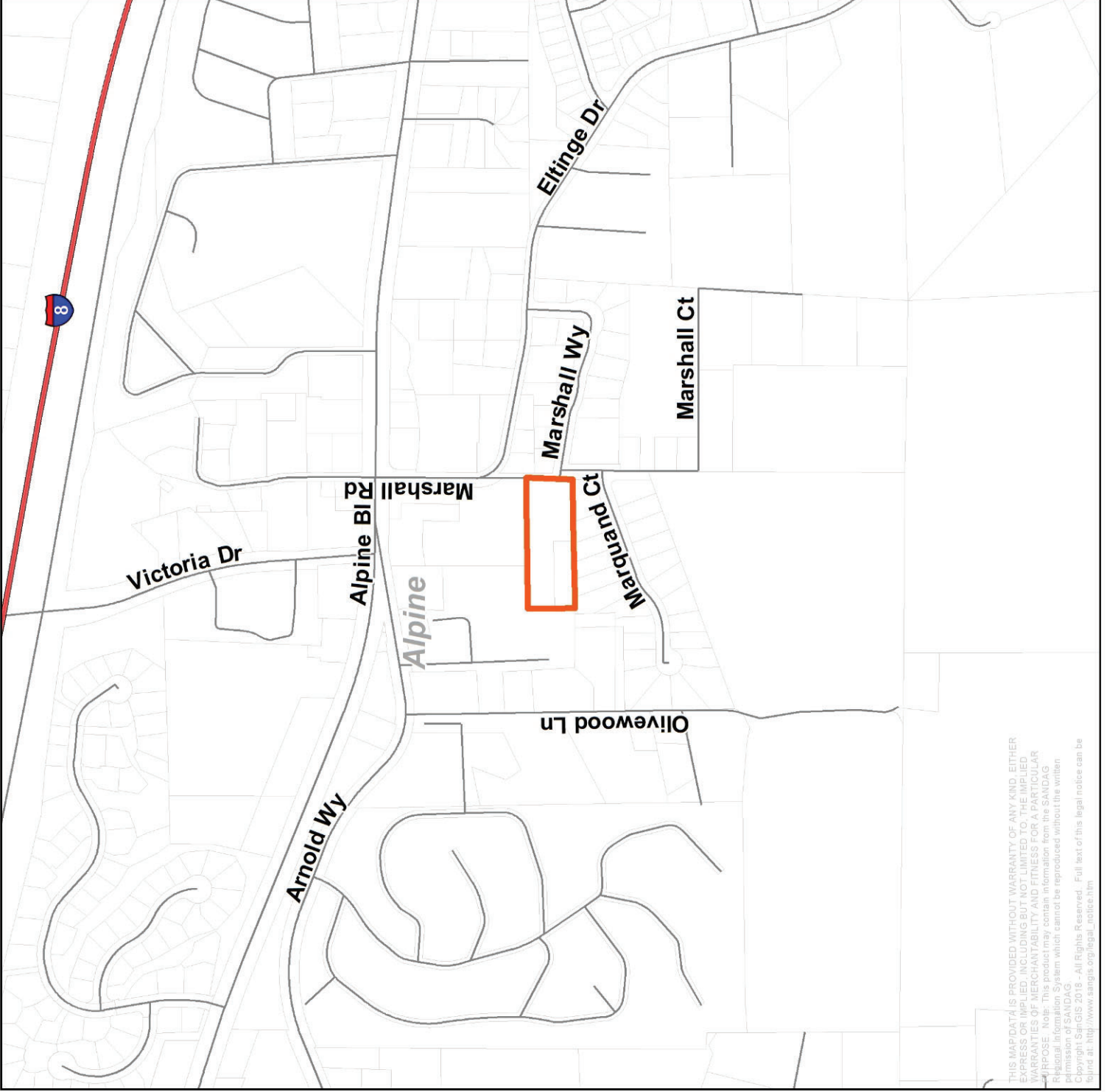
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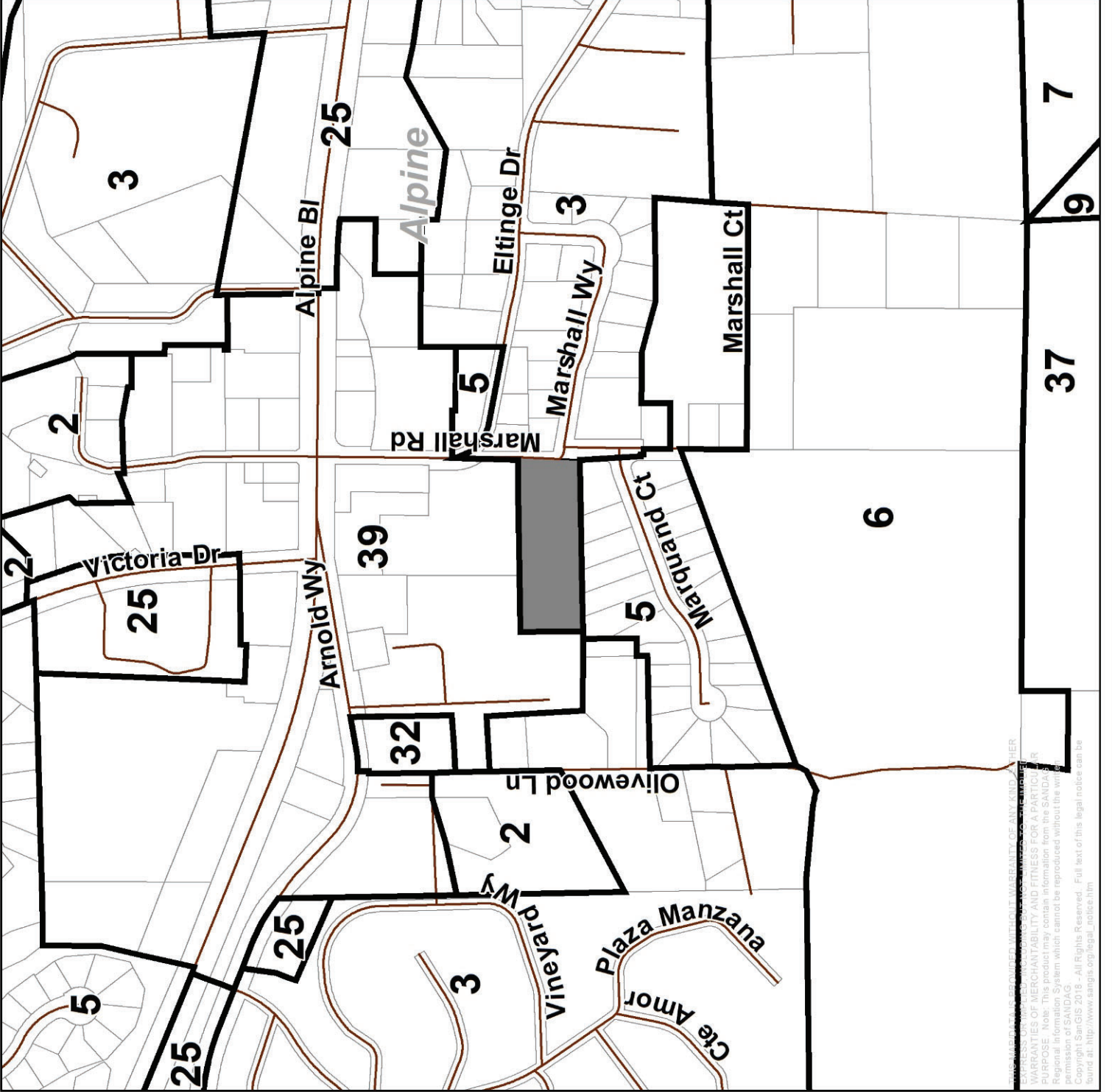
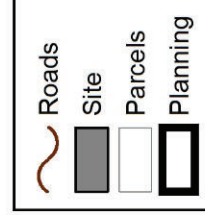


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Alpine Family Apartments  
PDS2020-STP-17-039W1  
General Plan

Alpine  
Community Plan Area

- (2) Village Residential (VR-24)
- (3) Village Residential (VR-15)
- (5) Village Residential (VR-7.3)
- (6) Village Residential (VR-4.3)
- (7) Village Residential (VR-2.9)
- (9) Semi-Rural Residential (SR-1)
- (25) General Commercial
- (32) Public/Semi-Public Facilities
- (37) Open Space (Conservation)
- (39) Village Core Mixed Use



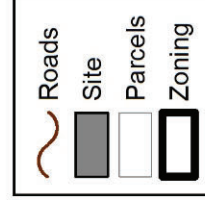


# Alpine Family Apartments PDS2020-STP-17-039W1 Zoning

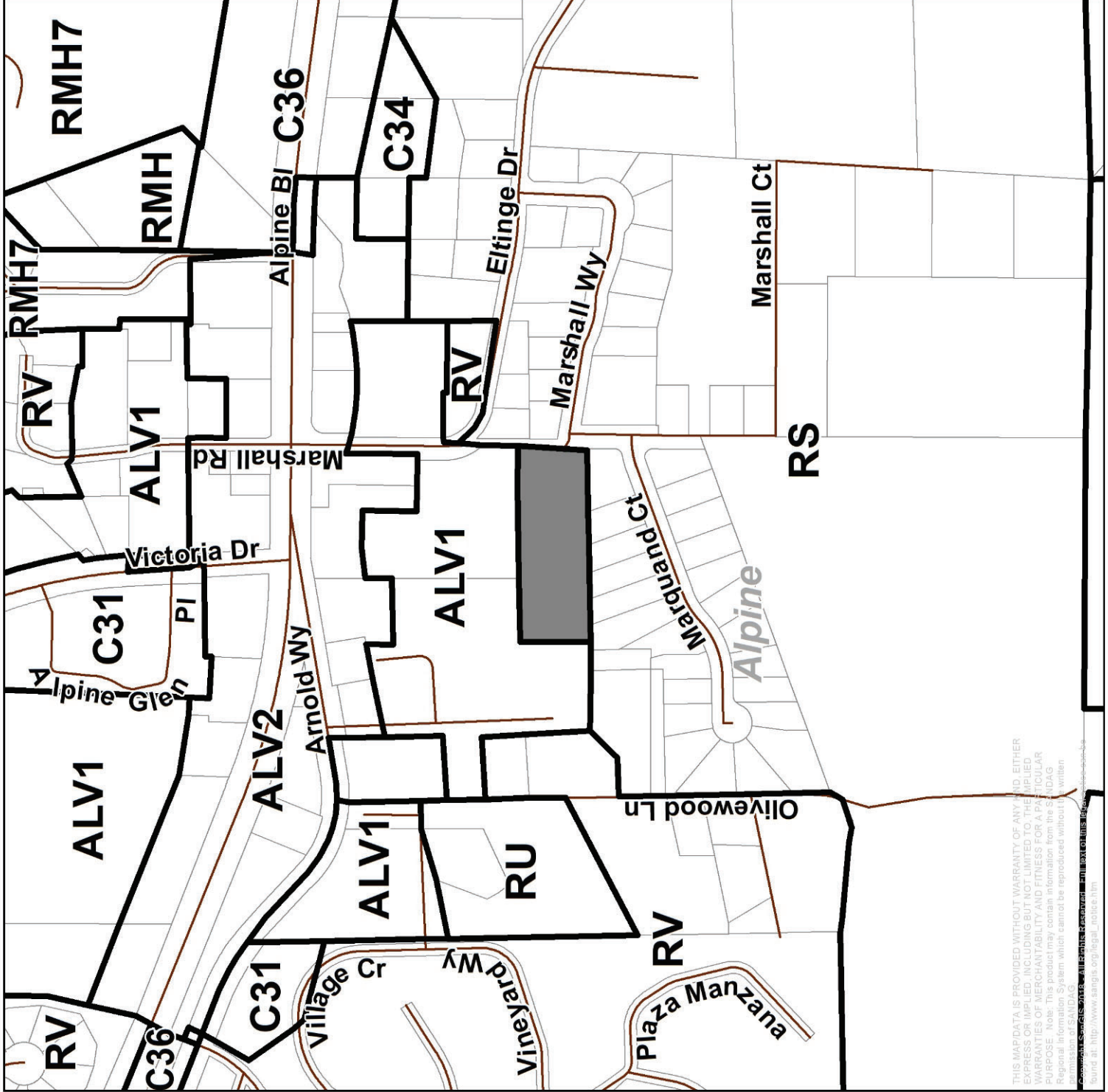
Alpine  
Community Plan Area

ALV1 - Alpine Village Edge District  
ALV2 - Alpine Village Core District  
C31 - Residential-Office Professional  
C34 - General  
Commercial/Residential  
C36 - General Commercial  
RMH - Mobilehome Residential  
RMH7 - Mobilehome Residential  
RS - Single Family Residential  
RU - Urban Residential  
RV - Variable Family Residential

4 - 24



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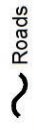
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# Alpine Family Apartments PDS2020-STP-17-039W1

Alpine Community Plan Area



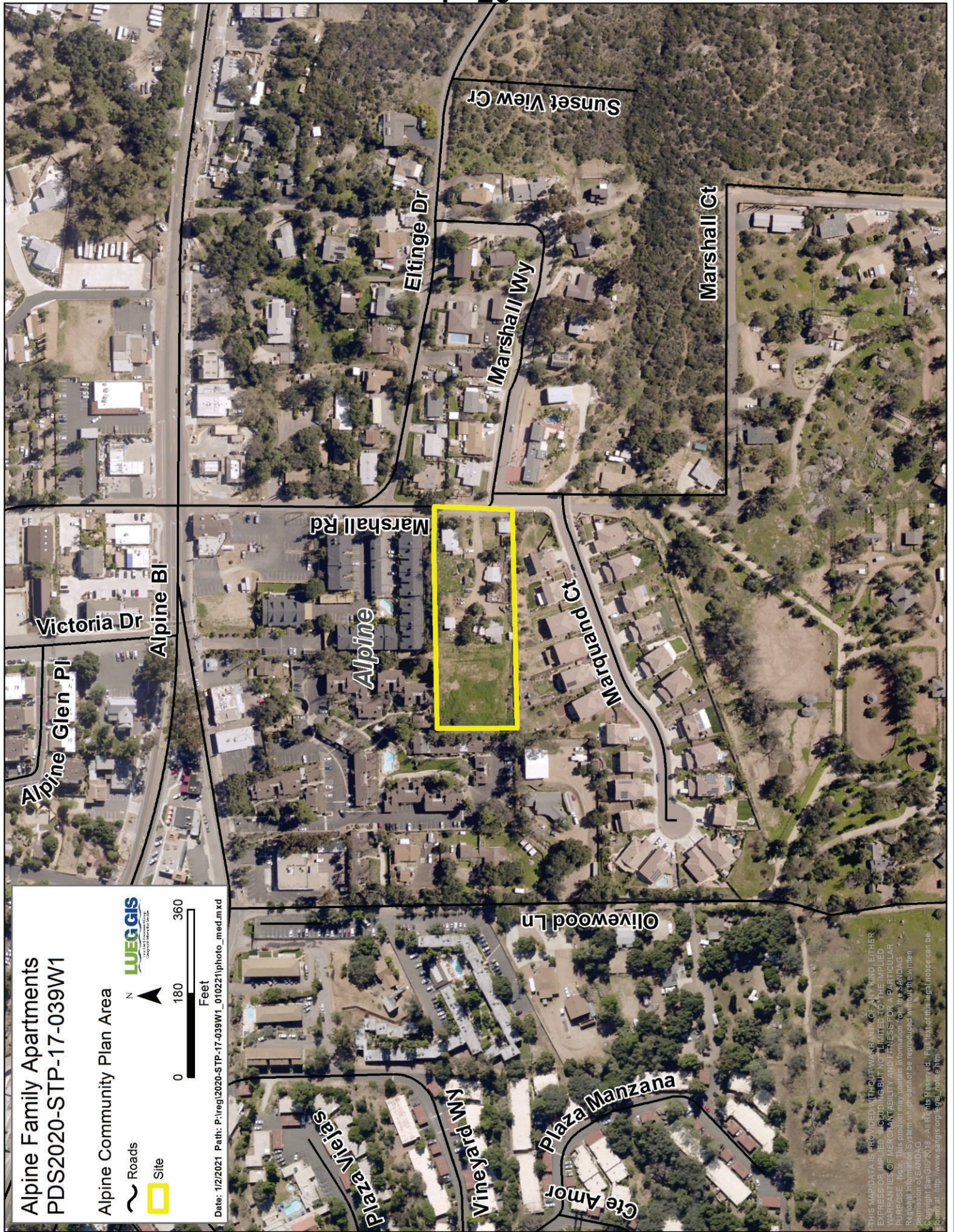
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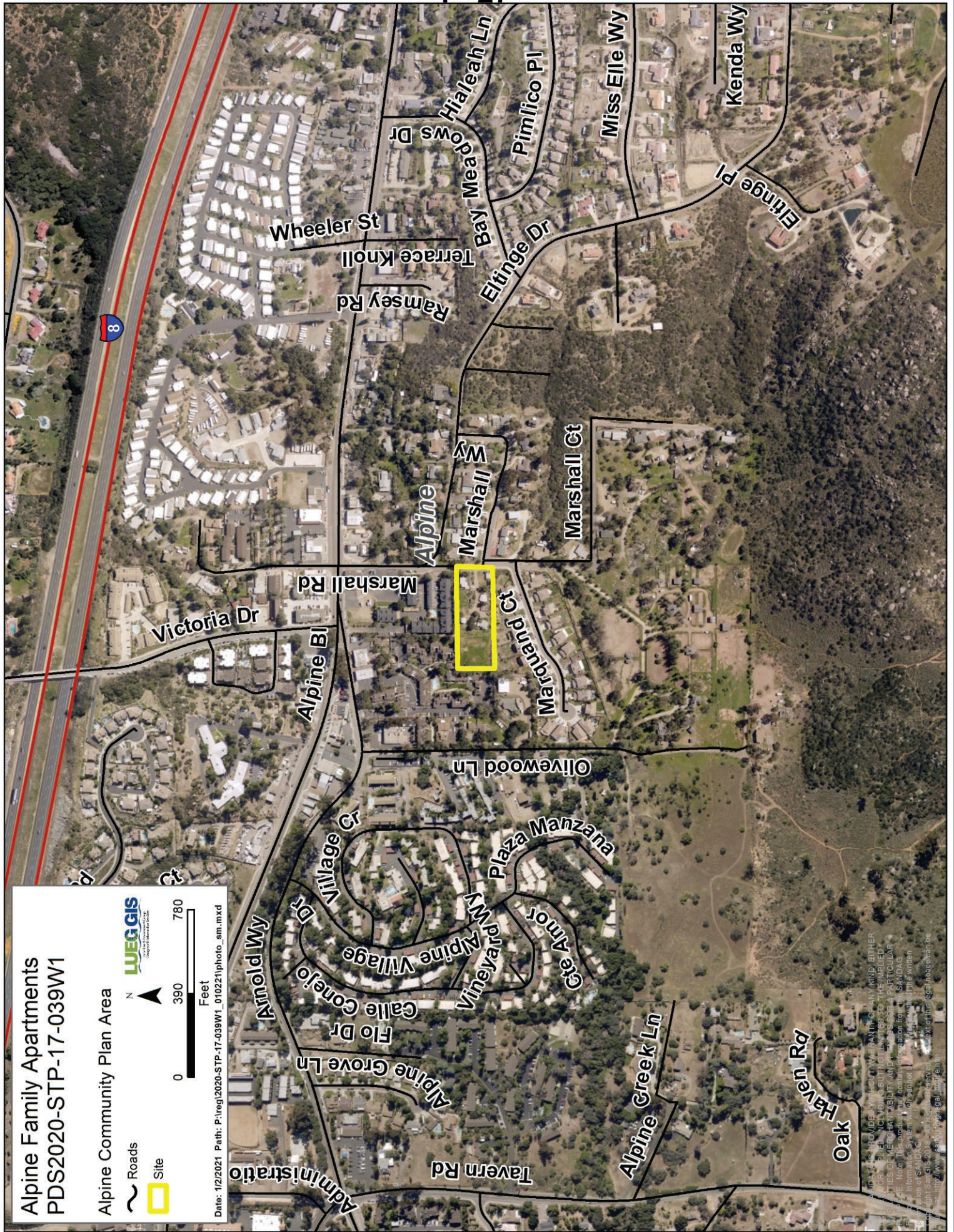


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# County of San Diego

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**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

**December 14, 2020**

**PERMITEE:** ALPINE FAMILY APARTMENTS, LP  
**SITE PLAN:** PDS2020-STP-17-039W1  
**PROPERTY:** 1460 MARSHALL ROAD, ALPINE CA, 91901  
**APN:** 403-271-20, -21

## **DECISION OF THE DIRECTOR**

### **ORIGINAL SITE PLAN (PDS2017-STP-17-039)**

This Site Plan for Marshall Road Tentative Map consists of 10 sheets including plot plans, floor plans, and elevations dated September 21, 2018. This permit, along with Tentative Map No. 5621, authorizes the development of 23 condominium units on one common lot. This Site Plan has been reviewed and approved for the "B" Designator requirements for community design review pursuant to the Alpine Design Review Guidelines.

### **MODIFICATION TO SITE PLAN (PDS2020-STP-17-039W1)**

This Modification to the previously approved Site Plan consists of 17 sheets including plot plan, elevations, conceptual landscape plan, and conceptual grading plan dated December 4, 2020. This permit authorizes the construction of four, three-story apartment buildings containing a total of 38 units and not to exceed 35-feet high, parking, landscaping, retaining walls, on-site office, and common use areas per to the approved plot plan. This Site Plan Modification is granted development standard incentives pursuant to the County of San Diego Zoning Ordinance Section 6350. The incentives granted are an increase in the maximum height of walls located within the setback to no more than 14-feet high, and to allow for residential buildings no more than three stories.

**SITE PLAN EXPIRATION:** This Site Plan Modification shall expire on December 4, 2022 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7070 and 7062 of the Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Site Plan Modification has commenced prior to said expiration date.

**SPECIFIC CONDITIONS:** Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Site Plan. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to*

*occupancy or use of the premises in reliance of this permit).*

#### 1. GEN#1–COST RECOVERY

**INTENT:** In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

#### 2. GEN#2–RECORDATION OF DECISION

**INTENT:** In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

#### 3. GEN#3–FILING OF THE ENVIRONMENTAL DOCUMENT

**INTENT:** In order to comply with CEQA and State law, the permit Notice of Exemption (NOE) shall be filed at the County Recorder's Office. **DESCRIPTION OF REQUIREMENT:** The applicant shall take the original NOE and required fees to the San Diego County Recorder's Office and file the document within five (5) days of permit approval and return a copy of the filed document to PDS. **DOCUMENTATION:** The filed NOE form. **TIMING:** Within the first five (5) days of the appeal period, the applicant/owner shall take the original NOE form and required filing fees to the San Diego County Recorder's Office and file the document. **MONITORING:** The PDS Zoning Counter shall verify that the NOE was filed and that a copy of the document is on file at PDS.

