

RECEIPT FOR NOTICE OF APPEAL

CITY OF LA MESA
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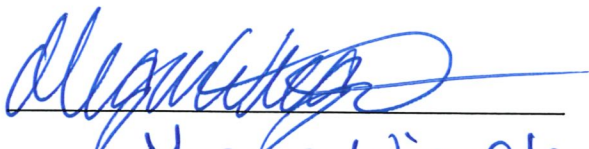
2022 SEP 12 PM 1:02

MEGAN WIEGELMAN, CMC
CITY CLERK

On September 12, 2022, I received (1) NOTICE OF APPEAL of June 7, 2022 Planning Commission Hearing/Resolution of Denial, Project 2018-08 (Alvarado Specific Plan), 7407 Alvarado Road, and (2) Check no. 4839 from Allen Matkins Leck Gamble Mallory & Natsis LLP in the amount of \$100, payable to the La Mesa City Clerk.

Signed: _____

Printed Name: _____


Megan Wiegelman

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
One America Plaza
600 West Broadway, 27th Floor | San Diego, CA 92101-0903
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CITY OF LA MESA
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2022 SEP 12 PM 1:03
MEGAN WIEGELMAN, CMC
CITY CLERK

Jeffrey A. Chine
E-mail: jchine@allenmatkins.com
Direct Dial: 619.235.1525 File Number: 391389.00001/4880-6230-6097.1

Via Electronic Mail

September 12, 2022

La Mesa City Council
c/o La Mesa City Clerk
City Council Chambers
La Mesa City Hall
8130 Allison Avenue
La Mesa, CA 91942

Email: Cityclrk@cityoflamesa.us

**Re: NOTICE OF APPEAL of June 7, 2022 Planning Commission
Hearing/Resolution of Denial, Project 2018-08 (Alvarado Specific
Plan), 7407 Alvarado Road**

Dear Mayor Arapostathis and City Council Members:

On behalf of the applicant, Paydar Properties, Inc., please accept this letter as a Notice of Appeal of Planning Commission Resolution No. PC-2022-07 (the “**Resolution**”), attached hereto as Exhibit A. The appropriate filing fee is included herewith. The detailed grounds for appeal are included in the attached letter to the Planning Commission dated August 15, 2002, incorporated herein by reference as Exhibit B. For your convenience, the following is a brief summary of the basis for the appeal.

The Resolution denying the Alvarado Specific Plan project application (“**project**”) relies upon two basic grounds. First, the Resolution asserts the project is not consistent with General Plan and Land Use Policies, including inconsistency with the surrounding neighborhood due to building size, form, scale, massing, height and visual impacts. The problem with these findings is that they are not supported by any evidence, and in fact are negated both by the EIR prepared for the project and the City’s adopted Housing Element.

A. The Environmental Impact Report.

The Resolution concludes, in effect, that the project is not compatible with the neighborhood. This conjecture is squarely contradicted by the City’s own studies. The EIR, at section 4.8, Land Use, analyzes project consistency with applicable policies and land use plans, and finds the project to be consistent with them all. In addition to finding the project consistent with City land use and design policies, the EIR contains extensive analysis of neighborhood

compatibility, visual impacts and massing. (EIR, § 4.14, Visual Resources.) In particular, EIR Table 4.14-1 at page 4.14-20, addresses the issues of concern cited by the Planning Commission and concludes that the project indeed is consistent with City policies. Staff did not bring the EIR findings to the attention of the Planning Commission. Rather, it “cherry-picked” certain policies, ignoring the EIR and Housing Element, and invited the Planning Commission to conclude that dense housing is not appropriate for this site. Unfortunately, the EIR reaches the opposite conclusion. Unlike the Staff Report presented to the Planning Commission, the EIR is supported by technical studies and includes thorough and thoughtful analyses prepared by subject matter experts. The EIR consultant, Helix Environmental, was engaged by and under the sole direction City staff, at the applicant’s expense.

B. The Housing Element.

As you may know, the City currently is out of compliance with state law regarding its Housing Element. The Department of Housing and Community Development recently sent the City a letter (attached hereto as Exhibit C) expressing concern. As described below, the project is essential to the City’s Housing Element. Yet, the Staff Report presented to the Planning Commission asked whether the project site is “suitable for high-density residential development,” suggesting that this fundamental question about permissible uses of the site is unresolved. (PC Staff Report, p. 1, “Issues.”) In fact, that decision already has been made by the City Council and is reflected in the City’s General Plan.