#### 4. CULT#1 - ARCHAEOLOGICAL MONITORING

**INTENT:** In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading,

clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

**TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

## 5. LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

**INTENT:** In order to provide adequate Landscaping that addresses screening, and to comply with the Alpine Design Guidelines, a landscape plan shall be prepared.

**DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the COSD Water Efficient Landscape Design Manual and the COSD Water Conservation in Landscaping Ordinance, the COSD Parking Design Manual, the COSD Grading Ordinance, the Alpine Design Guidelines, and the requirements of the B Designator. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.

- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the [Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b
- i. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: Plans shall be compliant with the Conceptual Landscape Plans, dated November 9, 2020. Water budget calculations shall be compliant with Section 86.711 and shall utilize the formulas in Section's 86.712 and 86.713.
- j. In coordination with the Shrub Screening Note on Sheet L.2, all proposed interior retaining walls visible to surrounding property owners shall be screened with a minimum of 4' deep planting from face of wall. Vegetation shall be selected based on height of wall and mature size of species selected. For those walls over 3' in height, a minimum of 15-gallon shrubs and 24" box trees shall be selected to ensure sufficient screening from time of planting. Installed landscaping shall not impact designated solar panel access area.
- k. Indicate what measures will be taken to ensure long-term erosion control of the slopes below the proposed solar panels. Clarify if the jute netting called out on the conceptual landscape plans will contain any non-irrigated seed mix or any other form of slope stabilization. Provide a note about planting and irrigating these slopes if solar panels are not used or if removed at some point in the future.

**DOCUMENTATION:** The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

**IMPROVEMENT PLAN:** (Prior to the issuance of any public improvement, ROW or Construction Permit, and prior to occupancy or use of the premises in reliance of this permit).

#### 6. ROADS#1–SIGHT DISTANCE

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions at the required ingress/egress design at the intersection of **Marshall Way (Public), Marshall Road (Public), and Marshall Road (Private)** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards and to the satisfaction of the Director of DPW. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

**DOCUMENTATION:** The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of any improvement plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

#### 7. ROADS#2–TRAFFIC CONTROL PLAN

**INTENT:** In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of Department of Public Works (DPW). **DOCUMENTATION:** The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to the issuance of any Public Improvement, ROW or Construction Permit and prior to use of the premises in reliance of this permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

**GRADING PERMIT:** (Prior to issuance of any Grading or Construction Permits).



**8. ROADS#3–HAUL ROUTE PLAN**

**INTENT:** In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

- a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and offsite County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
- c. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

**DOCUMENTATION:** The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to the commencement of any grading activities and prior to use of the premises in reliance of this permit, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

**9. STRMWTR#1–STORMWATER MAINTENANCE DOCUMENTATION**

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

- a. Process a Maintenance Notification Agreement to assure maintenance of the Category 1 Structural BMPs to the satisfaction of the Director of DPW and/or PDS. The Maintenance Notification Agreement shall be signed, notarized and recorded by the applicant.

**DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR]

and pay any deposit and applicable review fees. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, prior to use of the property in reliance of this permit; execution of the recorded agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

#### 10. STRMWTR#2–EROSION CONTROL

**INTENT:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project.

**DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

**DOCUMENTATION:** The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR].

**TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDC/] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

**BUILDING PERMIT:** (Prior to approval of any building plan and the issuance of any building permit).

#### 11. ROADS#4–CENTERLINE REVIEW



**INTENT:** In order to promote orderly development and to comply with the [Centerline Ordinance 9974 \(Amended by Ord. 10224\), County Code Section 51.301 et seq.](#), frontage improvements may be required. **DESCRIPTION OF REQUIREMENT:** This project is subject to the Centerline Ordinance (unless otherwise noted per [Sec. 51.305](#)). *The applicant must initiate the centerline review process with the Building Official in the Department of Planning and Development Services (PDS) as early as possible in order to coordinate requirements and processing time, and to determine if review is required by PDS Land Development.* Requirements **may** include, but are not limited to granting of right-of-way, irrevocable offers of dedication, relinquishment of access rights, traffic striping, installation of curb, gutter, & sidewalk, alley improvements, road widening, trails/pathways, street lights, drainage facilities, no-parking restrictions, and undergrounding of utility distribution facilities along the project frontages, and off-site road improvements. **TIMING:** Prior to approval of any building permits, the centerline review shall be completed. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the centerline conditions and County Standards.

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

#### 12. ROADS#5–ANNEX TO LIGHTING DISTRICT

**INTENT:** In order to promote orderly development and to comply with the Street Lighting Requirements of the [Centerline Ordinance 9974 \(Amended by Ord. 10224\), County Code Section 51.301 et seq.](#), [County of San Diego Board Policy I-18](#) and [The County of San Diego Public Road Standards](#), the property shall transfer into the Lighting District. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

#### 13. ROADS#6–SIGHT DISTANCE

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified once improvements are constructed. **DESCRIPTION OF REQUIREMENT:**

- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_ feet of unobstructed intersectional sight distance in both directions at the required ingress/egress design at the intersection of **Marshall Way (Public), Marshall Road (Public), and Marshall Road (Private)** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards and to the satisfaction of the Director of DPW. These sight distances exceed the required

intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."

- a. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

**DOCUMENTATION:** The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications for compliance with this condition.

#### 14. STRMWTR#3–VERIFICATION OF STRUCTURAL BMPs

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 10 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms with [DPW, PDC] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

#### 15. STRMWTR#4–PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), stormwater documentation shall be provided to property owner. **DESCRIPTION OF REQUIREMENT:** Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project's approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project's recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
  - 1) A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
  - 2) One Operation and Maintenance Verification Form for each type of Private

## Treatment Control BMP.

**DOCUMENTATION:** The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

**16. CULT#2- CULTURAL RESOURCES MONITORING REPORT**

**INTENT:** In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been conveyed as follows:
  - (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from

the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

#### 17. LNDSCP#2—CERTIFICATION OF INSTALLATION

**INTENT:** In order to provide adequate Landscaping that addresses screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance, the Alpine Design Guidelines, and the requirements of the B Designator, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

**ONGOING:** *(The following conditions shall apply during the term of this permit).*

#### 18. PLN#1—SITE CONFORMANCE

**INTENT:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific

conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved plot plan. This includes, but is not limited to maintaining the following: ensuring the building structures locations and heights are concurrent with the approved plot plan. Failure to conform to the approved plot plan; is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

#### 19. ROADS#7–SIGHT DISTANCE

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance per County Public Road Standards in both directions at the project's private access onto the public roads, Marshall Way and Marshall Road, for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

#### 20. STRMWTR#5–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [DPW, WPP]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPW, WPP] is responsible for compliance of this permit.

**PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS:** *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

#### 21. CULT#GR-1- ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING

**INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and



Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

***DURING CONTRUCTION:*** *(The following actions shall occur throughout the duration of the grading construction).*

## **22.CULT#GR-2- ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. **Milling Features.** Milling features shall be relocated/reburied to onsite open space or landscaped areas prior to disturbance, if feasible.
- c. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
  1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
  2. At the time of discovery, the Project Archaeologist shall contact the PDS



Staff Archaeologist.

3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

d. **Human Remains.** If any human remains are discovered:

1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- g. **Fill Soils.** The Project Archaeologist and Kumeyaay Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- h. **Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
- i. **Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Kumeyaay Native American monitor related to archaeological monitoring. The County Archaeologist shall consider the viewpoints of both the Project Archaeologist and Native American Tribe(s)

**DOCUMENTATION:** The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

**ROUGH GRADING:** (Prior to rough grading approval and issuance of any building permit).

### 23.CULT#GR-3- ARCHAEOLOGICAL MONITORING – ROUGH GRADING

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor must be included in the Negative Monitoring Report.
- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall

provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

**FINAL GRADING RELEASE:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

#### **24.CULT#GR-4- ARCHAEOLOGICAL MONITORING – FINAL GRADING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been conveyed as follows:
  - (1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

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#### SITE PLAN FINDINGS:

The following findings and standards are made in support of the granting of this Site Plan:

1. That the proposed development meets the intent and specific standards and criteria prescribed in pertinent sections of the Zoning Ordinance.

The proposed development is for four, three-story multi-family apartment buildings with associated parking, landscaping, and retaining walls. The proposed development meets the intent and specific standards and criteria prescribed in sections 5750 and 7150 of the Zoning Ordinance. The proposed development is compatible with adjacent land uses and design standards specified in the Alpine Community Plan and Alpine Design Guidelines.



2. That the proposed development is compatible with the San Diego County General Plan.

The proposed development is for four, three-story multi family apartment buildings with associated parking, landscaping, and retaining walls. The proposed development is compatible with the San Diego County General Plan goal LU-9.5 and LU-9.12. The proposed development is consistent with the General Plan designator Village Residential and the Zoning Designator Village Residential 15 (VR-15). The proposed development is permitted, under the County of San Diego Zoning Ordinance Section 6350 to increase the density by no more than 35% of the base units based on the existing density. The development proposes 38 units on an approximately 1.9-acre property, which is consistent with the permissible increase in density.

3. That any applicable standards or criteria waived by the Director pursuant to Section 7158.d have been or will be fulfilled by the condition or conditions of a Use Permit or Variance.

No standards or criteria have been waived.

**ORDINANCE COMPLIANCE NOTIFICATIONS:** The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**LOW IMPACT DEVELOPMENT NOTICE:** The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED\\_PROTECTION\\_PROGRAM/susmppdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below.  
<http://www.sdcountry.ca.gov/dplu/docs/LID-Handbook.pdf>

**STORMWATER COMPLIANCE NOTICE:** Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410](#) (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

**DRAINAGE:** The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance](#) No. 10091, adopted December 8, 2010.

**GRADING PERMIT REQUIRED:** A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

**CONSTRUCTION PERMIT REQUIRED:** A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County requirements. In addition, before trimming, removing, or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

**ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

**EXCAVATION PERMIT REQUIRED:** An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

**TRANSPORTATION IMPACT FEE:** The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

<b>Planning &amp; Development Services (PDS)</b>			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
<b>Department of Public Works (DPW)</b>			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
<b>Department of Environmental Health (DEH)</b>			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
<b>Department of Parks and Recreation (DPR)</b>			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
<b>Department of General Service (DGS)</b>			
Real Property Division	RP		

**APPEAL PROCEDURE:** Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Planning Commission in accordance with [Section 7166 of the County Zoning Ordinance](#). An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.



Alpine Family Apartments  
PDS2020-STP-17-039W1

21

December 14, 2020

PLANNING & DEVELOPMENT SERVICES  
MARK WARDLAW, DIRECTOR

BY: 

Denise Russell, Planning Manager  
Project Planning Division

cc:

Brice Bossler, Project Contact  
Marcus Griffin, Project Contact

Email cc:

Brice Bossler, [brice@bosslergroup.com](mailto:brice@bosslergroup.com)  
Marcus Griffin, [marcus@milestonehousing.com](mailto:marcus@milestonehousing.com)  
Denise Russell, [Denise.Russell@sdcounty.ca.gov](mailto:Denise.Russell@sdcounty.ca.gov)  
David Cook, [David.Cook@sdcounty.ca.gov](mailto:David.Cook@sdcounty.ca.gov)



**SHEET INDEX**

**ARCHITECTURE:**

- A0.1 COVER SHEET
- A0.2 PLOT PLAN
- A2.0 BUILDING ELEVATIONS
- A2.1 BUILDING ELEVATIONS
- A2.2 BUILDING ELEVATIONS
- A6.0 PERSPECTIVES
- A6.1 PERSPECTIVES
- A8.0 MATERIAL BOARD
- A8.1 MATERIAL BOARD

**LANDSCAPE:**

- L1 CONCEPTUAL LANDSCAPE PLAN
- L2 TREE AND SHRUB LIST AND NOTES
- L3 WALL AND FENCE PLAN

RECORD ID:  
PDS2020-STP-17-039W1  
ENVIRONMENTAL LOG NUMBER:  
PDS2020-ER-17-14-010A

COVER SHEET  
SHEET INDEX

CONCEPT DESIGN  
OCTOBER 12, 2020

MILESTONE ALPINE  
ALPINE, CA # 2019-0625

Milestone Housing Group  
481 N Santa Cruz Avenue  
Los Gatos, CA 95030

Architecture + Planning  
888.455.5949  
ktgy.com



A0.1

SOC PDS RCVD 10-9-20  
STP17-039W1





**SITE**  
Address:  
Owner:  
APN:  
Area:  
Density:  
Unit Count:

1460 Marshall Road  
Alpine, CA 91901  
Milestone Housing Group  
481 N. Santa Cruz Avenue  
Los Gatos, CA 95030  
403-271-20 & 21  
±81,021 SF (±1.86 AC)  
±20.4 DU/AC  
38 DU Proposed  
28 DU Allowed  
10 DU (Density Bonus Units)

**UNIT MIX**

1 Bed	17 DU	(45%)
2 Bed	11 DU	(29%)
3 Bed	10 DU	(26%)
Total	38 DU	(100%)

**PARKING**

Required	17 DU	Ratio*
1 Bed	17 DU	1.0
2 Bed	11 DU	2.0
3 Bed	10 DU	2.0
Total Required	38 DU	2.0

\*Parking ratio per State Density Bonus & SD County Zoning Section 6370.

**Provided**

Standard	22
Accessible	3
Accessible EV	1
EV**	6
Tandem	28
USPS	1

Total Provided  
\*\*10% of Total Parking to be EV pre-wired

**PROGRAM**  
Leasing/Amenity

2,599 SF

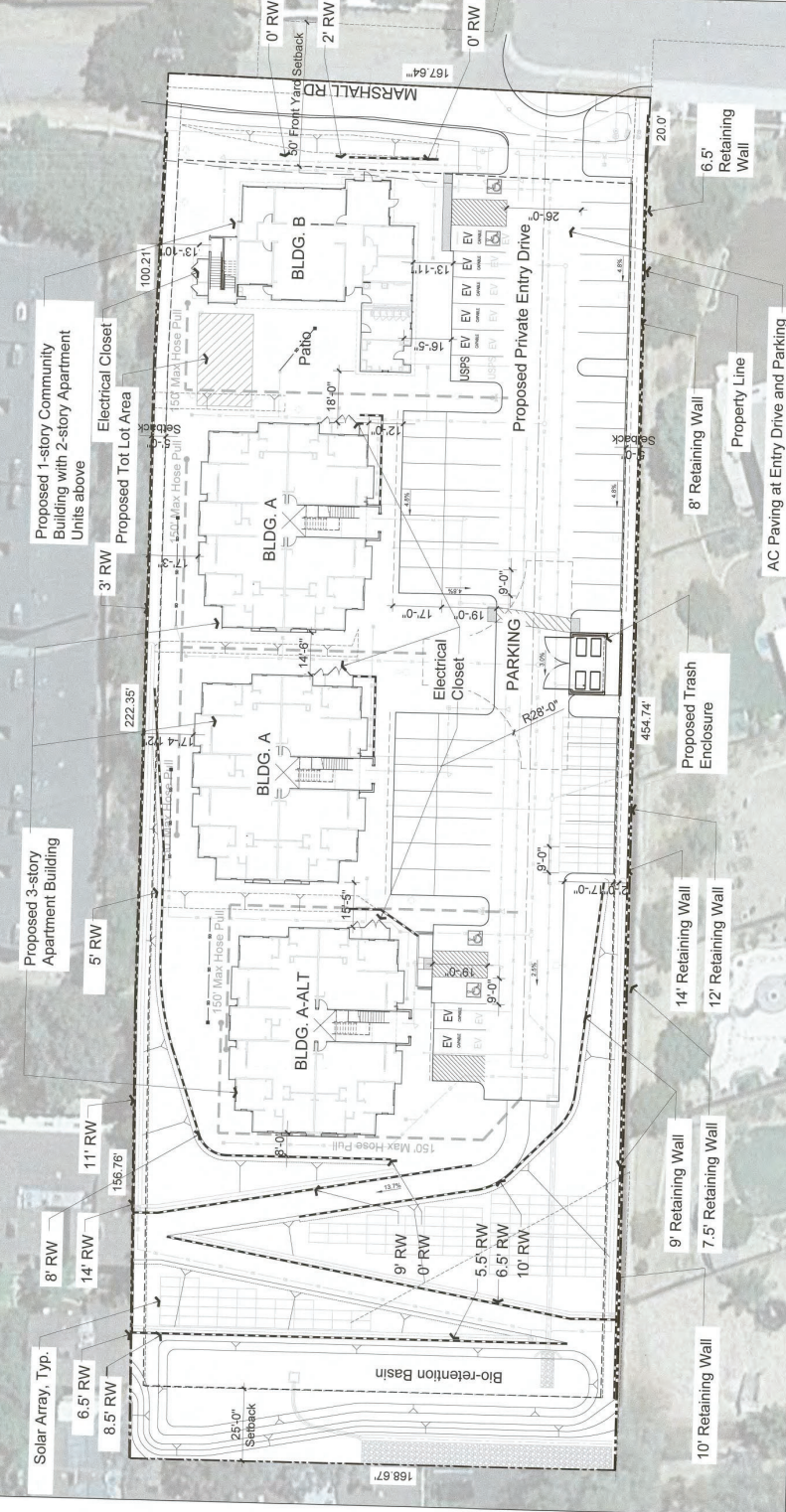
**Project Data**

1. All on-site roadways shall have an unobstructed improved width of not less than 24 feet. Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. The turning radius of a fire apparatus access road shall be a minimum of 20 feet measured on the inside edge of the improvement with a minimum 10-foot radius at the end of the road.
2. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. The turning radius of a fire apparatus access road shall be a minimum of 20 feet measured on the inside edge of the improvement with a minimum 10-foot radius at the end of the road.
3. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. The turning radius of a fire apparatus access road shall be a minimum of 20 feet measured on the inside edge of the improvement with a minimum 10-foot radius at the end of the road.
4. Parcels zoned for less than 1 acre shall not exceed 800 feet without mitigation. Due to re-zoning, some subdivisions may exceed the dead end road lengths and the Fire District will take this into consideration. No issues with the dead end road length issue.
5. Any residential driveway that is in excess of 150' in length shall be provided with approved provisions for fire apparatus access. A turnaround shall be provided in residential areas where the access roadway serves more than two structures.
6. Marking shall be provided with "No Parking Fire Lane Designation" by posting signs that are clearly visible from a vehicle and shall be placed every 30' or as per Fire District requirements at the time of final approval.
7. All fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. The turning radius of a fire apparatus access road shall be a minimum of 20 feet measured on the inside edge of the improvement with a minimum 10-foot radius at the end of the road.
8. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. The turning radius of a fire apparatus access road shall be a minimum of 20 feet measured on the inside edge of the improvement with a minimum 10-foot radius at the end of the road.
9. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs. The turning radius of a fire apparatus access road shall be a minimum of 20 feet measured on the inside edge of the improvement with a minimum 10-foot radius at the end of the road.
10. All structures shall be equipped with residential fire sprinklers in accordance with the most recent edition of NFPA 13R.
11. All residential dwelling units shall be equipped with an approved building fire alarm system in accordance to the most recent edition of the NFPA 72 Fire Alarm Code.
12. Fire alarm systems shall be designed and installed in accordance with the requirements of the California Fire Protection District. A minimum 100-foot defensible space shall be planted within the defensible space zones to structure or within the 20' of the department access routes. As per local ordinance 4907.4 Home Defensible Space.
13. Project is in full development and no Fire Protection Plan required.
14. All new construction shall comply to the CBC 2019 Chapter 18 Construction standards for WUI.

Vicinity Map - N.T.S.

PLOT PLAN

A0.2



BUILDING SUMMARIES		LANDSCAPE AREAS		Zoning Information	
Building A (Residential)	Stories:	13958	Proposed Improvements	RV K G J A	Fire Department Notes
	Area:	±11,568 GSF	Tot Lot: ±900 SF		
	Units:	12 Units	Patio: ±850 SF		
Building A Alt (Residential)	Stories:	148233	Bioretention: ±6,000 SF	Use Regulations:	Zoning Information
	Area:	±11,568 GSF			
	Units:	12 Units			
Building B (Residential/Leasing/Amenity)	Stories:	169152		Building Type:	Electrical Load Data
	Area:	±11,568 GSF			
	Units:	20 Units			

**Building Summary**

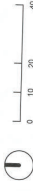
**Architecture + Planning**  
888.455.5543  
info@ktgy.com

**MILESTONE ALPINE**  
ALPINE, CA # 2019-0225

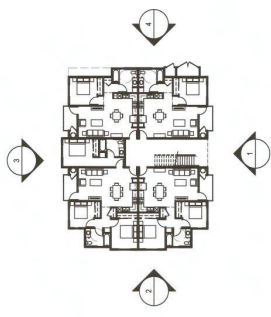
**Milestone Housing Group**  
481 N. Santa Cruz Avenue  
Los Gatos, CA 95030



**CONCEPT DESIGN**  
OCTOBER 12, 2020







Key Plan  
N.T.S.

# 4 - 51

- Material Legend
1. Stucco
  2. Stucco (Accent)
  3. Stone
  4. Door
  5. Trim
  6. Window
  7. Metal Railing
  8. Roof Tile
  9. Light Fixture

Note:  
Building Height based on finish surface elevations 5' from Building to Average Roof Height. Height Designer "G" requires a maximum height of 35'.



3. Right Elevation



3. Rear Elevation



2. Left Elevation



1. Front Elevation



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Milestone Housing Group  
481 N Santa Cruz Avenue  
Los Gatos, CA 95030

MILESTONE ALPINE  
ALPINE, CA # 2019-0625

CONCEPT DESIGN  
OCTOBER 12, 2020



ELEVATIONS  
BUILDING A & A ALT

A2.0



Refer to Sheet 6 for elevations showing updated building exterior design



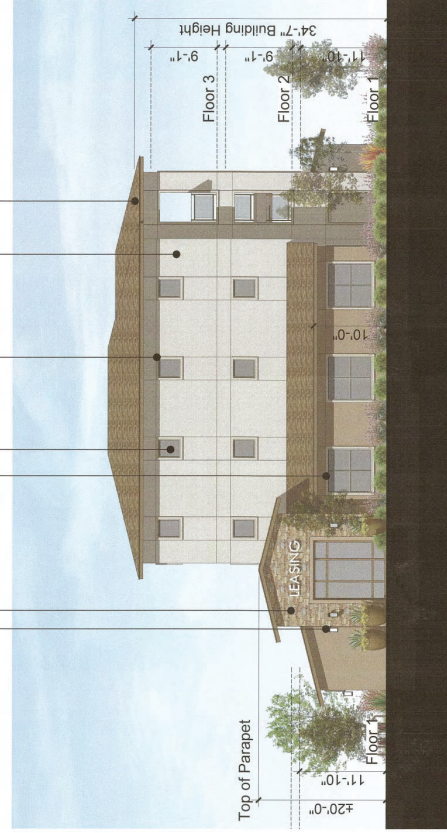
4. Right Elevation



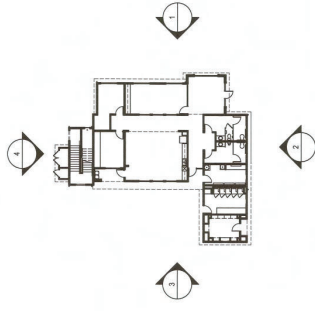
2. Left Elevation



3. Rear Elevation



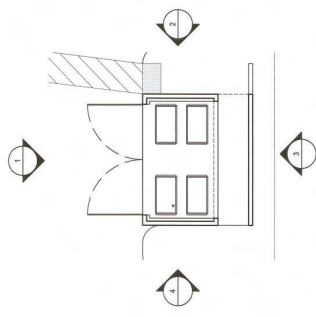
1. Front Elevation



Key Plan  
N.T.S.

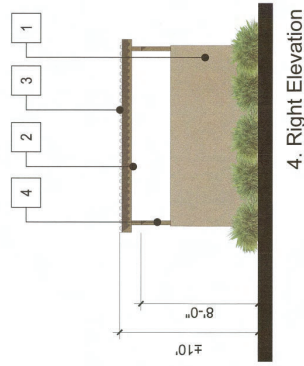
- Material Legend
1. Stucco
  2. Stucco (Accent)
  3. Metal Awning
  4. Door
  5. Trim
  6. Window
  7. Metal Railing
  8. Roof Tile
  9. Light Fixture
  10. Stone

Note:  
Building Height based on finish  
surface elevations 5' from Building to  
Average Roof Height.  
Height Designator 'G' requires a  
maximum height of 35'.

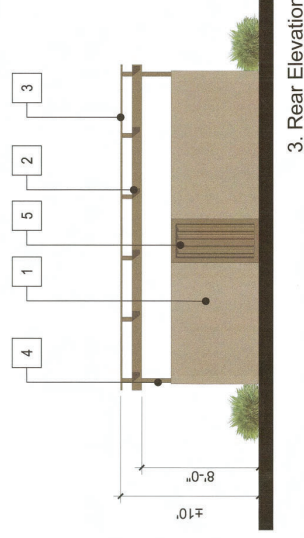


Key Plan  
N.T.S.

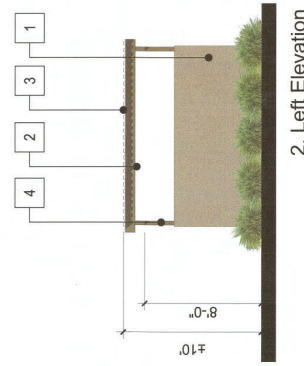
- Material Legend
- 1. Stucco
  - 2. Trellis Structure
  - 3. Metal Roofing
  - 4. Column
  - 5. Door
  - 6. Gate



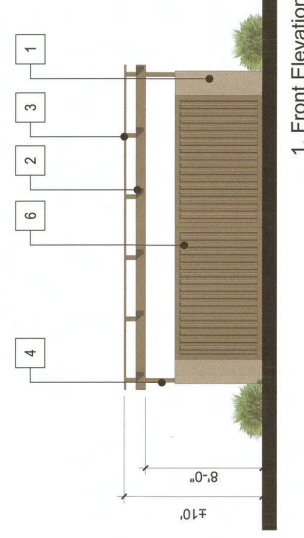
4. Right Elevation



3. Rear Elevation



2. Left Elevation



1. Front Elevation





AFTER

Entry Drive Perspective Along Marshall Road

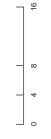


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481 N Santa Cruz Avenue  
Los Gatos, CA 95030

MILESTONE ALPINE  
ALPINE, CA # 2019-0825

CONCEPT DESIGN  
NOVEMBER 19, 2020



PERSPECTIVES

A6.0





4 - 55

Perspective of Building 'A' Front Side



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Milestone Housing Group  
481 N Santa Cruz Avenue  
Los Gatos, CA 95030

**MILESTONE ALPINE**  
ALPINE, CA # 2019-0625

**CONCEPT DESIGN**  
OCTOBER 12, 2020



PERSPECTIVES

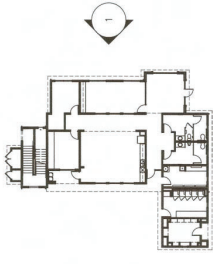
**A6.1**



Notes:

- All materials shown are conceptual and subject to change.

- Material Legend
- 1. Stucco 1
  - 2. Stucco 2 (Accent)
  - 3. Stone Veneer
  - 4. Trim
  - 5. Fascia
  - 6. Door
  - 7. Window
  - 8. Metal Railing
  - 9. Deck
  - 10. Storefront System
  - 11. Roof Tile

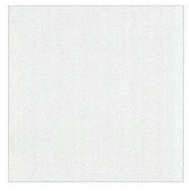


Key Map - n.t.s.

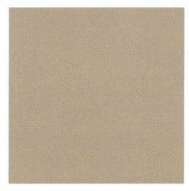


1. Clubhouse Front Elevation

2. Clubhouse Rear Elevation



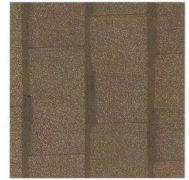
Stucco 1



Stucco 2



Stone Veneer



Roof Tile



Trim 1



Trim 2



Fascia / Deck / Railing



Vinyl Window



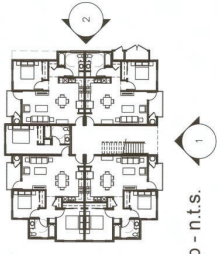
Storefront System



Notes:

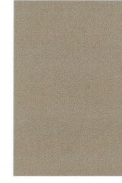
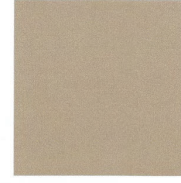
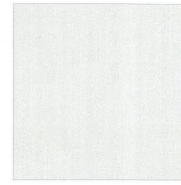
- All materials shown are conceptual and subject to change.

- Material Legend**
1. Stucco 1
  2. Stucco 2 (Accent)
  3. Stone Veneer
  4. Trim
  5. Fascia
  6. Door
  7. Window
  8. Metal Railing
  9. Deck
  10. Roof Tile



1. Building 'A' & 'A Alt' Front Elevation

2. Building 'A' & 'A Alt' Rear Elevation



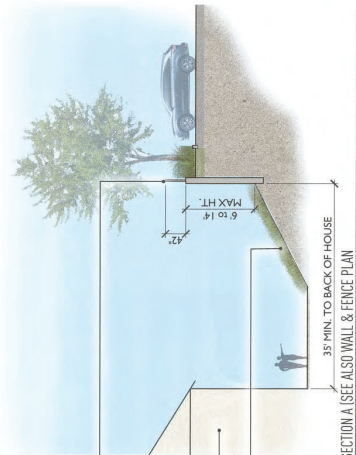




SIGN WALL (SEPARATE SUBMITTAL REQUIRED)

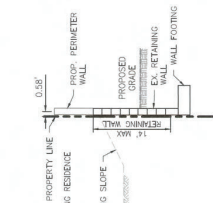
SECTION B (SEE ALSO WALL &amp; FENCE PLAN)

SECTION A (SEE ALSO WALL & FENCE PLAN)

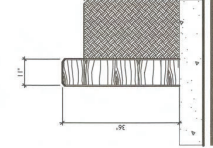
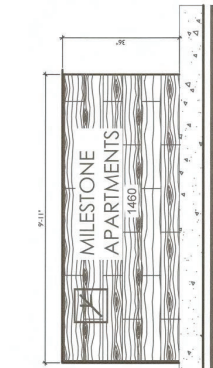
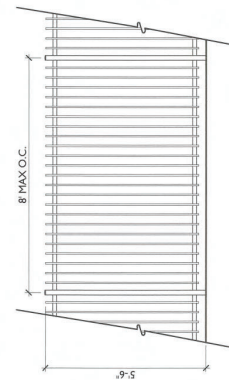


- attach flowering vine to cable

EXISTING RESIDENCE -  
EXISTING SLOPE. REPAIR -  
AS NECESSARY



8" MAX O.C.



**4 - 58**

- 42" ht. cable guard
- top
- flowering vines trained to cable rail
- large screening shrubs













































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



















Project	Maintain Access to PCH/CRAG
City	San Jose
County	San Jose
Project Description	<ul style="list-style-type: none"> <li>* Hydrozone / Planning Description is a:               <ol style="list-style-type: none"> <li>1. Forest land</li> <li>2. Low-intensity use</li> <li>3. Low-intensity use pending</li> <li>4. Medium-density use</li> <li>5. Medium-density pending</li> <li>6. High-density use</li> <li>7. High-density pending</li> <li>8. Other</li> </ol> </li> <li>* Impervious Material               <ol style="list-style-type: none"> <li>1. Impervious</li> <li>2. Open</li> </ol> </li> <li>* Impervious Efficiency               <ol style="list-style-type: none"> <li>1. 10% or less</li> <li>2. 10% to 20%</li> <li>3. 20% to 40%</li> <li>4. 40% to 60%</li> <li>5. 60% to 80%</li> <li>6. 80% to 90%</li> <li>7. 90% to 95%</li> <li>8. 95% to 100%</li> </ol> </li> <li>* FFWF (Estimated) Total Water Required =               <math display="block">Area \times CRF \times EFWF \times PCH/CRAG</math> <p>Where: EFWF is a conversion factor to change acres inches per acre per year to gallons per square foot per year</p> </li> <li>* MWW (Estimated) Annual Water Abstraction =               <math display="block">Area \times CRF \times EFWF \times PCH/CRAG</math> <p>Where: EFWF is a conversion factor to change acres inches per acre per year to gallons per square foot per year. LA is the local average annual precipitation. CRAG is the special landscape area in square feet, and FFWF is 0.5 for residential areas and 0.45 for non-residential areas.</p> </li> </ul>






















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



















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



















PROPOSED PLANT LIST										
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	
 TREES:		CORAL GUM STANDARD	24" BOX	Low	 TREES (CONT):		CAROLINA LABEL CHERRY - COLUMN	24" BOX	Moderate	
		HYBRID STRAWBERRY TREE - STANDARD	36" BOX	Moderate			DWARF MAGNOLIA LOW BRANCHING	36" BOX	Low	
		WESTERN REDBUD - MULTI TRUNK	24" BOX	Low			COAST LIME OAK	36" BOX	Low	
		FLAMEL BUSH - COLUMN	24" BOX	Low			REE BLUE YELLOW WOOD	24" BOX	Low	
		LAGERSTROEMIA HYBRID STANDARD	36" BOX	Moderate			WATER QUALITY BASIN:			
		PAVERBARK TREE - MULTI TRUNK	24" BOX	Low				* HETEROMELES ARBUTIFOLIA	15 GAL	Low
		CHINESE PISTACHE	24" BOX	Moderate				* QUERCUS WISLIZENI	24" BOX	Low
		LONDON PLANE	36" BOX	Low				* SALIX LASIOLEPIS	15 GAL	Low
								* SAMBUCUS NIGRA	15 GAL	Low
										
TREE GUIDELINE NOTES:										
* TREE SELECTED TO MEET SECTION 86.709 (b) (1) OF THE WATER CONSERVATION IN ANNUAL HYDROZONE 2 TREES PER WELLING UNIT.										
TOTAL # OF TREES PROPOSED: 56										
TOTAL # OF UNITS: 38										
TOTAL # OF TREES PROPOSED: 56										






















SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
 TREES:		CORAL GUM STANDARD	24" BOX	Low	 TREES (CONT):		CAROLINA LABEL CHERRY - COLUMN	24" BOX	Moderate
		HYBRID STRAWBERRY TREE - STANDARD	36" BOX	Moderate			DWARF MAGNOLIA LOW BRANCHING	36" BOX	Low
		WESTERN REDBUD - MULTI TRUNK	24" BOX	Low			COAST LIME OAK	36" BOX	Low
		FLAMEL BUSH - COLUMN	24" BOX	Low			REE BLUE YELLOW WOOD	24" BOX	Low
		LAGERSTROEMIA HYBRID STANDARD	36" BOX	Moderate			WATER QUALITY BASIN:	15 GAL	Low
		PAVERBARK TREE - MULTI TRUNK	24" BOX	Low			* HETEROMELES ARBUTIFOLIA	15 GAL	Low
		CHINESE PISTACHE	24" BOX	Moderate			* QUERCUS WISLIZENI	24" BOX	Low
		LONDON PLANE	36" BOX	Low			* SALIX LASIOLEPIS	15 GAL	Low
							* SAMBUCUS NIGRA	15 GAL	Low
									
TREE GUIDELINE NOTES:									
* TREE SELECTED TO MEET SECTION 86.709 (b) (1) OF THE WATER CONSERVATION IN ANNUAL HYDROZONE 2 TREES PER WELLING UNIT.									
TOTAL # OF TREES PROPOSED: 56									
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



















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









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**MILESTONE ALPINE**  
ALPINE, CA # 2019-0625

CONCEPT DESIGN  
AUGUST 5, 2020

TREE AND SHRUB LIST AND  
NOTES

## L.2



SCALE: 1" = 20'

① TIIRIII AR STEEL FENCE

② TIRIIIAR STEEL FENCE with GATE

### 3 CARLE RAIL FENCE

WALL AND FENCE LEGEND:		LOCATION:
SMBOL	TYPE/COLOR	SITE PERIMETER
①	6" FT. TUBULAR STEEL COLOR: BLACK	
②	6" FT. OPEN METAL FENCE WITH GATE COLOR: BLACK	SIDE ENTRY GATE AND MAINTENANCE GATE TO BASIN
③	42" HT. CABLE GUARD RAIL FENCE ON RETAINING WALL COLOR: TAN	SOUTH PROPERTY LINE
④	RETAINING WALL HEIGHT ON RETAINING LOCATION COLOR: TAN	SEE PLAN







APN 403-271-48-28

APN 403-271-28

APN 403-271-36-48

APN 403-380-16

APN 403-271-38

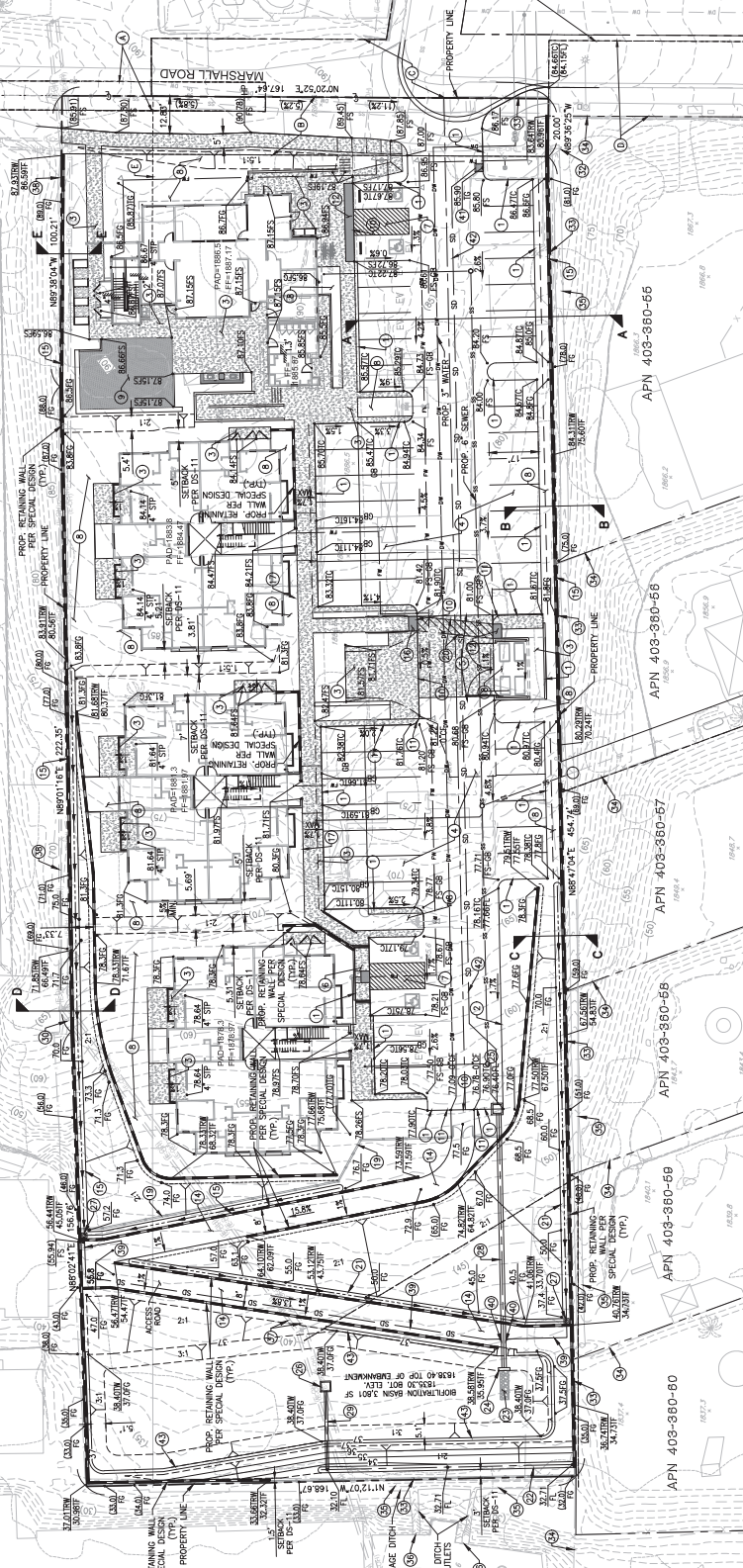
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APN 403-380-68

APN 403-380-66

APN 403-380-23



### CONCEPTUAL GRADING NOTES

- 1) CONSTRUCT 6" CURB PER SAN DIEGO RSD C-1
- 2) CONSTRUCT 6" CURB AND GUTTER PER SAN DIEGO RSD C-2
- 3) CONSTRUCT 4" THICK P.C.C. PAVEMENT
- 4) INSTALL AC PAVEMENT
- 5) CONSTRUCT 6" THICK P.C.C. PAVEMENT IN FIRE TRUCK TURN AROUND AREA
- 6) CONSTRUCT ACCESSIBLE RAMP PER DETAIL A/8
- 7) ACCESSIBLE PARKING PER SAN DIEGO RSD M-27A
- 8) LANDSCAPE AREA PER LANDSCAPE ARCHITECT'S PLANS
- 9) CHILDREN'S PLAY AREA PER ARCHITECT'S PLANS
- 10) CONSTRUCT 6" CURB FACE PER DETAIL F/8
- 11) CONSTRUCT 6" TO 0" CURB FINISH PER DETAIL G/8
- 12) INSTALL MAT WITH TRUNKED DOMES PER SAN DIEGO RSD C-30
- 13) CONSTRUCT COMPACTED DIRT ACCESS ROAD
- 14) EXISTING RETAINING WALL PER SEPARATE PLAN AND PERMIT
- 15) CONSTRUCT ACCESSIBLE RAMP PER DETAIL H/8
- 16) CONSTRUCT SEAT WALL PER LANDSCAPE ARCHITECT'S PLANS
- 17) CONSTRUCT ENCLOSURE PER SC-48 OF THE COUNTY OF SAN DIEGO BMP DESIGN MANUAL
- 18) TUBULAR STEEL FENCE PER LANDSCAPE ARCHITECT'S PLANS
- 19) PAINT ADA PATH OF TRAVEL STRIPING PER DETAIL B/8
- 20) INSTALL BROW DITCH PER SAN DIEGO RSD-75

- 21) INSTALL 0% SLOPE BROW DITCH PER SAN DIEGO RSD-75
- 22) CONSTRUCT 6" CURB AND GUTTER PER SAN DIEGO RSD D-40
- 23) INSTALL HEADWALL PER SAN DIEGO RSD D-34
- 24) INSTALL MODIFIED TYPE "C" CURB INLET PER SAN DIEGO RSD D-34
- 25) INSTALL 18"x24" BROOKS BOX WITH SOLID COVER WITH EFFECTIVE 9" DIAMETER HOLE IN COVER
- 26) INSTALL 12"x12" AREA DRAIN IN BROW DITCH
- 27) INSTALL 18" HOPE STORM DRAIN PIPE
- 28) INSTALL 12" HOPE STORM DRAIN PIPE
- 29) INSTALL 6" PVC STORM DRAIN LINE FOR CONVEYANCE OF BROW DITCH DRAINAGE
- 30) JON 6" PVC STORM DRAIN LINES TO 12" HOPE STORM DRAIN MAIN
- 31) INSTALL 24"x24" BROOKS BOX WITH TRAFFIC RATED STEEL GRATE
- 32) INSTALL 8" PVC STORM DRAIN PIPE
- 33) INSTALL 2.4' HIGH TYPE A GRANTY WALL PER SAN DIEGO RSD C-9

### EXISTING GRADING NOTES

- 1) EXISTING POWER POLE TO BE PROTECTED IN PLACE
- 2) EXISTING POWER POLE TO BE RELOCATED
- 3) EXISTING POWER POLE TO BE REMOVED
- 4) EXISTING FENCE TO REMAIN
- 5) EXISTING BROW DITCH TO REMAIN
- 6) EXISTING BROW DITCH DOWNGRAD TO REMAIN
- 7) EXISTING POWER LINES TO BE RE-ROUTED
- 8) EXISTING POWER LINES TO REMAIN

### LEGEND:



### EASEMENT NOTES:

- EASEMENTS ROUTED PER PRELIMINARY REPORT PREPARED BY CALIFORNIA TITLE COMPANY AS ORDER NO. 400-161872-34 DATED DECEMBER 1, 2014.
- A) EASEMENT FOR SANITATION UTILITIES PER DDC RECORDS 12/22/1933, BOOK 5055, PAGE 622 OF OFFICIAL RECORDS.
  - B) EASEMENT FOR WATER UTILITIES PER DDC# 1892-5861 RECORDED 01/29/2004.
  - C) EASEMENT FOR COUNTY HIGHWAY PER DDC# 2004-006836 RECORDED 01/29/2004.
  - D) 24" WIDE EASEMENT FOR PUBLIC ROAD AND DRAINAGE PURPOSES DEDICATED AND ACCEPTED PER MAP 14936.
  - E) CENTERLINE OF SOAKAGE EASEMENT (NO WIDTH GIVEN) PER DDC. RECORDED 01/23/1934, BOOK 284, PAGE 383 OF OFFICIAL RECORDS (TO BE VACATED).
  - F) WIDE AREA EASEMENT PER DDC RECORDED MAY 17/1934 BOOK 284, PAGE 383 OF OFFICIAL RECORDS (TO BE VACATED).
  - G) EASEMENT FOR FLOODABLE EXISTING DRAINAGE LOCATIONS NOT DISCUSSED (TO BE WANTED).