The project is critical to the City’s satisfaction of its Housing Element goals and achieving La Mesa’s Regional Housing Needs Assessment (“**RHNA**”) requirements in the 6th Housing Element Cycle (2021-2029). The project accounts for 900 of the total 1,643 above moderate income dwelling units identified within the “Opportunity Sites” for new housing. (Housing Element, Table HE-49.) Of the 3,797 total dwelling units required to meet the City’s RHNA requirement, the project accounts for 24%. (Housing Element, Table HE-53, p. 116.) With regard to the above moderate household RHNA requirement of 1,874 dwelling units, the project represents 48%. (*Ibid.*) Of the “remaining RHNA of 2,274 units” referenced in the Housing Element, the Project represents 40%.

The Housing Element designates the site for high-density residential development at 80 dwelling units per acre, and concludes:

The [Alvarado] Specific Plan will provide 900 units of housing at above moderate income.

(Housing Element, Table HE-49, p. 91.) There are no other housing projects being processed by the City that approach the size of the project. The only other Opportunity Site for housing of statistical consequence in achieving RHNA goals is Grossmont Center, which could produce 496 above

moderate income units, as well as affordable housing. (Housing Element, p. 91.) That project will not be processed nor built in the near term.

The project is thus consistent with and implements key provisions of the City's General Plan. None of these facts were presented to the Planning Commission. It acted as if on a clean slate, with a site never considered for dense multi-family development. The Staff Report and Resolution are utterly silent with regard to the Housing Element designation of the site for 900 housing.

The second grounds cited in the Resolution as a basis for project denial is that the project lacks "sufficient detail, standards and graphics to ensure high-quality design will be achieved..." These vague statements are not supported by evidence and have been contradicted by documents presented in support of the Specific Plan and the applicant's experts. In the attached materials and in testimony to the Planning Commission, the Dahlin Group, who assisted in the preparation of the Specific Plan, explains the organization, purpose and functionality of the Specific Plan, the level of detail provided and comparability to specific plans they've prepared which have been approved by many other California jurisdictions.

In sum, the Planning Commission decision is baseless. After more than 4 years of entitlement processing, with in excess of \$ 4 million spent by the applicant on the effort, including half a million dollars paid the City in processing fees and expert third-party reviews, the Planning Commission decision ignores the planning history of the site, the EIR and the Housing Element. Contrary to all evidence presented, the Planning Commission decided that apartment homes at this location in the City, steps from a trolley station and immediately adjacent to Interstate 8, are not in the best interest of the community because the project doesn't look like the surrounding neighborhood and isn't consistent with the "historical" suburban nature of La Mesa

The grounds for denial cited in the Resolution lack any factual foundation and are contrary to applicable law. The decision is arbitrary and capricious. The Resolution represents an abuse of discretion in that the decision is not supported by the findings and the findings are not supported by the evidence. Moreover, the Planning Commission failed to proceed in the manner required by law.

Finally, by ignoring its adopted Housing Element, the City risks violation of state housing laws. As outlined in the recent letter directed to the City from HCD, the consequences of ignoring state law can be severe, including fines, litigation and loss of state funding, to name a few. We urge the City Council to avoid this path, and instead honor its Housing Element and embrace the many benefits the project will bring to the community by approving the project.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

La Mesa City Council
September 12, 2022
Page 4

Thank you for your consideration of this appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey A. Chine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffrey A. Chine

JAC:sn

Attachments

cc: Reza Paydar
Christopher Wahl
Dave Witt
Crista Sosenko, Esq.
Greg Humora
Glenn P. Sabine, Esq.
Kerry Kusiak
Paul McDougall
Robin Huntley
Jose Ayala
Matthew T. Struhar, Esq.

EXHIBIT A

RESOLUTION NO. PC-2022-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA MESA DENYING PROJECT 2018-08 (ALVARADO SPECIFIC PLAN) A REQUEST OF AN APPLICATION FOR THE DEVELOPMENT OF APPROXIMATELY 900 DWELLING UNITS IN FOUR APARTMENT BUILDINGS, WHICH MAY INCLUDE STUDENT HOUSING AND COMMERCIAL USES, ON AN APPROXIMATELY 12-ACRE SITE LOCATED AT 7407 ALVARADO ROAD (APN 469-021-20-00 TO -25-00, 469-130-43-00 AND -44-00) IN THE CM-F-D (LIGHT INDUSTRIAL AND COMMERCIAL SERVICE/FLOODWAY OVERLAY/URBAN DESIGN OVERLAY) ZONE.

WHEREAS, the property owner has submitted an application for a Specific Plan (2018-08) for the Alvarado Specific Plan for the proposed development of approximately 900 dwelling units in four apartment buildings, which may include student housing and commercial uses, on approximately 12-acre site located at 7407 Alvarado Road (APN 469-021-20-00 to -25-00, 469-130-43-00 and -44-00) in the CM-F-D (Light Industrial and Commercial Service/Floodway Overlay/Urban Design Overlay) zone;

WHEREAS, the proposed Specific Plan would require an Amendment to the Zoning Ordinance as specified by La Mesa Municipal Code (LMMC) Section 24.03.010;

WHEREAS; pursuant to LMMC Section 24.03.020, the Director of Planning shall assess and provide a written report to the Planning Commission regarding any proposed amendment as to its consistency with the Land Use Element and General Plan goals;

WHEREAS, LMMC Section 24.03.050 provides that the Planning Commission shall make a recommendation to the City Council on each proposed amendment and shall include supporting findings and reasons;

WHEREAS, the Planning Commission did receive and consider a staff report for the proposal;

WHEREAS, on August 17, 2022, the Planning Commission of the City of La Mesa did hold a duly noticed public hearing and accepted public testimony in consideration of Project No. 2018-08; and

WHEREAS, the Planning Commission of the City of La Mesa voted unanimously to recommend that the City Council deny the project and directed staff to return with a resolution of denial., which decision shall be an automatic denial of the project unless it is appealed to the City Council.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

1. That the proposed project is exempt from review under the California Environmental Quality Act (CEQA), Section 15270, which states, "CEQA does not apply to projects which a public agency rejects or disapproves".
2. That the proposed project is inconsistent with the General Plan and Land Use Policies and the Planning Commission found some aspects of the project that would not be in the best interest of the City. (General Plan Policy LU-1.1.1) Such issues include, but

are not limited to, the proposed building size and form are not consistent with surroundings and existing development or in scale with existing nearby neighborhoods, and the proposed density is excessive for the project site and surrounding area. The plan identifies buildings up to eight stories in height and in excess of 80 feet, thus proposing buildings amongst the largest in the City of La Mesa. Further, the proposed Plan and massing of the large buildings would constitute a visually disruptive element that does not enhance the visual quality and continuity of the community. (General Plan Policy UD-2.1.1).

That the proposed project lacks sufficient detail, standards and graphics to ensure that a high-quality design will be achieved (General Plan Policy LU-2.1.5). In addition, it was noted that the applicant declined to perform any outreach to the community about the proposed development, which is an integral part of the planning process (General Plan Policy LU-4.3.1). Furthermore, the project does not provide any affordable housing (General Plan Policy LU-4.1.1).

That the Planning Commission believes the project would be a viable project should the applicant continue to work with the City and staff to address concerns relating to height and density, to incorporate more detailed design guidelines and development standards, to include affordable housing in the project, and to conduct community outreach and encourage public participation.

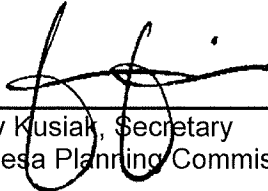
NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LA MESA AS FOLLOWS:

1. The foregoing findings of fact and determinations are true and hereby made a part hereof.
2. The foregoing findings of fact and determinations are supported by the record of the Planning Commission proceeding, including the Planning Commissioners' comments and conclusions, public testimony, and the staff report, plans, and exhibits, all of which are herein incorporated by reference.
3. The Planning Commission recommends that the City Council deny Project No. 2018-08, which shall be an automatic denial of the project unless it is appealed.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of La Mesa, California, held the 7th day of September, 2022, by the following vote, to wit:

AYES: Vice Chair Coston and Commissioners Jones, Cooper, and Alvarado
NOES: None
ABSENT: Chair Torpey

I, Kerry Kusiak, Secretary of the City of La Mesa Planning Commission, do hereby certify the foregoing to be a true and exact copy of Resolution PC-2022-07, duly passed and adopted by the Planning Commission.



Kerry Kusiak, Secretary
La Mesa Planning Commission

EXHIBIT B

Allen Matkins

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Attorneys at Law
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Jeffrey A. Chine
E-mail: jchine@allenmatkins.com
Direct Dial: 619.235.1525 File Number: 391389.00001/4885-0170-9870.1

Via Electronic Mail

August 15, 2022

La Mesa Planning Commission
c/o La Mesa City Clerk
City Council Chambers
La Mesa City Hall
8130 Allison Avenue
La Mesa, CA 91942

Email: Cityclrk@cityoflamesa.us

**Re: August 17, 2022 Planning Commission Hearing - Alvarado Specific
Plan (Project 2018-08)**

Dear Chair Torpey and Planning Commission Members:

This letter is submitted on behalf of the applicant for the above-referenced Project. We apologize in advance for its length, and have addressed some issues in attachments in an attempt to keep the volume manageable. However, as outlined below, the Staff Report compels this detailed response.