### SITE ADDRESS:

1450 MARSHALL ROAD  
ALPINE, CA 91901

### ASSESSOR PARCEL NUMBERS:

403-271-20 & 21

### LEGAL DESCRIPTION:

THE PART OF SECTION 14, TOWNSHIP 27, RANGE 13, SOUTH, RANGE 2 EAST, SAN BERNARDINO RANGE & MERIDIAN IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

### BENCHMARK:

MONUMENT: 1935.99 (NAD 29)  
LOCATION: 1937.17 SW CORNER APPARENT C/L OF INTERSECTION OF ELIUNDE DR. AND MARSHALL WAY, POINT S ON APPARENT CL AND NLY BC OF 46' CURVE.

ELEVATION: 1935.99 (NAD 29)

SOURCE: SAN DIEGO COUNTY BENCH BOOK PER R.O.S. 13702

### APPLICANT/OWNER:

MILESTONE HOUSING GROUP  
10775 VAN KAMMEN, SUITE 100, IRVINE, CALIFORNIA 92606  
(714) 954-4938

### VICINITY MAP

NOT TO SCALE



### GRADING QUANTITIES

CUT: 3,505  
FILL: 3,505  
IMPORT: 14,803

### NOTE:

THESE GRADING QUANTITIES WERE PREPARED FOR FULL AND ACCURATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OF APPROVAL OF THESE GRADING QUANTITIES DOES NOT CONSTITUTE A GUARANTEE OF GRADING SHOWN HEREON, AND AGREES TO OBTAIN A VALID GRADING PERMIT BEFORE COMMENCING SUCH ACTIVITY.

## CONCEPTUAL GRADING PLAN

MILESTONE ALPINE  
ALPINE, CA  
December 8, 2020



SHEET NO.  
C-102

20' 0' 10' 20'  
SCALE: 1" = 20'

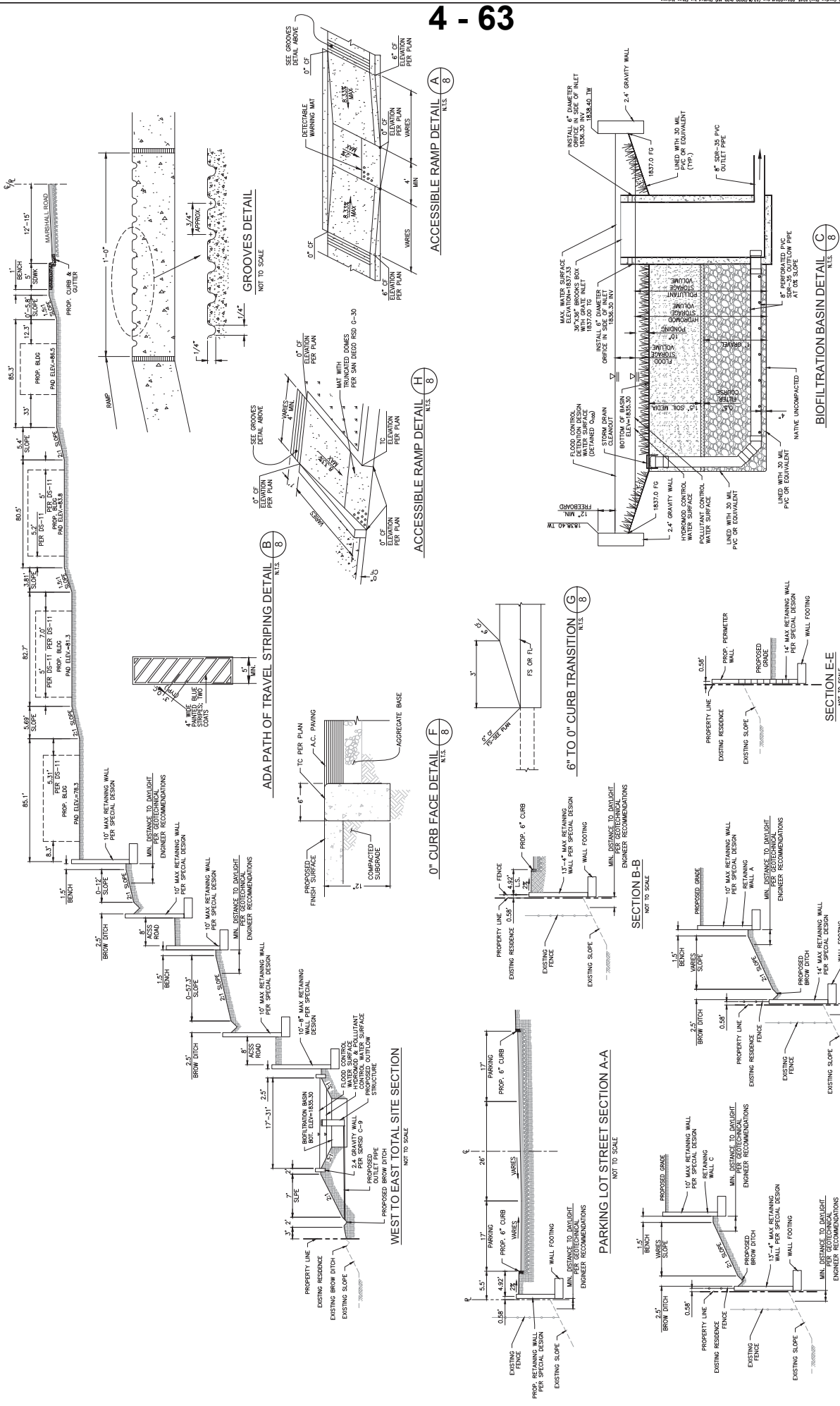
NOT FOR CONSTRUCTION



## MILESTONE ALPINE



**FUSCOE**  
ENGINEERING



CONCEPTUAL UTILITY PLAN  
MILESTONE ALPINE  
ALPINE, CA.  
December 8, 2020

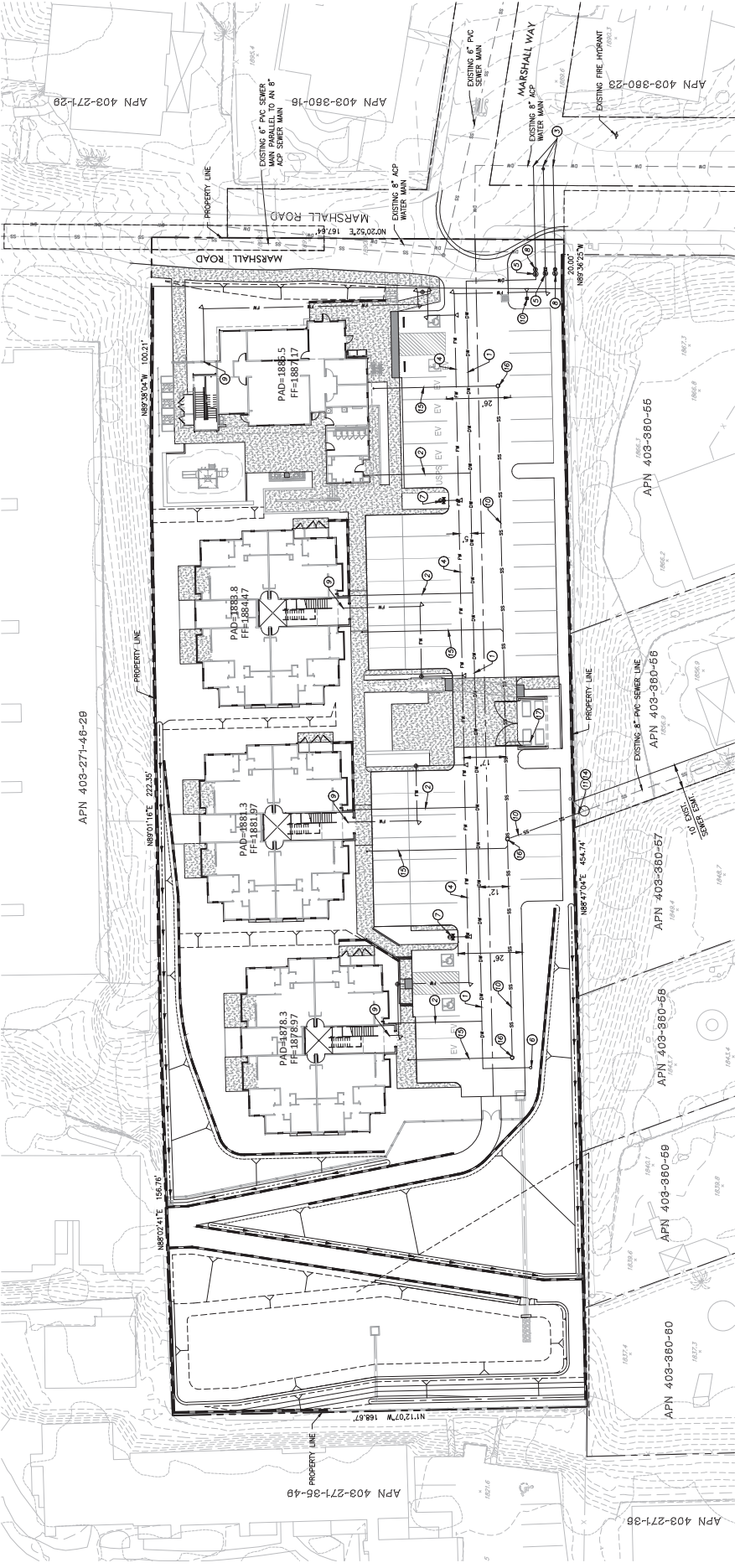


- WATER NOTES**
- ① PROPOSED 8" PVC WATER MAIN AND BEDDING
  - ② PROPOSED SERVICE LATERAL
  - ③ PROPOSED WATER TEE
  - ④ PROPOSED 8" PVC WATER MAIN
  - ⑤ PROPOSED 8" PVC SERVICE MANHOLE
  - ⑥ PROPOSED 8" PVC SAGGON VALVE
  - ⑦ PROPOSED 8" PVC ASSEMBLY
  - ⑧ PROPOSED FIRE HYDRANT
  - ⑨ PROPOSED WATER METER
  - ⑩ PROPOSED BUILDING FIRE SERVICE
  - ⑪ PROPOSED FIRE DEPARTMENT CONNECTION

- SEWER NOTES**
- ⑫ PROPOSED 6" PVC SEWER MAIN (GRAVITY)
  - ⑬ PROPOSED SEWER MAIN TEE-IN
  - ⑭ PROPOSED 2" PVC SEWER MAIN (FORCE MAIN)
  - ⑮ PROPOSED SEWER MANHOLE
  - ⑯ PROPOSED 6" PVC SERVICE LATERAL
  - ⑰ PROPOSED 6" PVC SAGGON VALVE
  - ⑱ SEWER DRAIN FOR TRASH ENCLOSURE



VICINITY MAP  
NOT TO SCALE

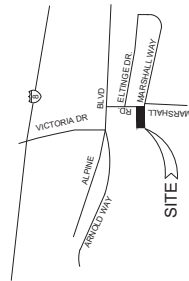
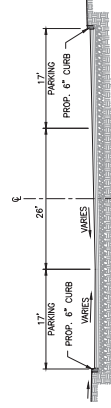




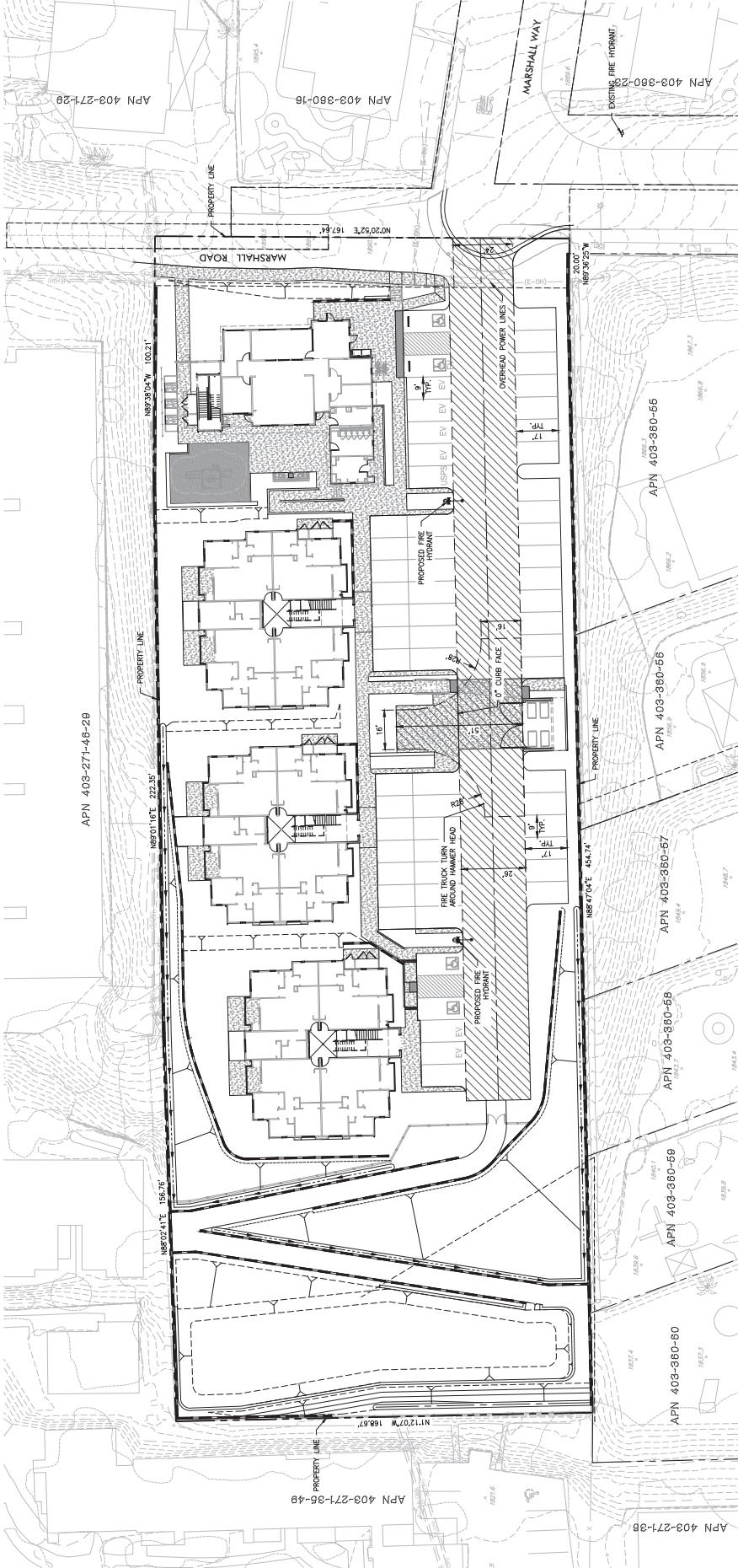
# FIRE ACCESS PLAN

MILESTONE ALPINE  
ALPINE, CA.  
December 8, 2020

PARKING LOT STREET SECTION A-A  
(NOT TO SCALE)



VICINITY MAP  
NOT TO SCALE



**Attachment B – Form of Decision Approving  
PDS2020-STP-17-039W1**





# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 694-2962 • Fax (858) 694-2555  
[www.sdcounty.ca.gov/pds](http://www.sdcounty.ca.gov/pds)

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

**January 22, 2021**

**PERMITEE:** ALPINE FAMILY APARTMENTS, LP  
**SITE PLAN:** PDS2020-STP-17-039W1  
**PROPERTY:** 1460 MARSHALL ROAD, ALPINE CA, 91901  
**APN:** 403-271-20, -21

## **DECISION OF THE DIRECTOR**

### **ORIGINAL SITE PLAN (PDS2017-STP-17-039)**

This Site Plan for Marshall Road Tentative Map consists of 10 sheets including plot plans, floor plans, and elevations dated September 21, 2018. This permit, along with Tentative Map No. 5621, authorizes the development of 23 condominium units on one common lot. This Site Plan has been reviewed and approved for the "B" Designator requirements for community design review pursuant to the Alpine Design Review Guidelines.

### **MODIFICATION TO SITE PLAN (PDS2020-STP-17-039W1)**

This Modification to the previously approved Site Plan consists of 17 sheets including plot plan, elevations, conceptual landscape plan, and conceptual grading plan dated December 4, 2020. This permit authorizes the construction of four, three-story apartment buildings containing a total of 38 units and not to exceed 35-feet high, parking, landscaping, retaining walls, on-site office, and common use areas per to the approved plot plan. This Site Plan Modification is granted development standard incentives pursuant to the County of San Diego Zoning Ordinance Section 6350. The incentives granted are an increase in the maximum height of walls located within the setback to no more than 14-feet high, and to allow for residential buildings no more than three stories.

**SITE PLAN EXPIRATION:** This Site Plan Modification shall expire on January 22, 2023 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7070 and 7062 of the Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Site Plan Modification has commenced prior to said expiration date.

.....

**SPECIFIC CONDITIONS:** Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Site Plan. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to*

*occupancy or use of the premises in reliance of this permit).*

#### 1. GEN#1–COST RECOVERY

**INTENT:** In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

#### 2. GEN#2–RECORDATION OF DECISION

**INTENT:** In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

#### 3. GEN#3–FILING OF THE ENVIRONMENTAL DOCUMENT

**INTENT:** In order to comply with CEQA and State law, the permit Notice of Exemption (NOE) shall be filed at the County Recorder's Office. **DESCRIPTION OF REQUIREMENT:** The applicant shall take the original NOE and required fees to the San Diego County Recorder's Office and file the document within five (5) days of permit approval and return a copy of the filed document to PDS. **DOCUMENTATION:** The filed NOE form. **TIMING:** Within the first five (5) days of the appeal period, the applicant/owner shall take the original NOE form and required filing fees to the San Diego County Recorder's Office and file the document. **MONITORING:** The PDS Zoning Counter shall verify that the NOE was filed and that a copy of the document is on file at PDS.

#### 4. CULT#1 - ARCHAEOLOGICAL MONITORING

**INTENT:** In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading,



clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

**TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

## 5. LNDSCP#1–LANDSCAPE DOCUMENTATION PACKAGE

**INTENT:** In order to provide adequate Landscaping that addresses screening, and to comply with the Alpine Design Guidelines, a landscape plan shall be prepared.

**DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the COSD Water Efficient Landscape Design Manual and the COSD Water Conservation in Landscaping Ordinance, the COSD Parking Design Manual, the COSD Grading Ordinance, the Alpine Design Guidelines, and the requirements of the B Designator. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.

- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the [Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b
- i. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: Plans shall be compliant with the Conceptual Landscape Plans, dated November 9, 2020. Water budget calculations shall be compliant with Section 86.711 and shall utilize the formulas in Section's 86.712 and 86.713.
- j. In coordination with the Shrub Screening Note on Sheet L.2, all proposed interior retaining walls visible to surrounding property owners shall be screened with a minimum of 4' deep planting from face of wall. Vegetation shall be selected based on height of wall and mature size of species selected. For those walls over 3' in height, a minimum of 15-gallon shrubs and 24" box trees shall be selected to ensure sufficient screening from time of planting. Installed landscaping shall not impact designated solar panel access area.
- k. Indicate what measures will be taken to ensure long-term erosion control of the slopes below the proposed solar panels. Clarify if the jute netting called out on the conceptual landscape plans will contain any non-irrigated seed mix or any other form of slope stabilization. Provide a note about planting and irrigating these slopes if solar panels are not used or if removed at some point in the future.

**DOCUMENTATION:** The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.



**IMPROVEMENT PLAN:** (Prior to the issuance of any public improvement, ROW or Construction Permit, and prior to occupancy or use of the premises in reliance of this permit).

#### 6. ROADS#1–SIGHT DISTANCE

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions at the required ingress/egress design at the intersection of **Marshall Way (Public), Marshall Road (Public), and Marshall Road (Private)** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards and to the satisfaction of the Director of DPW. These sight distances exceed the required intersectional Sight Distance requirements of \_\_\_\_\_as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

**DOCUMENTATION:** The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of any improvement plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

#### 7. ROADS#2–TRAFFIC CONTROL PLAN

**INTENT:** In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of Department of Public Works (DPW). **DOCUMENTATION:** The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. **TIMING:** Prior to the issuance of any Public Improvement, ROW or Construction Permit and prior to use of the premises in reliance of this permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

**GRADING PERMIT:** (Prior to issuance of any Grading or Construction Permits).

**8. ROADS#3–HAUL ROUTE PLAN**

**INTENT:** In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

- a. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and offsite County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
- c. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

**DOCUMENTATION:** The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to the commencement of any grading activities and prior to use of the premises in reliance of this permit, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

**9. STRMWTR#1–STORMWATER MAINTENANCE DOCUMENTATION**

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:**

- a. Process a Maintenance Notification Agreement to assure maintenance of the Category 1 Structural BMPs to the satisfaction of the Director of DPW and/or PDS. The Maintenance Notification Agreement shall be signed, notarized and recorded by the applicant.

**DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR]

and pay any deposit and applicable review fees. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, prior to use of the property in reliance of this permit; execution of the recorded agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

#### 10. STRMWTR#2-EROSION CONTROL

**INTENT:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project.

**DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

**DOCUMENTATION:** The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR].

**TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDC/] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

**BUILDING PERMIT:** (Prior to approval of any building plan and the issuance of any building permit).

#### 11. ROADS#4-CENTERLINE REVIEW



**INTENT:** In order to promote orderly development and to comply with the [Centerline Ordinance 9974 \(Amended by Ord. 10224\), County Code Section 51.301 et seq.](#), frontage improvements may be required. **DESCRIPTION OF REQUIREMENT:** This project is subject to the Centerline Ordinance (unless otherwise noted per [Sec. 51.305](#)). *The applicant must initiate the centerline review process with the Building Official in the Department of Planning and Development Services (PDS) as early as possible in order to coordinate requirements and processing time, and to determine if review is required by PDS Land Development.* Requirements **may** include, but are not limited to granting of right-of-way, irrevocable offers of dedication, relinquishment of access rights, traffic striping, installation of curb, gutter, & sidewalk, alley improvements, road widening, trails/pathways, street lights, drainage facilities, no-parking restrictions, and undergrounding of utility distribution facilities along the project frontages, and off-site road improvements. **TIMING:** Prior to approval of any building permits, the centerline review shall be completed. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the centerline conditions and County Standards.

**OCCUPANCY:** (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

#### 12. ROADS#5–ANNEX TO LIGHTING DISTRICT

**INTENT:** In order to promote orderly development and to comply with the Street Lighting Requirements of the [Centerline Ordinance 9974 \(Amended by Ord. 10224\), County Code Section 51.301 et seq.](#), [County of San Diego Board Policy I-18](#) and [The County of San Diego Public Road Standards](#), the property shall transfer into the Lighting District. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

#### 13. ROADS#6–SIGHT DISTANCE

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified once improvements are constructed. **DESCRIPTION OF REQUIREMENT:**

- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is \_\_\_\_\_feet of unobstructed intersectional sight distance in both directions at the required ingress/egress design at the intersection of **Marshall Way (Public), Marshall Road (Public), and Marshall Road (Private)** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards and to the satisfaction of the Director of DPW. These sight distances exceed the required

intersectional Sight Distance requirements of \_\_\_\_\_ as described in Table 5 based on a speed of \_\_\_\_\_, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."

- a. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

**DOCUMENTATION:** The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications for compliance with this condition.

#### 14. STRMWTR#3–VERIFICATION OF STRUCTURAL BMPs

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 10 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms with [DPW, PDC] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

#### 15. STRMWTR#4–PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), stormwater documentation shall be provided to property owner. **DESCRIPTION OF REQUIREMENT:** Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project's approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project's recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
  - 1) A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
  - 2) One Operation and Maintenance Verification Form for each type of Private

## Treatment Control BMP.

**DOCUMENTATION:** The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

**16. CULT#2- CULTURAL RESOURCES MONITORING REPORT**

**INTENT:** In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been conveyed as follows:
  - (1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from



the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

#### 17. LNDSCP#2—CERTIFICATION OF INSTALLATION

**INTENT:** In order to provide adequate Landscaping that addresses screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance, the Alpine Design Guidelines, and the requirements of the B Designator, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

**ONGOING:** *(The following conditions shall apply during the term of this permit).*

#### 18. PLN#1—SITE CONFORMANCE

**INTENT:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific

conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved plot plan. This includes, but is not limited to maintaining the following: ensuring the building structures locations and heights are concurrent with the approved plot plan. Failure to conform to the approved plot plan; is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

#### 19. ROADS#7–SIGHT DISTANCE

**INTENT:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance per County Public Road Standards in both directions at the project's private access onto the public roads, Marshall Way and Marshall Road, for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

#### 20. STRMWTR#5–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER

**INTENT:** In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [DPW, WPP]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [DPW, WPP] is responsible for compliance of this permit.

**PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS:** *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

#### 21. CULT#GR-1- ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING

**INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and

Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

***DURING CONSTRUCTION:*** *(The following actions shall occur throughout the duration of the grading construction).*

## **22.CULT#GR-2- ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. **Milling Features.** Milling features shall be relocated/reburied to onsite open space or landscaped areas prior to disturbance, if feasible.
- c. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
  1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
  2. At the time of discovery, the Project Archaeologist shall contact the PDS



Staff Archaeologist.

3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

**d. Human Remains.** If any human remains are discovered:

1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- g. **Fill Soils.** The Project Archaeologist and Kumeyaay Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- h. **Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
- i. **Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Kumeyaay Native American monitor related to archaeological monitoring. The County Archaeologist shall consider the viewpoints of both the Project Archaeologist and Native American Tribe(s)

**DOCUMENTATION:** The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

**ROUGH GRADING:** (Prior to rough grading approval and issuance of any building permit).

### 23.CULT#GR-3- ARCHAEOLOGICAL MONITORING – ROUGH GRADING

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor must be included in the Negative Monitoring Report.
- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall

provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

**FINAL GRADING RELEASE:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

#### **24.CULT#GR-4- ARCHAEOLOGICAL MONITORING – FINAL GRADING**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been conveyed as follows:

- (1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or



Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

#### SITE PLAN FINDINGS:

The following findings and standards are made in support of the granting of this Site Plan:

1. That the proposed development meets the intent and specific standards and criteria prescribed in pertinent sections of the Zoning Ordinance.

The proposed development is for four, three-story multi-family apartment buildings with associated parking, landscaping, and retaining walls. The proposed development meets the intent and specific standards and criteria prescribed in sections 5750 and 7150 of the Zoning Ordinance. The proposed development is compatible with adjacent land uses and design standards specified in the Alpine Community Plan and Alpine Design Guidelines.

2. That the proposed development is compatible with the San Diego County General Plan.

The proposed development is for four, three-story multi family apartment buildings with associated parking, landscaping, and retaining walls. The proposed development is compatible with the San Diego County General Plan goal LU-9.5 and LU-9.12. The proposed development is consistent with the General Plan designator Village Residential and the Zoning Designator Village Residential 15 (VR-15). The proposed development is permitted, under the County of San Diego Zoning Ordinance Section 6350 to increase the density by no more than 35% of the base units based on the existing density. The development proposes 38 units on an approximately 1.9-acre property, which is consistent with the permissible increase in density.

3. That any applicable standards or criteria waived by the Director pursuant to Section 7158.d have been or will be fulfilled by the condition or conditions of a Use Permit or Variance.

No standards or criteria have been waived.

**ORDINANCE COMPLIANCE NOTIFICATIONS:** The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

**STORMWATER ORDINANCE COMPLIANCE:** In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

**LOW IMPACT DEVELOPMENT NOTICE:** The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED\\_PROTECTION\\_PROGRAM/susmppdf/lid\\_handbook\\_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below.  
<http://www.sdcountry.ca.gov/dplu/docs/LID-Handbook.pdf>

**STORMWATER COMPLIANCE NOTICE:** Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410](#) (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

**DRAINAGE:** The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance](#) No. 10091, adopted December 8, 2010.

**GRADING PERMIT REQUIRED:** A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

**CONSTRUCTION PERMIT REQUIRED:** A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County requirements. In addition, before trimming, removing, or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

**ENCROACHMENT PERMIT REQUIRED:** An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

**EXCAVATION PERMIT REQUIRED:** An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

**TRANSPORTATION IMPACT FEE:** The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.



<b>Planning &amp; Development Services (PDS)</b>			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
<b>Department of Public Works (DPW)</b>			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
<b>Department of Environmental Health (DEH)</b>			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
<b>Department of Parks and Recreation (DPR)</b>			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
<b>Department of General Service (DGS)</b>			
Real Property Division	RP		

**APPEAL PROCEDURE:** Within ten calendar days after the date of this Decision of the Director, the decision may be appealed to the Planning Commission in accordance with [Section 7166 of the County Zoning Ordinance](#). An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

Alpine Family Apartments  
PDS2020-STP-17-039W1

21

January 22, 2021

COUNTY OF SAN DIEGO  
PLANNING COMMISSION

BY:

Ashley Smith, Planning Chief  
Project Planning Division

cc:

Brice Bossler, Project Contact  
Marcus Griffin, Project Contact

Email cc:

Brice Bossler, [brice@bosslergroup.com](mailto:brice@bosslergroup.com)  
Marcus Griffin, [marcus@milestonehousing.com](mailto:marcus@milestonehousing.com)  
Denise Russell, [Denise.Russell@sdcounty.ca.gov](mailto:Denise.Russell@sdcounty.ca.gov)  
David Cook, [David.Cook@sdcounty.ca.gov](mailto:David.Cook@sdcounty.ca.gov)

## **Attachment C – Appeal Application Form**





County of San Diego, Planning & Development Services  
**APPEAL APPLICATION**  
**ZONING DIVISION**

**APPEAL TO:**

- ☐ Board of Supervisors  
☒ Planning Commission  
☐ Administrative Appeal  
 (Requires Deposit & [PDS-346](#))

**FOR OFFICIAL USE ONLY**

Thomas Guide Map	Code _____ Fee _____	Record ID _____
Community Plan Area _____		
General Plan Designation _____		Zone _____

**APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE**

1460 Marshall Road, Alpine, CA 91901				403-271-20, -21	
<b>Site Address</b>	<b>Number</b>	<b>Street</b>	<b>City</b>	<b>Zip</b>	<b>Assessor's Parcel Number</b>
Alpine Community Planning Group			Alpine Family Apartments, LP		
<b>Appellant's Name</b>	<b>Last</b>	<b>First</b>	<b>Middle</b>	<b>Owner's Name</b>	<b>Last</b> <b>First</b> <b>Middle</b>
PO Box 1419			481 N. Santa Cruz Avenue		
<b>Mailing Address</b>	<b>Number</b>	<b>Street</b>	<b>Mailing Address</b> <b>Number</b> <b>Street</b>		
Alpine, CA 91903			Los Gatos, CA 95030		
City Zip			City Zip		
619-952-8607			727-204-8128		
<b>Telephone</b>			<b>Telephone</b>		

**REQUEST:** Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.  
 Request to appeal project approval due to: Inadequate off-street parking, vehicular & emergency ingress/egress safety, pedestrian safety, traffic impacts on adjacent roads/intersections, project does not comply with B Designator requirements and Alpine Design Review guidelines.

**JUSTIFICATION:** Attach additional sheets if necessary.

Areas of concern noted per the ADR Guidelines page 9 Site lighting, and off-street parking, page 10, relationship to natural features (minimize grading). Page 10 existing natural features (topography slopes over 15%) page 11, circulation (smooth traffic flow), page 12, #2B Topography (disturb the natural contours as little as possible), Page 33 (15% of site landscaping / open space)

*Travis Lyon*  
 Signature of Appellant

Alpine CPG Chairman - Travis Lyon  
 If Company Officer – indicate Company Name and function  
 (Please print)

— OFFICIAL USE ONLY —

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770  
[HTTP://WWW.SDCPDS.ORG](http://www.sdcpsd.org)



**Attachment D – Alpine CPG and DRB Meeting  
Minutes**

# Alpine Community Planning Group

P.O. Box 1419, Alpine, CA 91903-1419

## FINAL MEETING MINUTES

Thursday, October 22<sup>nd</sup>, 2020 at 6:00pm

Virtual via Zoom - <https://us02web.zoom.us/j/89770624550> - Call in 1-669-900-6833 Meeting ID 897 7062 4550

Archived Agendas & Minutes – <http://www.sandiegocounty.gov/content/sdc/pds/gpupdate/comm/alpine.html>

### Group Member Roster

Travis Lyon  
Chairman

[travislyonacpg@gmail.com](mailto:travislyonacpg@gmail.com)

Jim Easterling  
Vice Chairman

[alpjim@cox.net](mailto:alpjim@cox.net)

Sharmin Self  
Secretary

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Glenda Archer

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Jenifer Swanson

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Kippy Thomas

[kippy123@gmail.com](mailto:kippy123@gmail.com)

Victor Woods

[vwoods@viejas-nsn.gov](mailto:vwoods@viejas-nsn.gov)

### Instructions for Public Comment at the Virtual Meeting

If you wish to make a public comment at an upcoming meeting, please follow these instructions:

1. This “speaker slip” will be open to members of the public until Thursday, October 22, 2020 at 4:00pm. This will take the place of “speaker slips” available at meetings. All comments need to be no more than 450 words, which equates to 3 minutes of speaking time. Speakers should email their comments to [travislyonacpg@gmail.com](mailto:travislyonacpg@gmail.com). Speakers may include their name, address, and any other details. Speakers should identify whether their comments are for a specific agenda item or for open discussion.
2. The meeting facilitator will read the comments during the meeting.

#### A. Call to Order

#### B. Invocation / Pledge of Allegiance

#### C. Roll Call of Members

Present: Lyon, Easterling, Barnett, Haven, Johnston, Milligan, Saldano, Swanson

Excused: Self, Archer, Garay, Ross, Perricone, Thomas, Woods

#### D. Approval of Minutes / Correspondence / Announcements

##### 1. Approval of Minutes

- i. February 27, 2020 - **Motion to table approval of minutes made by T. Lyon, 2<sup>nd</sup> J. Easterling. Motion Passed: 8 yes, 0 no, 0 abstain, 7 absent/vacant**

2. **ACPG Statement:** The Alpine Community Planning Group was formed for the purpose of advising and assisting the Director of Planning, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and sub-regional plans. The Alpine Community Planning Group is an advisory body only.

#### E. Open Discussion: None

#### F. Prioritization of this Meeting's Agenda Items – Motion to move G-2 above G-1 made by T. Lyon 2<sup>nd</sup> – A. Haven – 8 yes, 0 no, 0 abstain, 8 absent/vacant.

#### G. Organized / Special Presentations

##### 1. ORIGINALY ITEM G-2 on AGENDA

- i. The owner of 80.75-acre located at 2683 Country Meadows Drive, Alpine, CA has applied for a Tentative Map (PDS2005-3100-5431) for a 20-lot residential subdivision with lots ranging in size 1.1-acres to 7.33-acres. The proposed project is served water by Padre Dam MWD and will utilize on site septic systems. The property is zoned Semi Rural 1 (SR-1) and the APN is 403-160-15-00). The planning group will review the application and discuss recommendations to the County. **Presentation, Discussion & Action**
  - (1) **Motion to approve the project as presented made by J. Easterling, 2<sup>nd</sup> R. Saldano. Motion Passed 8 yes, 0 no, 0 abstain, 8 absent/vacant**

##### 2. ORIGINALY ITEM G-1 on AGENDA

- i. The owner of the 1.86-acre property located at 1460 Marshall Road, Alpine, CA has filed a discretionary permit application for a Site Plan (PDS2020-STP-17-039W1) to construct a 38-unit affordable housing apartment project. The site plan proposal is a modification to the previously approved site plan (PDS2017-STP-17-039). The proposed project consists of 4 apartment buildings which are 35 feet high.



The property is served water by Padre Dam MWD and sewer by the Alpine Sanitation District. The property is zoned Village Residential and has the special area regulation designator 'B'. The APN is 403-271-20 & 21. The planning group will review the application and discuss recommendations to the County. **Presentation, Discussion & Action**

- (1) **Motion to table the project made by T. Lyon, 2<sup>nd</sup> by J. Easterling. Motion Passed 8 yes, 0 no, 0 abstain, 8 absent/vacant**

## H. Group Business:

1. Appointment of Subcommittee Chairs - **None**
2. Subcommittee Chairs to submit list of subcommittee members for approval. **None**

## I. Consent Calendar

## J. Subcommittee Reports (including Alpine Design Review Board)

## K. Officer Reports

## L. Open Discussion 2 (if necessary)

## M. Request for Agenda Items for Upcoming Agendas

## N. Approval of Expenses / Expenditures

## O. Announcement of Meetings:

1. Alpine Community Planning Group – TBD
2. ACPG Subcommittees – TBD
3. Planning Commission – October 23<sup>rd</sup> and November 13<sup>th</sup>, 2020
4. Board of Supervisors – October 27<sup>th</sup> & 28<sup>th</sup> and November 17<sup>th</sup> & 18<sup>th</sup> 2020

## P. Adjournment of Meeting

1. **Motion to Adjourn made by T. Lyon, 2<sup>nd</sup> by J. Easterling. Motion Passed – 8 yes, 0 no, 0 abstain, 7 vacant/absent - Meeting adjourned at 7:45pm.**

## Disclaimer Language

### Public Disclosure

We strive to protect personally identifiable information by collecting only information necessary to deliver our services. All information that may be collected becomes public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and any County ordinance or other law governing the County's disclosure of records, the County ordinance or other applicable law will control.

### Access and Correction of Personal Information

You can review any personal information collected about you. You may recommend changes to your personal information you believe is in error by submitting a written request that credibly shows the error. If you believe that your personal information is being used for a purpose other than what was intended when submitted, you may contact us. In all cases, we will take reasonable steps to verify your identity before granting access or making corrections.

# Alpine Community Planning Group

P.O. Box 1419, Alpine, CA 91903-1419

## FINAL MEETING MINUTES

Thursday, November 19<sup>th</sup>, 2020 at 6:00pm

Virtual via Zoom - <https://us02web.zoom.us/j/81737119964> - Call in 1-669-900-6833 Meeting ID 817 3711 9964

Archived Agendas & Minutes – <http://www.sandiegocounty.gov/content/sdc/pds/gpupdate/comm/alpine.html>

### Group Member Roster

Travis Lyon  
Chairman

[travislyonacpg@gmail.com](mailto:travislyonacpg@gmail.com)

Jim Easterling  
Vice Chairman

[alpjim@cox.net](mailto:alpjim@cox.net)

Sharmin Self  
Secretary

[sharminselfacpg@aol.com](mailto:sharminselfacpg@aol.com)

Glenda Archer

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George Barnett

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Roger Garay

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Justin Johnston

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Leslie Perricone

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Jenifer Swanson

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Kippy Thomas

[kippy123@gmail.com](mailto:kippy123@gmail.com)

Victor Woods

[vwoods@viejas-nsn.gov](mailto:vwoods@viejas-nsn.gov)

### Instructions for Public Comment at the Virtual Meeting

If you wish to make a public comment at an upcoming meeting, please follow these instructions:

1. This “speaker slip” will be open to members of the public until Thursday, November 19, 2020 at 4:00pm. This will take the place of “speaker slips” available at meetings. All comments need to be no more than 450 words, which equates to 3 minutes of speaking time. Speakers should email their comments to [travislyonacpg@gmail.com](mailto:travislyonacpg@gmail.com). Speakers may include their name, address, and any other details. Speakers should identify whether their comments are for a specific agenda item or for open discussion.
2. The meeting facilitator will read the comments during the meeting.

#### A. Call to Order

#### B. Invocation / Pledge of Allegiance

#### C. Roll Call of Members

Present: Lyon, Easterling, Barnett, Haven, Johnston, Milligan, Saldano, Thomas

Excused: Self, Archer, Garay, Ross, Perricone, Swanson, Woods

#### D. Approval of Minutes / Correspondence / Announcements

##### 1. Approval of Minutes

i. February 27, 2020

ii. October 22, 2020

(1) **Motion to table approval of February and October minutes made by T. Lyon, 2<sup>nd</sup> J. Easterling. Motion Passed: 8 yes, 0 no, 0 abstain, 7 absent/vacant**

2. **ACPG Statement:** The Alpine Community Planning Group was formed for the purpose of advising and assisting the Director of Planning, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and sub-regional plans. The Alpine Community Planning Group is an advisory body only.

#### E. Open Discussion: None

#### F. Prioritization of this Meeting’s Agenda Items

#### G. Organized / Special Presentations

1. The owner of the 1.86-acre property located at 1460 Marshall Road, Alpine, CA has filed a discretionary permit application for a Site Plan (PDS2020-STP-17-039W1) to construct a 38-unit affordable housing apartment project. The site plan proposal is a modification to the previously approved site plan (PDS2017-STP-17-039). The proposed project consists of 4 apartment buildings which are 35 feet high. The property is served water by Padre Dam MWD and sewer by the Alpine Sanitation District. The property is zoned Village Residential and has the special area regulation designator ‘B’. The APN is 403-271-20 & 21. The planning group will review the application and discuss recommendations to the County.

##### Presentation, Discussion & Action

- i. **Motion to deny project made by J. Easterling, 2<sup>nd</sup> by M. Milligan. Motion Passed: 8 yes, 0 no, 0 abstain, 7 absent/vacant**
- ii. **Motion to authorize Chairman to write letter to county to outline concerns with project including Parking, Road Access and Safety made by T. Lyon, 2<sup>nd</sup> by J. Easterling. Motion Passed: 8 yes, 0 no, 0 abstain, 7 absent/vacant**

#### H. Group Business:

1. None

- I. **Consent Calendar**
- J. **Subcommittee Reports (including Alpine Design Review Board)**
- K. **Officer Reports**
- L. **Open Discussion 2 (if necessary)**
- M. **Request for Agenda Items for Upcoming Agendas**
- N. **Approval of Expenses / Expenditures**
- O. **Announcement of Meetings:**
  - 1. Alpine Community Planning Group – TBD
  - 2. ACPG Subcommittees – TBD
  - 3. Planning Commission – December 4<sup>th</sup>, 2020
  - 4. Board of Supervisors – December 8<sup>th</sup> & 9<sup>th</sup>, 2020
- P. **Adjournment of Meeting**
  - 1. **Motion to Adjourn made by J. Easterling, 2nd by R. Saldano. Motion Passed – 8 yes, 0 no, 0 abstain, 7 vacant/absent - Meeting adjourned at 7:15pm.**

## Disclaimer Language

### Public Disclosure

We strive to protect personally identifiable information by collecting only information necessary to deliver our services. All information that may be collected becomes public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and any County ordinance or other law governing the County's disclosure of records, the County ordinance or other applicable law will control.

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# Alpine Community Planning Group

P.O. Box 1419, Alpine, CA 91903-1419

## DRAFT MEETING MINUTES

Tuesday, December 22<sup>nd</sup>, 2020 at 6:00pm

Virtual via Zoom - <https://us02web.zoom.us/j/87621432352> - Call in 1-669-900-6833 Meeting ID 876 2143 2352

Archived Agendas & Minutes – <http://www.sandiegocounty.gov/content/sdc/pds/gpupdate/comm/alpine.html>

### Group Member Roster

**Travis Lyon**

Chairman

[travislyonacpg@gmail.com](mailto:travislyonacpg@gmail.com)

**Jim Easterling**

Vice Chairman

[alpjim@cox.net](mailto:alpjim@cox.net)

**Sharmin Self**

Secretary

[sharminselfacpg@aol.com](mailto:sharminselfacpg@aol.com)

**Glenda Archer**

[archeracpg@gmail.com](mailto:archeracpg@gmail.com)

**George Barnett**

[biggeorge8888@gmail.com](mailto:biggeorge8888@gmail.com)

**Roger Garay**

[rogertax@ix.netcom.com](mailto:rogertax@ix.netcom.com)

**Al Haven**

[alhaven@cox.net](mailto:alhaven@cox.net)

**Justin Johnston**

[justinjohnston619@gmail.com](mailto:justinjohnston619@gmail.com)

**Mike Milligan**

[michaelsmilligan314@yahoo.com](mailto:michaelsmilligan314@yahoo.com)

**Colby Ross**

[colby.ross13@yahoo.com](mailto:colby.ross13@yahoo.com)

**Leslie Perricone**

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**Jenifer Swanson**

[jswanson@swansonims.com](mailto:jswanson@swansonims.com)

**Kippy Thomas**

[kippy123@gmail.com](mailto:kippy123@gmail.com)

**Victor Woods**

[vwoods@viejas-nsn.gov](mailto:vwoods@viejas-nsn.gov)

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2. The meeting facilitator will read the comments during the meeting.

#### A. Call to Order

#### B. Invocation / Pledge of Allegiance

#### C. Roll Call of Members

Present: Lyon, Easterling, Barnett, Haven, Johnston, Milligan, Ross, Perricone, Saldano, Swanson

Excused: Self, Archer, Garay, Thomas, Woods,

#### D. Approval of Minutes / Correspondence / Announcements

##### 1. Approval of Minutes

i. February 27, 2020

(1)

**Motion to table approval of February minutes made by T. Lyon, 2<sup>nd</sup> J. Easterling. Motion Passed: 10 yes, 0 no, 0 abstain, 5 absent/vacant**

ii. October 22, 2020

iii. November 19, 2020

(1)

**Motion to approve October 22 & November 19 minutes made by J. Easterling, 2<sup>nd</sup> M. Milligan. Motion Passed: 10 yes, 0 no, 0 abstain, 5 absent/vacant**

2. **ACPG Statement:** The Alpine Community Planning Group was formed for the purpose of advising and assisting the Director of Planning, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and sub-regional plans. The Alpine Community Planning Group is an advisory body only.

#### E. Open Discussion: None

#### F. Prioritization of this Meeting's Agenda Items

#### G. Organized / Special Presentations

1. The county of San Diego Planning and Development Services issued a decision approving a discretionary permit for 1.86-acre property located at 1460 Marshall Road, Alpine, CA for a Site Plan (PDS2020-STP-17-039W1) to construct a 38-unit affordable housing apartment project. The site plan proposal is a modification to the previously approved site plan (PDS2017-STP-17-039). The proposed project consists of 4 apartment buildings which are 35 feet high. The property is served water by Padre Dam MWD and sewer by the Alpine Sanitation District. The property is zoned Village Residential and has the special area regulation designator 'B'. The APN is 403-271-20 & 21. The planning group will review the approval and determine if any further action from the group is required. **Presentation, Discussion & Action**

i. **Motion to appeal the PDS Director Decision dated December 14<sup>th</sup>,**

**2020 to approve the project to the Planning Commission made by J. Easterling, 2<sup>nd</sup> by M. Milligan.  
Motion Passed: 10 yes, 0 no, 0 abstain, 5 absent/vacant**

2. The County of San Diego has issued a Draft Supplemental Environmental Impact Report for the Alpine Community Plan Update (<https://www.sandiegocounty.gov/pds/ceqa/AlpineCPUpdateEIR.html>). The Draft SEIR includes a Draft Alpine Community Plan, a Draft Community Plan Background Report, and related appendices. The public review period is open for feedback until February 3<sup>rd</sup>, 2021. The group will begin discussions on the draft plans. **Presentation & Discussion**

i. **The online location of SEIR including maps and background information shared with the group.**

3. The Alpine CPG Circulation Subcommittee has made a recommendation to the ACPG to support the removal of trees located at the "S" curve along South Grade Road near the intersection with Scenic View Road over concerns related to sight distance for oncoming traffic. The vegetation manager from the County of San Diego Department of Public Works has requested a formal recommendation on the potential tree removal from the ACPG. **Presentation, Discussion & Action**

i. **Motion to recommend removal of all eucalyptus trees in this location, but to not remove any oak trees made by T. Lyon, 2<sup>nd</sup> by G. Barnett. Motion Passed: 10 yes, 0 no, 0 abstain, 5 absent/vacant**

**H. Group Business:**

1. None

**I. Consent Calendar**

**J. Subcommittee Reports (including Alpine Design Review Board)**

**K. Officer Reports**

**L. Open Discussion 2 (if necessary)**

**M. Request for Agenda Items for Upcoming Agendas**

**N. Approval of Expenses / Expenditures**

**O. Announcement of Meetings:**

1. Alpine Community Planning Group – TBD
2. ACPG Subcommittees – TBD
3. Board of Supervisors – TBD
4. Planning Commission – January 22, 2021

**P. Adjournment of Meeting**

1. **Motion to Adjourn made by J. Easterling, 2<sup>nd</sup> by R. Saldano. Motion Passed – 10 yes, 0 no, 0 abstain, 5 vacant/absent - Meeting adjourned at 7:00pm.**

Disclaimer Language

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# Alpine Design Review Board Minutes

Monday November 9, 2020  
1830 Alpine Blvd.  
Alpine, CA 91901

- I Call to Order – Roll Call  
The meeting of the Alpine Design Review Board was called to order by Chairperson Curt Dean at 7:10 p.m. Board members present: Curt Dean, Carol Morrison, Dan Wasson and Peggy Easterling. Absent: Kippy Thomas.
- II Approval of Minutes  
There was a MOTION: to approve the minutes of February 3, 2020 as emailed. Moved by Curt Dean. Seconded by: Carol Morrison. Ayes: 4-0-0. No meetings were held in March. April. May. June. July. August. September, or October 2020 for lack of an agenda.
- III Public Comment  
None
- IV Review Alpine Family Apartments 1460 Marshall road. (Discussion and Vote). Areas of concern noted per the ADR Guidelines page 9 Site lighting, and off-street parking, page 10, relationship to natural features (minimize grading). Page 10 existing natural features (topography slopes over 15%) page 11, circulation (smooth traffic flow), page 12, #2B Topography (disturb the natural contours as little as possible), page 33 (15% of the site landscaping and useable open space).  
There was a MOTION: To approve the concept plan as presented with the applicant to 1) add additional landscaping in the parking lot as required by the ADR Guidelines page 34. 2) Add more architectural detail to the 2<sup>nd</sup> and 3<sup>rd</sup> floor of each building elevation. 3) Add more parking to accommodate visitor parking. 4) Tie the proposed retention basin into an overflow outlet to protect neighbors to the west. 5) Provide a safe turning solution at Alpine Blvd and Marshall Rd. 6) Add a sidewalk from the project south of the proposed project to adjoin the proposed project sidewalk along the east property line, 7) Reduce the height of the retaining walls along the south and north property lines, particularly the north wall on the property line that cannot be obscured with planting. 8) Reduce the height of all buildings to a maximum of two stories. Moved by Peggy Easterling. Seconded by Dan Wasson. Ayes:1-2-0. Motion fails.
- V Next meeting – December 7, 2020 at 7:00pm Alpine Community Center.
- VII Adjournment – The meeting was adjourned at 8:00pm.

Respectfully submitted,  
Peggy Easterling  
Secretary Alpine Design Review Board



## **Attachment E – Environmental Documentation**

4 - 99  
**NOTICE OF EXEMPTION**

TO: Recorder/County Clerk  
Attn: James Scott  
1600 Pacific Highway, M.S. A33  
San Diego, CA 92101

FROM: County of San Diego  
Planning & Development Services, M.S. O650  
Attn: Project Planning Division Section Secretary

**SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152**

Project Name: Alpine Family Apartments PDS2020-STP-17-039W1

Project Location: 1460 Marshall Road, Alpine Community Plan Area, within unincorporated San Diego County, CA

Project Applicant: Alpine Family Apartments, 481 N Santa Cruz Ave, Los Gatos, CA 95030, 727-204-8128

Project Description: This permit authorizes the construction of four, three-story apartment buildings not to exceed 35-feet high, parking, landscaping, retaining walls, on-site office, and common use areas per to the approved plot plan. This Site Plan is granted development standard incentives pursuant to the County of San Diego Zoning Ordinance Section 6350. The incentives granted are an increase in the maximum height of walls located within the setback to no more than 14-feet high, and to allow for residential buildings no more than three stories.

Agency Approving Project: County of San Diego

County Contact Person: David Cook Telephone Number: (858) 505 6429

Date Form Completed: December 11, 2020

This is to advise that the County of San Diego Director of Planning & Development Services has approved the above described project on December 11, 2020 and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
  - ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
  - ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
  - ☒ Statutory Exemption. C Section: 21159.25 – Residential or Mixed-Use Housing Projects
  - ☐ Categorical Exemption. G Section:
    - ☐ G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
    - ☐ G 15182 – Residential Projects Pursuant to a Specific Plan
    - ☐ G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
    - ☐ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures ☐ were ☐ were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan ☐ was ☐ was not adopted for this project.

Statement of reasons why project is exempt: See Attachment A

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature:  Telephone: (858) 505-6429

Name (Print): David Cook Title: Junior Land Use/Environmental Planner

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

## Attachment A

**§ 21159.25. EXEMPTION: RESIDENTIAL OR MIXED-USE HOUSING PROJECTS**

*(a) For purposes of this section, the following definitions apply:*

*(1) "Residential or mixed-use housing project" means a project consisting of multifamily residential uses only or a mix of multifamily residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.*

**Discussion: The project is a 38-unit affordable housing apartment community consisting of residential units, a leasing office, and amenity spaces. At least two-thirds of their building square footage is for residential use.**

*(2) "Substantially surrounded" means at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified.*

**Discussion: The project site is surrounded by qualified urban uses within an urbanized area. The project is surrounded by existing single and multi-family dwellings. Condominium complexes are located directly adjacent to the north and west of the project site, single family residences are located directly adjacent to the south. and single-family residences are located to the east across Marshall road.**

*(b) Without limiting any other statutory exemption or categorical exemption, this division does not apply to a residential or mixed-use housing project if all of the following conditions described in this section are met:*

*(1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

**Discussion: The project site is zoned Village Residential (RV) and has a General Plan designation of Village Residential (VR-15) which allows for a density of 15 dwelling units per acre. The project qualifies for a density bonus through the State of California, which allows for 10 additional dwelling units in addition to the 28 allowed under the General Plan density. The project is consistent with the goals and policies of the County of San Diego General Plan, County of San Diego Zoning Ordinance, and Alpine Community Plan.**

*(2) (A) The public agency approving or carrying out the project determines, based upon substantial evidence, that the density of the residential portion of the project is not less than the greater of the following:*

*(i) The average density of the residential properties that adjoin, or are separated only by an improved public right-of-way from, the perimeter of the project site, if any.*

**Discussion: Surrounding parcel areas were measured and were found to total 9.15 acres. Surrounding residential units were measured and were found to be 179 units. These units are based on observed**



and potential units based on San Diego General Plan and Zoning Ordinances densities. The average density was calculated to be 19.5 DU/ac. This project proposes 20 DU/ac.

*(ii) The average density of the residential properties within 1,500 feet of the project site.*

**Discussion:** The density of a 1,500 foot radius surrounding the project site was calculated based on the area and based on County of San Diego General Plan density designators. The average density of the area was found to be 13 DU/ac. The project proposes 20 DU/ac.

*(iii) Six dwelling units per acre.*

**Discussion:** The project proposes 20 DU/acre.

*(B) The residential portion of the project is a multifamily housing development that contains six or more residential units.*

**Discussion:** The project proposes 38 residential units.

*(3) The proposed development occurs within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses.*

**Discussion:** The project site is within the unincorporated area of San Diego County and is approximately 1.9-acres. The project site is surrounded by qualified urban uses, those being single and multi-family dwellings within an urbanized area.

*(4) The project site has no value as habitat for endangered, rare, or threatened species.*

**Discussion:** The project site is within an urbanized area and is surrounded by existing residential uses. The project site is approximately 1.9-acres. Because of these reasons, the project site has no value as habitat for endangered, rare, or threatened species.

*(5) Approval of the project would not result in any significant effects relating to transportation, noise, air quality, greenhouse gas emissions, or water quality.*

**Discussion:** The project will not cause an increase to impacts relating to transportation, noise, air quality, greenhouse gas emission, or water quality. The project is a 38-unit affordable housing development which has an Average Daily Trip less than 250. Because of this, the project is considered to have no significant impact to traffic. The project is a residential use and will not increase impacts related to noise, air quality, or greenhouse gas emissions. The project has been reviewed and has been found compliant with the Groundwater Ordinance and has created a Stormwater Quality Management Plan. Therefore, the project will not cause impacts to water quality.

*(6) The site can be adequately served by all required utilities and public services.*

**Discussion:** Project has received approval from local utilities and public services. The property is served water by the Padre Dam Municipal Water District and sewer by the Alpine Sanitation District.

*(7) The project is located on a site that is a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.*

**Discussion:** The project is located within an urbanized area, as designated by the United States Census Bureau 2012 reference map. The project site is wholly within the boundaries indicated to be an urbanized area.

**Attachment F – County of San Diego Health and  
Human Services Agency Density Bonus  
Regulatory Agreement**



**WHEN RECORDED PLEASE MAIL TO:**

**County of San Diego  
Housing and Community Development Services  
3989 Ruffin Road  
San Diego, CA 92123-1890  
Attn: Community Development Division**

**(Space above this line for Recorder's use)**

**COUNTY OF SAN DIEGO  
HEALTH AND HUMAN SERVICES AGENCY  
DENSITY BONUS  
REGULATORY AGREEMENT**

This Density Bonus Regulatory Agreement (this "Regulatory Agreement") is dated the 21st day of December, 2020 by and between the County of San Diego, Health and Human Services Agency (the "County"), and Alpine Family Apartments, LP, a California limited partnership, whose business address is 481 North Santa Cruz Avenue, Suite 310, Los Gatos, California, 95030 (the "Developer").

**RECITALS**

- a. Developer is or is about to become the owner of real property generally located at 1460 – 1464 Marshall Road, in Alpine, CA, as described in Attachment A, which is attached hereto and made a part hereof.
- b. Developer has applied for a density bonus pursuant to the Density Bonus Law (Cal. Gov. Code 65915 et seq.) with the County of San Diego, Planning and Development Services.
- c. Pursuant to such the provisions of the Density Bonus Law, Developer is obligated to make available certain units to persons of very-low and low-income as described herein.
- d. The Density Bonus Law requires that Developer's above-mentioned legal obligations be memorialized in deed restrictions recorded on the property where the Project is to be maintained, and to run with the land.
- e. As a result of other financing, at least one other set of deed restrictions or regulatory agreements may be placed on the Project by County. Such restrictions or agreements shall be separate from, and wholly independent of, the requirements of this Density Bonus Regulatory Agreement.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual covenants and undertakings described above and the legal requirements of the Density Bonus Law, and other good and valuable consideration, the foregoing recitals are hereby incorporated by reference and made part of this Agreement. All parties hereby contract and agree as follows:

## ARTICLE 1 DEFINITIONS

### 1.1 DEFINITIONS

Unless otherwise expressly provided herein or unless the context clearly requires otherwise, the following terms shall have the respective meanings set forth below for purposes of this Agreement unless the context in which they are used clearly requires otherwise. If there are any contradictions between these definitions and those contained in the Density Bonus Law, regulations associated with it (25 C.C.R. 6910 et seq.), or requirements of other associated statutes or regulations referenced therein, the definitions in such laws or regulations shall control.

**Affordability Period** is the period of time during which the Developer, the Project, and the Property must comply with Density Bonus Law rules and regulations, including income and Rent restrictions; commencing at Project Completion, and continuing for 55 years, commencing on initial occupancy of the Restricted Units.

**Area Median Income** or **AMI** is the Median household income for the area adjusted for household size, as published and updated annually by HUD. In the event that such income determinations are no longer determined and published by State HCD or HUD or are not updated for a period of at least 24 months from the date of the previous publication, County shall provide Developer with other income determinations that are reasonably similar with respect to previous methods of calculations by State HCD or HUD.

**Assisted Unit:** means a residential housing Unit that is subject to the provisions of this Density Bonus Regulatory Agreement. Such units shall be Floating Units

**Closing** is the date on which this Density Bonus Regulatory Agreement is recorded at the office of the County Assessor-Recorder.

**County** is the County of San Diego Health and Human Services Agency

**County Parties** is the County of San Diego, its agents, officers and employees.

**Density Bonus Law** refers to the Density Bonus Law (Gov. Code 65915 et seq.), implementing regulations (25 C.C.R. 6910 et seq.), and all laws and regulations ancillary thereto.

**Eligible Household** is a resident household or applicant household, which has the Income Limit required by this Density Bonus Regulatory Agreement, as determined in line with the Density Bonus Law.

**Floating Units** are units comparable in terms of size, features, and number of bedrooms, as outlined herein, designated as Restricted Units, as needed through terms of Affordability Period. If not all units in the Project are Restricted Units, any such unit may be utilized as a Restricted Unit, so long as all Restricted Units required by this Regulatory Agreement are being utilized as required herein.

**HUD** is the United States Department of Housing and Urban Development

**Income Limit** is as described in 25 C.C.R. 6932, as it may be amended from time to time. 3 of the Restricted Units shall be for Eligible Households of 30% AMI or lower.

**Project** is the improvements to be constructed or substantially rehabilitated on the Property, and more particularly described in Attachment A attached hereto, and the land and all moveable property and fixtures from time to time attached thereto.

**Project Completion** occurs when temporary certificate of occupancy is issued; or

**Property** means the land which is more particularly described on Attachment A attached hereto, and all improvements, fixtures, and equipment located at such apartments and other property, accounts, deposits and rights and interests of Developer encumbered by the this agreement.

**Density Bonus Regulatory Agreement or Agreement** means this agreement and all attachments incorporated herein.

**Rent** is as defined in 25 C.C.R. 5618. Rent includes the requisite utility allowance.

**Restricted Units** means any Assisted Unit and any Unit that is subject to Rent and occupancy restrictions herein.

**Tenant** is a household legally occupying a Restricted Unit pursuant to a valid lease or rental agreement with Developer.

**Unit** means residential unit that is used as a primary residence by its occupants, including individual units within the Project.

## 1.2 ATTACHMENTS

The following documents are attachment to this Agreement and incorporated into this Agreement by this reference:

- Attachment A- Legal Description

## ARTICLE 2 TERM OF AGREEMENT

### 2.1 TERM OF REGULATORY AGREEMENT

The term of this Regulatory Agreement shall commence on the date this Regulatory Agreement is recorded and shall continue until the conclusion of the Affordability Period herein, except that provisions regarding audits and record retention shall continue for three years after the Affordability Period has ended..



## **ARTICLE 3**

### **USE, OCCUPANCY AND RENT RESTRICTIONS AND COVENANTS**

#### **3.1 OCCUPANCY REQUIREMENTS**

Developer shall utilize no less than three (3) of the thirty-eight (38) units located on the Property solely as Restricted Units for the purpose of providing affordable housing to Eligible Households as pursuant to the provisions of this Density Bonus Regulatory Agreement. To maintain conformity with the requirements of this paragraph during the Affordability Period so that the total number of housing units meeting the requirements of this paragraph remain the same, and each substituted unit is comparable in terms of size, features, and number of bedrooms to the originally designated Restricted Units, all three (3) Restricted Units shall be designated as Floating Units. All Tenants of the Restricted Units shall be Eligible Households who are at or below the Income Limit. Developer shall ensure that Tenants shall not be charged more in Rent than is authorized for a person of the Tenant's Income Limit, as described in 25 C.C.R. 6910 et seq. and associated statutes. For all Restricted Units in the Project, Developer shall ensure that only Eligible Households may be Tenants. Three (3) units shall be made available and rented to very low income households at or below 30 percent of area median income through the entire Affordability Period.

#### **3.2 EFFECT OF OTHER INTERESTS IN THE PROPERTY AND ON SUCCESSORS**

a. Developer covenants that it will carry out all provisions of this Regulatory Agreement and that all of the covenants in the Regulatory Agreement shall run with the Property. Any subsequent owner(s) shall assume all rights and responsibilities under this Regulatory Agreement and be bound by the same. The covenants set forth above shall continue in effect for Affordability Period and shall continue until the Regulatory Agreement expires or terminates according to its terms. The covenants set forth in this Density Bonus Regulatory Agreement shall apply without regard to the term of any loan or mortgage or the transfer of ownership.

b. Developer covenants that it shall not permit any person or entity obtain any interest in the Property of superior priority to this Density Bonus Regulatory Agreement.

#### **3.3 RESIDENT SELECTION AND ELIGIBILITY PROCEDURES**

Developer shall rent Restricted Units in the Project to Eligible Households in accordance the Density Bonus Law. Developer shall obtain and maintain all documentation showing that each Tenant is an Eligible Household, and shall retain such documentation until at least three years after such Tenant's tenancy has terminated.

#### **3.4 LEASE AND OCCUPANCY PROCEDURES**

Each eligible applicant selected to occupy a unit shall enter into a written occupancy agreement (hereinafter referred to as a "lease") with the Developer, which shall contain those provisions as are required by this Density Bonus Regulatory Agreement and the Density Bonus Law.

**ARTICLE 4  
OPERATION OF PROJECT**

**4.1 RESIDENTIAL USE**

The Restricted Units shall be used only for residential purposes consistent with this Density Bonus Regulatory Agreement and the Restricted Units shall be operated and maintained as rental residences for the Affordability Period. No part of the Restricted Units shall be operated as transient housing in which the term of occupancy is less than thirty (30) days, nor shall the Developer convert or apply to convert the Project to condominium or cooperative ownership or to a community apartment project or sell condominium or cooperative conversion rights in the Project or the rights to convert the Project to condominium or cooperative ownership or as a community apartment project.

**ARTICLE 6  
AUDIT AND INSPECTION OF PROJECT RECORDS**

**6.1 PROJECT RECORDS**

Developer shall maintain the following records, if applicable to the Project, for a period consistent with the Density Bonus Regulatory Agreement and applicable legal requirements.

- a. Records that demonstrate that the Project meets the requirements of this Density Bonus Regulatory Agreement and the Density Bonus Law for the required Affordability Period for each Tenant assisted;
- b. Records that demonstrate compliance with the requirements of this Density Bonus Regulatory Agreement and the Density Bonus Law for Tenant and participant protections;
- c. Records that demonstrate compliance with the requirements regarding displacement, relocation, and real property acquisition, including project occupancy lists identifying the name and address of all persons occupying the real property, moving into the property, and occupying the property upon completion of the Project;

**6.2 AUDITS AND INSPECTIONS**

At any time during the term of this Density Bonus Regulatory Agreement, the County or its designee may enter and inspect the physical premises and inspect all accounting and resident records pertaining to the construction, development, or operation of the Project or the Property. Upon a minimum 48-hour request by the County, Developer shall notify residents of upcoming inspections of their units or records in accordance with California State law.

- a. The County may perform or cause to be performed audits of any and all phases of the Developer's activities related to the Project. At the County's request, Developer shall provide, at its own expense, an audit of the Project certified by an independent certified public accountant.

- b. The County may request any other information that it deems necessary to monitor compliance with requirements set forth in this agreement. Developer shall promptly provide such information.

## **ARTICLE 7**

### **CERTAIN ACTS PROHIBITED**

Developer shall not make any sale, encumbrance, assignment or conveyance, or transfer in any other form, the Property or Project or any part thereof or of any of its interest therein unless, prior to such transfer, it has provided written notice to county identifying the name, all other associated business entities' names, address, telephone number, and electronic email in conformity with the notices provision of this Density Bonus Regulatory Agreement, and has provided the transferee a copy of this Density Bonus Regulatory Agreement:

- a. Assign or transfer any right to operate or manage the Project or the Property other than the employment of a property manager authorized in this Regulatory Agreement;
- b. Following completion of the Project, remodel, remove, add to, reconstruct or demolish any part of the Project or impair any real or personal property of the Project other than routine maintenance or in the ordinary course of business without prior written approval by the County;
- c. Require, as a condition of the occupancy or leasing of any dwelling unit in the Project, any consideration or deposit more than that permitted by the Density Bonus Law to guarantee the performance of the covenants of the lease.
- d. Permit the use of the units in the Project for any purpose except that which was approved by the County;

## **ARTICLE 8**

### **VIOLATION OF DENSITY BONUS REGULATORY AGREEMENT BY THE DEVELOPER**

In the event of the material violation of any of the provisions of this Density Bonus Regulatory Agreement by the Developer, the County shall give written notice thereof to Developer of violation by specifying (a) the nature of the event or deficiency giving rise to the violation and (b) a date, which shall not be less than thirty (30) days from the mailing of the notice by which such action to cure must be accomplished or if such breach is not reasonably susceptible of cure within such (30) day period, then within such additional time as is reasonably necessary to cure such failure, provided Developer has commenced cure within the initial thirty (30) day period and diligently pursues such cure to completion. A copy of any notice of breach or default under this Density Bonus Regulatory Agreement shall be delivered to the Developer as described in the "Notices" section of this Density Bonus Regulatory Agreement, as it may be amended from time to time or in any subordination agreement entered into by the County recorded on the Property's chain of title in the Office of the County Assessor-Recorder,

Developer shall not be considered in default or breach until the expiration of the notice and cure periods provided to the Developer, solely for purposes of exercising remedies under the Density Bonus Regulatory Agreement. Developer agrees that the statute of limitations for filing suit or seeking any relief through courts or administrative processes is tolled during any notice and cure period or extension thereof provided by County in writing pursuant to this Regulatory Agreement. The County agrees to accept a cure tendered by the Limited Partner of Developer



on the same terms as if such cure had been tendered by Developer. After the expiration of all applicable notice and cure periods as specified here, the County may, without further notice, declare in writing a default under this Density Bonus Regulatory Agreement effective on the date of such declaration of default and, upon any such declaration of default, the County may apply to any court, state or federal, for specific performance of this Density Bonus Regulatory Agreement; for the appointment of a receiver to take over and operate the Project or Property in accordance with the terms of this Density Bonus Regulatory Agreement, or for such other relief as may be appropriate, it being agreed by the Developer that the injury to the County arising from a default under any of the terms of this Regulatory Agreement would be irreparable and that it would be extremely difficult to ascertain the amount of compensation of the County which afford adequate relief in light of the purposes and policies of the Density Bonus Law.

Nothing in this Article shall limit the County's ability to seek any other remedies authorized by law or equity. Further, County may enforce any civil, administrative, or criminal ordinance enacted by the State of California or the Board of Supervisors for County, enacted prior to or subsequent to recordation of this Density Bonus Regulatory Agreement. Such enforcement shall not be governed by, and need not comply with, the notice and cure provisions herein.

## **ARTICLE 9 GENERAL PROVISIONS**

### **9.1 AMENDMENTS**

This Density Bonus Regulatory Agreement shall not be altered or amended except by writing executed between the parties and recorded in the Office of the Recorder, and under terms authorized by the Density Bonus Law. Authority to amend in writing on behalf of the County shall be limited to the Director of Health and Human Services Agency or designee(s).

### **9.2 PARTIAL INVALIDITY**

If any provision of this Density Bonus Regulatory Agreement shall be invalid, illegal or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

### **9.3 BINDING ON SUCCESSORS**

This Density Bonus Regulatory Agreement shall bind, and the benefits thereof shall inure to, the respective parties hereto, their legal representatives, executors, administrators, successors in the office or interest, and assigns.

### **9.4 RECORDING AGREEMENT**

This Density Bonus Regulatory Agreement and any amendments thereof, shall, at the expense of Developer, be acknowledged by each of the parties and promptly recorded or referenced by Developer or its successor in the official records of the county in which the Project is situated.

## 9.5 ELECTION OF REMEDIES

The remedies of the County hereunder are cumulative, and the exercise of one or more of such remedies shall not be deemed an election of remedies and shall not preclude the exercise by the County of any one or more of its other remedies.

## 9.6 WAIVER

No waiver by the County of any breach of or default under this Density Bonus Regulatory Agreement shall be deemed to be a waiver of any other or subsequent breach or default hereunder.

## 9.7 CAPTIONS

The captions used herein are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope of the intent of this Regulatory Agreement.

## 9.8 GOVERNING LAW AND VENUE

This Density Bonus Regulatory Agreement shall be construed in accordance with and governed by the laws of the State of California. Venue shall only be proper in the state or federal court in which the Property is located, to wit, San Diego County Superior Court or the United States District Court for the Southern District of California.

## 13.9 AMENDMENTS TO LAWS AND REGULATIONS

If the Federal, State, County, or other governments with jurisdiction over the area where the Property is located approve laws or regulations with more stringent requirements than are described in the Density Bonus Regulatory Agreement, Developer shall comply with the more stringent requirements.

## 13.10 NOTICES

Written notices and other written communications by and between the parties hereto shall be addressed as follows unless and until a party hereto has in writing, communicated a different address to the other party hereto.

County of San Diego:	County of San Diego – Health and Human Services Agency 3989 Ruffin Road San Diego, CA 92123 Attn: Community Development Division
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Developer:	Alpine Family Apartments, LP 481 North Santa Cruz Avenue, Suite 310 Los Gatos, CA 95030 Attn: Marcus Griffin
------------	---

Copy to: PacH Lancaster Holdings, LLC  
c/o Pacific Housing, Inc.  
2115 J Street, Suite 201  
Sacramento, CA 95816  
Attn: Mark Wiese

Copy to: Bocarsly Emden Cowan Esmail & Arndt LLP  
633 W. 5<sup>th</sup> Street, 64<sup>th</sup> Floor  
Los Angeles, CA 90071  
Attn: Kyle Arndt

Copy to: Cox, Castle & Nicholson LLP  
50 California Street, Suite 3200  
San Francisco, CA 94111  
Attn: Christian A. Dubois

Copy to: CREA Alpine Family Apartments, LLC  
30 South Meridian Street, Suite 400  
Indianapolis, Indiana 46204  
Attn: Asset Management

Copy to: Nixon Peabody LLP  
799 9th Street NW, Suite 500  
Washington, DC 20001  
Attn: Matthew Mullen

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above.

**COUNTY:**

County of San Diego, Health and Human Services Agency,  
Housing & Community Development Services

By: \_\_\_\_\_  
KONSTANTINOS ARABATZIS  
Acting HHSA Agency Director

APPROVED AS TO FORM AND LEGALITY

By: \_\_\_\_\_  
DAVID M. STOTLAND  
Senior Deputy County Counsel

**[SIGNATURES CONTINUED ON FOLLOWING PAGE]**



**DEVELOPER:**

Alpine Family Apartments LP  
a California limited partnership

By: PacH Lancaster Holdings, LLC,  
a California limited liability company  
its Managing General Partner

By: Pacific Housing Inc.,  
a California nonprofit public benefit corporation  
its sole member and manager

By: \_\_\_\_\_  
Mark A. Wiese, President

By: Alpine Milestone GP, LLC,  
a California limited liability company,  
its Administrative General Partner

By: Alpine Milestone GP, LLC,  
a California limited liability company,  
its Administrative General Partner

By: \_\_\_\_\_  
Marcus Griffin, Manager

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 ) ss  
 County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public personally appeared, \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature\_\_\_\_\_

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 ) ss  
 County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public personally appeared, \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature\_\_\_\_\_

**ATTACHMENT A  
LEGAL DESCRIPTION**

All that certain real property situated in the County of San Diego, State of California, described as follows:

**PARCEL 1:**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 15 SOUTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT 8 INCHES IN DIAMETER SET FOR THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER OF SAID SECTION 27; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SOUTHWEST QUARTER, SOUTH 89° 36' 15" WEST, 726.17 FEET; THENCE DUE NORTH 30.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE DUE WEST 100 FEET; THENCE SOUTH 88° 46' 40" WEST 222.54 FEET; THENCE SOUTH 87° 41' 50" WEST 156.57 FEET; THENCE SOUTH 1° 29' 30" EAST 88.73 FEET TO THE MOST NORTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO RICHARD C. LANE AND JENNIE LANE, HUSBAND AND WIFE, AS JOINT TENANTS RECORDED AUGUST 20, 1959 IN FILE NO. 171644 OF OFFICIAL RECORDS; THENCE NORTH 88° 28' EAST ALONG NORTHERLY BOUNDARY OF SAID RICHARD C. LANE ET UX LAND 250 FEET TO THE MOST NORTHEAST CORNER OF SAID LANE'S LAND; THENCE SOUTH 1° 29' 30" EAST ALONG EASTERLY BOUNDARY OF SAID LANE'S LAND 80 FEET; THENCE LEAVING SAID LANE'S LAND NORTH 88° 28' 00" EAST 204.70 FEET; THENCE DUE EAST 20.00 FEET TO INTERSECTION WITH A LINE BEARING DUE SOUTH FROM THE TRUE POINT OF BEGINNING; THENCE DUE NORTH 167.55 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL 2:**

THAT PORTION OF THE SOUTHWEST QUARTER, SECTION 27, TOWNSHIP 15 SOUTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY AND SHOWN ON RECORD OF SURVEY 2044 FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27; THENCE SOUTH 89° 36' 15" WEST ALONG THE SOUTHERLY LINE THEREOF 726.17 FEET; THENCE DUE NORTH 30° 72' FEET; THENCE DUE WEST 100.00 FEET; THENCE SOUTH 88° 46' 40" WEST 222.54 FEET; THENCE SOUTH 87° 41' 50" WEST 156.57 FEET; THENCE SOUTH 1° 29' 30" EAST 168.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 88° 28' 00" EAST 250.00 FEET; THENCE NORTH 1° 29' 30" WEST 80.00 FEET; THENCE SOUTH 88° 28' 00" WEST 250.00 FEET; THENCE SOUTH 1° 29' 30" EAST 80.00 FEET TO THE TRUE POINT OF BEGINNING.

APN: 403-271-20-00 AND 403-271-21-00



**Attachment G – Board of Supervisors Minutes  
February 25, 2020**

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
TUESDAY, FEBRUARY 25, 2020**

**MINUTE ORDER NO. 8**

**SUBJECT: RECEIVE REPORT ON AFFORDABLE HOUSING DEVELOPMENTS FUNDED FROM THE INNOVATIVE HOUSING TRUST FUND AND COMMUNITY DEVELOPMENT BLOCK GRANT, AND APPROVAL OF \$3,000,000 IN LOANS FROM HOME INVESTMENT PARTNERSHIPS FUNDING (DISTRICTS: ALL)**

**OVERVIEW**

On June 20, 2017 (21), the San Diego County Board of Supervisors (Board) established an Innovative Housing Trust Fund (Trust Fund) to address shrinking affordable housing options across the region. The Board has provided a total of \$50 million for the Trust Fund to foster the creation of affordable housing; this total is comprised of \$25 million invested at the launch of the Trust Fund and a second infusion of \$25 million added in April 2019.

The County of San Diego (County) Health and Human Services Agency (HHSA) issued two Notices of Funding Availability (NOFA) for Trust Fund dollars for the first \$25 million, one in December 2017 and another in November 2018. These NOFAs resulted in allocations for funds to 10 developments with 752 permanent affordable housing units currently underway.

In July 2019, HHSA issued a third NOFA for the remaining \$25 million in Trust Fund dollars. The NOFA closed on September 3, 2019 with 16 proposals received. Of these proposals, seven were deemed ready to proceed to negotiations and issued conditional offers for funding. Dependent upon successful negotiations, the seven proposals will create and preserve up to 435 units. The investment from the Trust Fund, along with funding from the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME), supports 375 of these units and the remaining 60 units will receive funding from the HUD Community Development Block Grant (CDBG) Program. The use of CDBG funds for housing development was authorized by the Board on April 9, 2019 as part of the County's Annual Funding Plan.

Today's action is a request for the Board to receive this report on developments funded from the Innovative Housing Trust Fund and the CDBG Program and approve the allocation of \$3 million in HOME funds.

The Trust Fund spurs the production and preservation of affordable housing through enhanced partnerships with regional stakeholders. These efforts align with the County of San Diego's *Live Well San Diego* vision for a healthy, safe, and thriving region.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the receipt of the report on the status of developments funded by the Innovative Housing Trust Fund and Community Development Block Grant Program, and the authorization to allocate \$3 million in HOME funds are administrative in nature and therefore are not a project as defined in CEQA Guidelines Section 15378.

2. Authorize the publication of any required “Notice to the Public of Request for Release of Funds” for the recommended projects; authorize the Agency Director, Health and Human Services Agency or designee, to execute such a Request and Certification following environmental processing, pursuant to HUD 24 CFR Part 58 regulations; and direct staff to transmit the request to the U.S. Department of Housing and Urban Development upon completion of any mandatory waiting periods.
3. Authorize the allocation of up to \$800,000 in HOME funds to Chelsea Investment Corporation for the acquisition and new construction of the Poway Commons development located in the City of Poway.
4. Authorize the allocation of up to \$2.2 million in HOME funds to Affirmed Housing for the acquisition and new construction of the Alora development located in the City of San Marcos.
5. Authorize the Agency Director, Health and Human Services Agency or designee, to negotiate and execute all contracts, related documents and/or amendments, and to take all necessary actions for the submittal and/or regulatory processing for implementation of the above-referenced projects.
6. Receive this report on the status of developments funded by the Innovative Housing Trust Fund and the Community Development Block Grant Program.

### **FISCAL IMPACT**

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan for the Health and Human Services Agency. If approved, this request will result in costs and revenue of approximately \$3 million in Fiscal Year 2019-20. The funding source is HOME funds. There will be no change in net General Fund costs and no additional staff years.

**ACTION:**

ON MOTION of Supervisor Jacob, seconded by Supervisor Gaspar, the Board of Supervisors took action as recommended.

**BUSINESS IMPACT STATEMENT**

N/A

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors



**Signed**

**by** Marvice Mazyck, Chief Deputy



## **Attachment H – Service Availability Forms**



County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - FIRE**  
**ZONING DIVISION**

ALPINE  
 FIRE  
 DEPT.

Please type or use pen

Alpine Family Apartments, LP (727) 204-8128	ORG _____	<b>F</b>
Owner's Name _____ Phone _____	ACCT _____	
481 N Santa Cruz Ave.	ACT _____	
Owner's Mailing Address _____ Street _____	TASK _____	
Los Gatos, CA 95030	DATE _____ AMT \$ _____	
City _____ State _____ Zip _____	DISTRICT CASHIER'S USE ONLY	

**SECTION 1. PROJECT DESCRIPTION** **TO BE COMPLETED BY APPLICANT**

A. <input type="checkbox"/> Major Subdivision (TM) <input type="checkbox"/> Specific Plan or Specific Plan Amendment <input type="checkbox"/> Minor Subdivision (TPM) <input type="checkbox"/> Certificate of Compliance: _____ <input type="checkbox"/> Boundary Adjustment <input type="checkbox"/> Rezone (Reclassification) from _____ to _____ zone <input type="checkbox"/> Major Use Permit (MUP), Purpose: _____ <input type="checkbox"/> Time Extension... Case No. _____ <input type="checkbox"/> Expired Map... Case No. _____ <input type="checkbox"/> Other _____	Assessor's Parcel Number(s) (Add extra if necessary)
	403-271-20-00
	403-271-21-00

B. ☒ Residential. Total number of dwelling units 38  
☐ Commercial. Gross floor area \_\_\_\_\_  
☐ Industrial. Gross floor area \_\_\_\_\_  
☐ Other. Gross floor area \_\_\_\_\_

C. Total Project acreage 1.86 Total lots \_\_\_\_\_ Smallest proposed lot \_\_\_\_\_

Thomas Guide. Page \_\_\_\_\_ Grid \_\_\_\_\_  
 1460 Marshall Road  
 Project address \_\_\_\_\_ Street \_\_\_\_\_  
 Alpine, CA 91901  
 Community Planning Area/Subregion \_\_\_\_\_ Zip \_\_\_\_\_

OWNER/APPLICANT AGREES TO COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: [Signature] Date: 7/24/20  
 Address: 481 N Santa Cruz Ave. Los Gatos, CA 95030 Phone: (727) 204-8128  
 (On completion of above, present to the district that provides fire protection to complete Section 2 and 3 below.)

**SECTION 2: FACILITY AVAILABILITY** **TO BE COMPLETED BY DISTRICT**

District Name: ALPINE FIRE PROTECTION DISTRICT

Indicate the location and distance of the primary fire station that will serve the proposed project:  
1364 TAVERN RD THE WEST 1/4 MILES FROM PROPOSED SITE

A. ☒ Project is in the District and eligible for service.  
☐ Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.  
☐ Project is not in the District and not within its Sphere of Influence boundary.  
☐ Project is not located entirely within the District and a potential boundary issue exists with the \_\_\_\_\_ District.

B. ☒ Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The expected emergency travel time to the proposed project is 2 minutes.

C. ☒ Fire protection facilities are not expected to be adequate to serve the proposed development within the next five years.  
☐ District conditions are attached. Number of sheets attached: 2  
☐ District will submit conditions at a later date.

**SECTION 3. FUELBREAK REQUIREMENTS**

Note: The fuelbreak requirements prescribed by the fire district for the proposed project do not authorize any clearing prior to project approval by Planning & Development Services.

☒ Within the proposed project 100' feet of clearing will be required around all structures.  
☐ The proposed project is located in a hazardous wildland fire area, and additional fuelbreak requirements may apply. Environmental mitigation requirements should be coordinated with the fire district to ensure that these requirements will not pose fire hazards.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: [Signature] Print Name and Title: JASON McBRIDEN F.M. 694452635 Date: 7/27/2020  
 On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:  
 Planning & Development Services - Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123



PDS-399F (Rev. 09/21/2012)

EXPIRES 7/27/2021

Project Record No.:  
 PDS2020-STP-17-039W1

SDC PDS RCVD 10-9-20 Environmental Log No.:  
 PDS2020-ER-17-14-010A  
**STP17-039W1**



## ALPINE FIRE PROTECTION DISTRICT

July 27, 2020

County of San Diego  
Planning and Development Services  
Zoning Counter  
5510 Overland Avenue Suite 110  
San Diego, CA 92123

Dept: Zoning

RE: APN: 403-271-20 & 403-271-21  
Project: Alpine Family Apartments, LP  
1460 Marshall Road  
Alpine, Ca. 91901

The Fire District has received the Project Facility Availability Letter and determined that the following conditions shall apply:

1. **Road Dimensions:** All on site roadways shall have an unobstructed improved width of not less than 24 feet. Fire apparatus roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches
2. **Surface:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75, 000 lbs.
3. **Turning Radius:** The turning radius of a fire apparatus access road shall be a minimum of 28', as measured on the inside edge of the improvement width.
4. **Dead End Road Lengths:** Parcels zoned for less than 1 acre shall not exceed 800 feet without mitigation. Due to re-zoning, some subdivisions may exceed the dead end road lengths and the Fire District will take this into consideration. No issues with the dead end road length issue exceeding 1200'.

Any residential driveway that is in excess of 150 feet in length shall be provided with approved provisions for turning around emergency apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than two structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet radius in a residential area.

5. **Marking:** shall be provided with "No Parking Fire Lane Designation " by posting signs that are clearly visible from a vehicle and comply

1364 Tavern Road Alpine, CA 91901-3831 Business: (619) 445-2635 Fax: (619) 445-2634

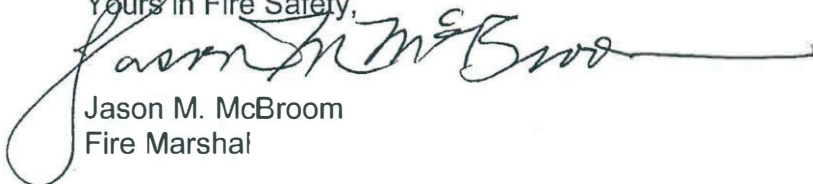
We are a public safety organization of dedicated professionals whose mission it is to:  
Save Lives, Protect Property and the Environment, Serve the Community  
[www.alpinefire.org](http://www.alpinefire.org)

with Section 22500.2 of the California Vehicle Code. These signs shall be placed every 30 feet or as per Fire District requirements at the time of final approval.

6. **Roadway Design Features:** No speed bumps, speed humps, speed control dips, etc. shall be permitted on fire access roadway.
7. **Road Maintenance Agreement:** A road maintenance agreement shall be in place and recorded at the County of San Diego to provide continued road maintenance in perpetuity.
8. **Secondary Access:** Not a requirement
9. **Water Supply:** A private water service shall be installed to serve the new development. Fire hydrant shall be installed at the bottom of the new development 3' off the radius of the cul-de-sac as shown in red dot on prelim grading plan. **Fire flow shall be 2500 GPM.**
10. **Fire Protection Systems:** All structures shall be equipped with residential fire sprinklers in accordance with the most recent edition of NFPA 13R.
11. **Fire Alarm Systems:** All residential dwelling units shall be equipped with an approved building alarm system installed in accordance to the most recent edition of the NFPA 72 Fire Alarm Code as per the 2019 California Fire Code.
12. **Vegetation Management:** Fuel modification zones shall be maintained to meet the requirements of the Alpine Fire Protection District. A minimum 100 foot defensible space is required or to property lines, whichever is closer. No combustible vegetation shall be planted within the defensible space zones to structure or within the 20' of fire department access routes. As per local ordinance 4907.4 Home Ignition Zones.
13. **Fire Protection Plan:** Project is infill development and no FPP required.
14. **Building Construction:** All new construction shall comply to the CBC 2019 Chapter 7a Construction standards for WUI. Rear yard set backs are shown as 25' if unable to accomplish this, mitigation measures of non-combustible wall maybe required at approved height.

If you should have questions or comments, feel free to contact me.

Yours in Fire Safety,



Jason M. McBroom  
Fire Marshal

cc: David Sibbet, Deputy Fire Marshal, San Diego County Fire Authority





County of San Diego, Planning &amp; Development Services

# PROJECT FACILITY AVAILABILITY - WATER

## ZONING DIVISION

Please type or use pen

Alpine Family Apartments LP (727) 204-8128

481 N Santa Cruz Ave

Los Gatos, CA 95030

W

DISTRICT CASHIER'S USE ONLY

### SECTION 1 PROJECT DESCRIPTION

TO BE COMPLETED BY APPLICANT

Assessor's Parcel Numbers

403-271-20-00	
403-271-21-00	

Thomas Gude Page  
1460 Marshall Road  
Alpine, CA 91901

9/8/2020  
(727) 204-8128

### SECTION 2 FACILITY AVAILABILITY

TO BE COMPLETED BY DISTRICT

District Name: Padre Dam MWD \* Letter Expires 9/30/2021 \*  
Service Area: ESA

1. Project is in the district. (Project is not in the district or is within the district's influence boundary, neither shall apply for water service.)

2. The project is not within the district's influence boundary and a potential boundary dispute exists with the district. (Project is not within the district's influence boundary and a potential boundary dispute exists with the district.)

3. District conditions are attached. Number of sheets attached: 1

4. District has specific water reclamation conditions which are attached. Number of sheets attached: 1

5. District will submit conditions at a later date.

6. How far will the pipeline(s) have to be extended to serve the project?

7. Project is in the district's influence boundary and a potential boundary dispute exists with the district. (Project is not within the district's influence boundary and a potential boundary dispute exists with the district.)

Authorized Signature: Cheryl Brugman  
Project Title: Senior Engineering Technician Phone: 419 258 4635 Date: 9/30/2020

NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT. On completion of Section 2 and 3 by the District, Applicant is to submit this form with application to Planning & Development Services, Zoning Counter 5500 (Marina Ave Suite 117, San Diego, CA 92121)



**WATER AVAILABILITY ATTACHMENT  
 CONDITIONS OF APPROVAL**

 PROJECT NAME Alpine Family Apartments FOR 38 Units MAP NUMBER \_\_\_\_\_

A.P.N.(s) 403-271-20 and 21

**FACILITIES**

- ☒ Pay for all installation and capacity fees for each meter connection, each lot, or each building. (As determined by project need prior to District providing service or an unconditional commitment letter)
- ☒ Padre Dam does not require that all lots be connected to the public water system. Alternate sources of water are under the jurisdiction of the County of San Diego, or the City of Santee.

**EASEMENTS**

- ☒ Developer shall dedicate to Padre Dam all necessary easements for that portion of the water system which is to be public.

**SPECIAL CONDITIONS**

- ☒ The onsite water system shall be private.
- ☒ All existing water services not used as part of the project will be abandoned by PDMWD at developer's expense.
- ☒ Existing services serving Marshall Way may need to be relocated at Developer expense, including the reconnection of the private side of the service.

Approved by: Cheryl Brugman

Date: 9/30/2020

 Project Record No.:  
 PDS2020-STP-17-039W1

 Environmental Log No.:  
 PDS2020-ER-17-14-010A

 SDC PDS RCVD 10-9-20  
**STP17-039W1**



County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - SEWER**  
**ZONING DIVISION**

Please type or use pen		ORG _____	S
Alpine Family Apartments, LP	(727) 204-8128	ACCT _____	
Owner's Name	Phone	ACT _____ DPWWWDPOSSAL	
481 N Santa Cruz Ave	Street	TASK _____	
Owner's Mailing Address	City	DATE _____ AMT \$ 15.00	
Los Gatos, CA 95030	State	Zip	DISTRICT CASHIER'S USE ONLY

## SECTION 1. PROJECT DESCRIPTION

## TO BE COMPLETED BY APPLICANT

- A. ☐ Major Subdivision (TM) ☐ Certificate of Compliance  
☐ Minor Subdivision (TPM) ☐ Boundary Adjustment  
☐ Specific Plan or Specific Plan Amendment  
☐ Rezone (Reclassification) from \_\_\_\_\_ to \_\_\_\_\_ zone  
☐ Major Use Permit (MUP), purpose: \_\_\_\_\_  
☐ Time Extension Case No. \_\_\_\_\_  
☐ Expired Map Case No. \_\_\_\_\_  
☒ Other Site Plan Modification
- B. ☒ Residential Total number of dwelling units 38  
☐ Commercial Gross floor area \_\_\_\_\_  
☐ Industrial Gross floor area \_\_\_\_\_  
☐ Other Gross floor area \_\_\_\_\_

Assessor's Parcel Number(s)  
 (Add extra if necessary)

403-271-20-00

403-271-21-00

C. Total Project acreage 1.86 Total lots \_\_\_\_\_ Smallest proposed lot \_\_\_\_\_

D. Is the project proposing its own wastewater treatment plant? ☐ Yes ☒ No  
 Is the project proposing the use of reclaimed water? ☐ Yes ☒ No

Thomas Guide Page \_\_\_\_\_ Grid \_\_\_\_\_

1460 Marshall Road

Project address \_\_\_\_\_ Street \_\_\_\_\_

Alpine, CA 91901

Community Planning Area/Subregion \_\_\_\_\_ Zip \_\_\_\_\_

Owner/Applicant agrees to pay all necessary construction costs and dedicate all district required easements to extend service to the project.

**OWNER/APPLICANT MUST COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.**

Applicant's Signature \_\_\_\_\_

Date 9/8/2020Address 481 N Santa Cruz Ave, Los Gatos, CA 95030Phone (727) 204-8128

(On completion of above, present to the district that provides sewer protection to complete Section 2 below.)

## SECTION 2: FACILITY AVAILABILITY

## TO BE COMPLETED BY DISTRICT

District name San Diego County Sanitation DistrictService area Alpine

- A. ☒ Project is in the District  
☐ Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.  
☐ Project is not in the District and is not within its Sphere of Influence boundary.  
☐ Project is not located entirely within the District and a potential boundary issue exists with the \_\_\_\_\_ District.

B. ☐ Facilities to serve the project ☒ ARE ☐ ARE NOT reasonably expected to be available within the next 5 years based on the \_\_\_\_\_

C. ☐ District conditions are attached. Number of sheets attached: \_\_\_\_\_

☐ District has specific water reclamation conditions which are attached. Number of sheets attached: \_\_\_\_\_

☒ District will submit conditions at a later date.

D. ☒ How far will the pipeline(s) have to be extended to serve the project? As required by the Sanitation District

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Carolina Delgado Digitally signed by Carolina Delgado  
Date: 2020.09.10 17:04:54 -0700

Carolina Delgado, Engineering Tech III

858-694-2663

9/10/20

Authorized Signature \_\_\_\_\_

Print Name and Title \_\_\_\_\_

Phone \_\_\_\_\_

Date \_\_\_\_\_

THIS DOCUMENT IS NOT A COMMITMENT OF FACILITIES OR SERVICE BY THE DISTRICT. On completion of Section 2 by the district, applicant is to submit this form with application to: Planning & Development Services, Zoning Counter, 5510 Overland Ave., Suite 110 San Diego, CA 92123



PDS-399S (Rev. 01/05/2017)

Project Record No.:  
 PDS2020-STP-17-039W1

Environmental Log No.:  
 SDPDS RCVD 10-9-20 PDS2020-ER-17-14-010A

**STP17-039W1**



RECORDING REQUESTED BY:  
Lawyers Title Company

DOC# 2020-0364718



Jul 09, 2020 01:46 PM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$1,948.00 (SB2 Atkins: \$0.00)

PCOR: YES

PAGES: 4

Mail Tax Statements and Recorded  
Document To:

Alpine Family  
attn: Marcus Griffin  
1460 Marshall Rd  
Alpine, CA 91901

Escrow No.: 33630-MS

Title No.: 319321162

APN: 403-271-20-00

APN: 403-271-21-00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

The undersigned grantor(s) declare(s)

- ☐ This transfer is exempt from the documentary transfer tax.
- ☒ The documentary transfer tax is \$1,925.00 and is computed on:
- ☒ the full value of the interest or property conveyed.
- ☐ the full value less the liens or encumbrances remaining thereon at the time of sale.
- ☒ The property is located in the City of San Diego

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Richard J. Bonjorno and Judy C. Bonjorno, as Co-trustees of the Richard J. Bonjorno  
and Judy C. Bonjorno Living Trust, dated June 9, 1983 and/or any amendments hereto \*  
hereby GRANT(S) to

Alpine Family Apartments, LP, a California limited partnership  
the following described real property:

See attached Exhibit "A"

\*who acquired title as Richard J. Bonjorno and  
Judy C. Bonjorno Living Trust, dated June 9, 1983  
and/or any amendments thereto

Dated: 7/12/19

Richard J. Bonjorno and Judy C. Bonjorno, As Co-Trustees of the Richard J. Bonjorno and Judy C. Bonjorno Living  
Trust dated June 9, 1983

BY:

  
Richard J. Bonjorno  
Co-Trustee

BY:

  
Judy C. Bonjorno  
Co-Trustee

Project Record No.:  
PDS2020-STP-17-039W1

Environmental Log No.:  
PDS2020-ER-17-14-010A



APN: 403-271-20-00  
 403-271-21-00

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On 07/12/2019 before me,

Sara Zamora, Notary Public,

personally appeared Richard J. Benjomo

& Judy C. Benjomo

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Sara Zamora (Seal)



**EXHIBIT "A"**

All that certain real property situated in the County of San Diego, State of California, described as follows:

**PARCEL 1:**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 15 SOUTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT 8 INCHES IN DIAMETER SET FOR THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER OF SAID SECTION 27; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SOUTHWEST QUARTER, SOUTH 59° 36' 15" WEST, 726.17 FEET; THENCE DUE NORTH 30.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE DUE WEST 100 FEET; THENCE SOUTH 88° 46' 40" WEST 222.54 FEET; THENCE SOUTH 87° 41' 50" WEST 156.57 FEET; THENCE SOUTH 1° 29' 30" EAST 88.73 FEET TO THE MOST NORTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO RICHARD C. LANE AND JENNIE LANE, HUSBAND AND WIFE, AS JOINT TENANTS IN FILE/PAGE NO. 171844 OF OFFICIAL RECORDS; THENCE NORTH 88° 28' EAST ALONG NORTHERLY BOUNDARY OF SAID RICHARD C. LANE ET UX LAND 250 FEET TO THE MOST NORTHEAST CORNER OF SAID LANE'S LAND; THENCE SOUTH 1° 20' 30" EAST ALONG EASTERLY BOUNDARY OF SAID LANE'S LAND 80 FEET; THENCE LEAVING SAID LANE'S LAND NORTH 88° 28' 00" EAST 204.70 FEET; THENCE DUE EAST 20.00 FEET TO INTERSECTION WITH A LINE BEARING DUE SOUTH FROM THE TRUE POINT OF BEGINNING; THENCE DUE NORTH 167.55 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL 2:**

THAT PORTION OF THE SOUTHWEST QUARTER, SECTION 27, TOWNSHIP 15 SOUTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY AND SHOWN ON RECORD OF SURVEY 2044 FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27; THENCE SOUTH 89° 36' 15" WEST ALONG THE SOUTHERLY LINE THEREOF 726.17 FEET; THENCE DUE NORTH 30° 72' FEET; THENCE DUE WEST 100.00 FEET; THENCE SOUTH 88° 46' 40" WEST 222.54 FEET; THENCE SOUTH 87° 41' 50" WEST 156.57 FEET; THENCE SOUTH 1° 29' 30" EAST 168.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 88° 28' 00" EAST 250.00 FEET; THENCE NORTH 1° 29' 30" WEST 80.00 FEET; THENCE SOUTH 88° 28' 00" WEST 250.00 FEET; THENCE SOUTH 1° 29' 30" EAST 80.00 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL 3:**

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 15.00 FEET IN WIDTH LYING SOUTHERLY ALONG AND CONTIGUOUS TO THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEASTERLY CORNER OF THAT PARCEL OF LAND HEREIN DESCRIBED; THENCE ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF THAT PARCEL OF LAND HEREIN DESCRIBED NORTH 88° 28' 00" EAST 206.80 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE WESTERLY LINE OF THAT 40.00 FOOT ROAD EASEMENT SHOWN ON

RECORD OF SURVEY 2044 FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY;  
STATE OF CALIFORNIA.

APN: 403-271-20-00 AND 403-271-21-00



County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - SCHOOL**  
**ZONING DIVISION**

*Please type or use pen*  
 (Two forms are needed if project is to be served by separate school districts)

Alpine Family Apartments, LP (727) 204-8128  
 Owner's Name Phone  
 481 N Santa Cruz Ave  
 Owner's Mailing Address Street  
 Los Gatos, CA 95030  
 City State Zip

ORG \_\_\_\_\_  
 ACCT \_\_\_\_\_  
 ACT \_\_\_\_\_  
 TASK \_\_\_\_\_  
 DATE \_\_\_\_\_

Sc  
 ELEMENTARY \_\_\_\_\_  
 HIGH SCHOOL \_\_\_\_\_  
 UNIFIED \_\_\_\_\_

**DISTRICT CASHIER'S USE ONLY**

**SECTION 1. PROJECT DESCRIPTION** **TO BE COMPLETED BY APPLICANT**

**A LEGISLATIVE ACT**  
☐ Rezones changing Use Regulations or Development Regulations  
☐ General Plan Amendment  
☐ Specific Plan  
☐ Specific Plan Amendment

**B DEVELOPMENT PROJECT**  
☐ Rezones changing Special Area or Neighborhood Regulations  
☐ Major Subdivision (TM)  
☐ Minor Subdivision (TPM)  
☐ Boundary Adjustment  
☐ Major Use Permit (MUP), purpose: \_\_\_\_\_  
☐ Time Extension - Case No. \_\_\_\_\_  
☐ Expired Map - Case No. \_\_\_\_\_  
☒ Other Site Plan Modification

**C** ☒ Residential Total number of dwelling units 38  
☐ Commercial Gross floor area \_\_\_\_\_  
☐ Industrial Gross floor area \_\_\_\_\_  
☐ Other Gross floor area \_\_\_\_\_

**D** ☒ Total Project acreage 1.86 Total number lots 1

Assessor's Parcel Number(s)  
 (Add extra if necessary)

403-271-20-00	
403-271-21-00	

Thomas Guide Page \_\_\_\_\_ Grid \_\_\_\_\_  
 1460 Marshall Road  
 Project address Street  
 Alpine, CA 91901  
 Community Planning Area/Subregion Zip

Applicant's Signature *[Signature]* Date 9/8/2020  
 Address: 481 N Santa Cruz Ave, Los Gatos, CA 95030 Phone (727) 204-8128  
 (On completion of above, present to the district that provides school protection to complete Section 2 below.)

**SECTION 2: FACILITY AVAILABILITY** **TO BE COMPLETED BY DISTRICT**

Grossmont Union H.S. District  
 District Name

If not in a unified district, which elementary or high school district must also fill out a form?

Indicate the location and distance of proposed schools of attendance.

Elementary \_\_\_\_\_ miles: \_\_\_\_\_  
 Junior/Middle \_\_\_\_\_ miles: \_\_\_\_\_  
 High school Granite Hills High School miles: \_\_\_\_\_

☐ This project will result in the overcrowding of the ☐ elementary ☐ junior/school ☐ high school. (Check)  
☐ Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.  
☒ Project is located entirely within the district and is eligible for service  
☐ The project is not located entirely within the district and a potential boundary issue may exist with the school district.

*Rosa Rosselli*  
 Authorized Signature  
 Print Title 9/15/2020

*Rosa Rosselli*  
 Print Name  
 Phone 619 644 8177

On completion of Section 2 by the district, applicant is to submit this form with application to  
 Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123



PDS-389SC (Rev. 09/21/2012)

Project Record No.:  
 PDS2020-STP-17-039W1

SDC PDS RCVD 10-9-20 Environmental Log No.:  
**STP17-039W1** PDS2020-ER-17-14-010A





County of San Diego, Planning & Development Services  
**PROJECT FACILITY AVAILABILITY - SCHOOL**  
**ZONING DIVISION**

*Please type or use pen*  
 (Two forms are needed if project is to be served by separate school districts)

Alpine Family Apartments, LP (727) 204-8128  
 Owner's Name Phone  
 481 N Santa Cruz Ave  
 Owner's Mailing Address Street  
 Los Gatos, CA 95030  
 City State Zip

ORG \_\_\_\_\_  
 ACCT \_\_\_\_\_  
 ACT \_\_\_\_\_  
 TASK \_\_\_\_\_  
 DATE \_\_\_\_\_

Sc  
 ELEMENTARY \_\_\_\_\_  
 HIGH SCHOOL \_\_\_\_\_  
 UNIFIED \_\_\_\_\_

DISTRICT CASHIER'S USE ONLY

**SECTION 1. PROJECT DESCRIPTION** **TO BE COMPLETED BY APPLICANT**

A. **LEGISLATIVE ACT**  
☐ Rezones changing Use Regulations or Development Regulations  
☐ General Plan Amendment  
☐ Specific Plan  
☐ Specific Plan Amendment

B. **DEVELOPMENT PROJECT**  
☐ Rezones changing Special Area or Neighborhood Regulations  
☐ Major Subdivision (TM)  
☐ Minor Subdivision (TPM)  
☐ Boundary Adjustment  
☐ Major Use Permit (MUP), purpose: \_\_\_\_\_  
☐ Time Extension, Case No. \_\_\_\_\_  
☐ Expired Map, Case No. \_\_\_\_\_  
☒ Other, Site Plan Modification \_\_\_\_\_

C. ☒ Residential Total number of dwelling units 38  
☐ Commercial Gross floor area \_\_\_\_\_  
☐ Industrial Gross floor area \_\_\_\_\_  
☐ Other Gross floor area \_\_\_\_\_

D. ☒ Total Project acreage 1.46 Total number lots 1

Assessor's Parcel Number(s)  
 (Add extra if necessary)

403-271-20-00	
403-271-21-00	

Thomas Guide Page \_\_\_\_\_ Grid \_\_\_\_\_  
 1460 Marshall Road  
 Project address Street  
 Alpine, CA 91901  
 Community Planning Area/Subregion Zip

Applicant's Signature *[Signature]* Date 9/8/2020  
 Address 481 N Santa Cruz Ave, Los Gatos, CA 95030 Phone: (727) 204-8128  
 (On completion of above, present to the district that provides school protection to complete Section 2 below.)

**SECTION 2: FACILITY AVAILABILITY** **TO BE COMPLETED BY DISTRICT**

District Name: ALPINE USD  
 If not in a unified district, which elementary or high school district must also fill out a form? GROSSMONT UNISD

Indicate the location and distance of proposed schools of attendance.

Elementary: BOES miles: 2-  
 Junior/Middle: JMS miles: 1.5  
 High school: miles: \_\_\_\_\_

☐ This project will result in the overcrowding of the ☐ elementary ☐ junior/school ☐ high school. (Check)  
☒ Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.  
☒ Project is located entirely within the district and is eligible for service.  
☐ The project is not located entirely within the district and a potential boundary issue may exist with the \_\_\_\_\_ school district.

Authorized Signature *[Signature]* Print Name William Pickens II  
 Print Title CBO Phone 619 445 3236

On completion of Section 2 by the district, applicant is to submit this form with application to:  
 Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123



PDS-399SC (Rev. 09/21/2012)

Project Record No.:  
 PDS2020-STP-17-039W1

Environmental Log No.:  
 PDS2020-ER-17-14-010A

SDC PDS-REVD 10-9-20

STP17-039W1

**Attachment I – Government Code Section 65589.5  
on Affordable Housing Development**

**GOVERNMENT CODE - GOV****TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536. )***DIVISION 1. PLANNING AND ZONING [65000 - 66301]** (*Heading of Division 1 added by Stats. 1974, Ch. 1536. )***CHAPTER 3. Local Planning [65100 - 65763]** (*Chapter 3 repealed and added by Stats. 1965, Ch. 1880. )***ARTICLE 10.6. Housing Elements [65580 - 65589.11]** (*Article 10.6 added by Stats. 1980, Ch. 1143. )*

(a) (1) The Legislature finds and declares all of the following:

**65589.5.** (A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

(C) The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

(D) According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

(E) California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.

(F) Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

(G) The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

(H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

(I) An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.

(J) California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

(K) The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.

(L) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

(3) It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided

away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

(A) Inconsistency with the zoning ordinance or general plan land use designation.

(B) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the



regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) Notwithstanding any other law, until January 1, 2025, "deemed complete" means that the applicant has submitted a preliminary application pursuant to Section 65941.1 or, if the applicant has not submitted a preliminary application, has submitted a complete application pursuant to Section 65943.

(6) "Disapprove the housing development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(7) "Lower density" includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(8) Until January 1, 2025, "objective" means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

(9) Notwithstanding any other law, until January 1, 2025, "determined to be complete" means that the applicant has submitted a complete application pursuant to Section 65943.

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time housing development project's the application is complete, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d), and that the findings are supported by a preponderance of the evidence in the record, and with the requirements of subdivision (o).

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

(I) The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(II) The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(III) (ia) Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

(ib) This subclause shall become inoperative on January 1, 2025.

(ii) If the court finds that one of the conditions in clause (i) is met, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section.

(B) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Trust Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Trust Fund for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

(C) If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial

action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.

(2) For purposes of this subdivision, “housing organization” means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney’s fees and costs if it is the prevailing party in an action to enforce this section.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court’s order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, “bad faith” includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court’s order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner’s points and authorities, (2) by the respondent with respondent’s points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) (1) Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

(A) In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(D) The housing development project has not commenced construction within two and one-half years following the date that the project received final approval. For purposes of this subparagraph, “final approval” means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:

(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.

(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, including any other locally authorized program that offers additional density or other development bonuses when affordable housing is provided. For purposes of this subdivision, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.

(4) For purposes of this subdivision, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

(8) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

*(Amended by Stats. 2020, Ch. 165, Sec. 5. (SB 1030) Effective September 25, 2020.)*