I. SUMMARY

Rather than provide a recommendation for the Project, the Staff Report seeks input from the Planning Commission by posing a series of questions. The Staff Report goes on to criticize the Project and suggest that it fails to comply with the City's General Plan and an assortment of City policies. As outlined herein, the Staff Report asks the wrong questions and provides inaccurate and incomplete information. Importantly, the Staff Report is silent with regard to the Project sites designation for high-density residential development and its critical role in fulfilling the City's obligations set forth in its Housing Element to provide housing in satisfaction of the Regional Housing Needs Assessment. The Staff Report also omits any reference to the Housing Accountability Act, which governs the City's processing of this Project application. Most notably, the Staff Report fails to acknowledge that the City may only apply objective General Plan standards and criteria to the pending application.

The Staff Report asks the Planning Commission to consider whether the Project Site is appropriate for dense multi-family dwellings, when the General Plan, both in its Land Use and Housing Elements, has designated the site for such use. Indeed, the Housing Element

conservatively assigns 900 housing units to the site. The Project site is ideally located adjacent to Interstate 8 and steps away from a trolley station, both of which are reasons why the Housing Element establishes the land as an “Opportunity Site” and relies on the Project to provide much needed housing.

Under the procedures and rules of the Housing Accountability Act, the City may not deny the Project or reduce its density unless it makes specific findings that the Project will result in health or safety hazards. To the contrary, the Final Environmental Impact Report prepared for the Project finds that it will not create any unmitigated environmental impacts. The Staff Report suggests that the proximity of the Project site to the Interstate might make people sick from traffic-related emissions or harm them because of noise. Both of these issues are thoroughly addressed in the FEIR, and no such impacts will occur. The Staff Report also claims that the Project is not in keeping with the neighboring community and will result in significant visual impacts. These claims also are debunked by the FEIR.

The Staff Report attacks the Specific Plan itself with criticism that the document is too lengthy, difficult to read and doesn’t have adequate design standards. Yet, all these issues have been addressed by the applicant with the assistance of a highly regarded architectural and planning firm, the Dahlin Group, with extensive expertise in the design and preparation of specific plans for large and complex projects. Other criticisms of the Project are all specifically addressed in an exhibit to this letter.

The applicant regrets that after more than four years of processing the application, and well over four million dollars spent on the planning effort (roughly one-half million dollars paid the City and its consultants), there is not consensus with staff on all issues. That certainly is the applicant’s wish. However, we are confident that the Planning Commission will see the merit of the Project, and seek your support for a recommendation of FEIR certification and approval of the Project.

II. THE STAFF REPORT PROPOSES INCORRECT STANDARDS FOR PLANNING COMMISSION CONSIDERATION OF THE PROJECT

The role every planning commission in the review of a proposed specific plan is to provide a recommendation to the city council. (Gov. Code §§ 65453, 65354.) Normally, agency staff itself provides a recommendation to the planning commission for its consideration. In this case, staff asks for direction from the Planning Commission in formulating staff’s recommendation. As discussed in detail below, the staff report poses several issues in isolation – without providing the Planning Commission context of the critical importance of the Project to the City in satisfying its State mandated housing goals, or acknowledging that the questions posed already have been studied exhaustively in the Project Final Environmental Impact Report (“**FEIR**”). But more importantly, the staff report poses the wrong questions.

The issue relevant to the Planning Commission's task is whether the proposed Specific Plan is consistent with the City's General Plan. (Gov. Code § 65454.) State law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between a project and the applicable general plan. (*Sequoyah Hills, supra*, 23 Cal.App.4th at p. 717; *Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391, 406-407). A finding that a project is consistent with the general plan requires only that the proposed project be "*compatible* with the objectives, policies, general land uses, and programs specified in" the applicable plan. (Emphasis added; see Gov. Code § 66473.5.) The courts have required that a project be "in agreement or harmony with the terms of the applicable plan, not in rigid conformity with every detail" of it. (*San Franciscans Upholding the Downtown Plan v City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678.)

The Housing Accountability Act ("HAA") also plays an important role, yet is not mentioned in the Staff Report. Insofar as the Project is a "housing development project" as the HAA defines that term (Gov. Code § 65589.5(h)(2)), the City may only apply "objective general plan ... standards and criteria, including design review standards" in its consideration of the Project.¹ The HAA is addressed further below. The critical point for the Planning Commission to consider is that the staff report relies exclusively on subjective standards to support the statement that the Project "exhibits many inconsistencies with objectives, goals, and policies of the General Plan." (Staff Report, p. 5.) To be clear, the applicant disagrees with staff's conclusion that the Project is not consistent or compatible with the General Plan, and the evidence does not support staff's position. (See Exhibit 1 attached hereto, entitled "Applicant's Response to Staff Report," for a detailed analysis of all supposed inconsistencies). However, because the alleged Project inconsistencies are with subjective standards, they have no relevance to the Planning Commission's determination.

III. THE CITY COUNCIL, BASED UPON PRIOR RECOMMENDATIONS OF THE PLANNING COMMISSION, ALREADY HAS DESIGNATED THE PROJECT SITE FOR HIGH-DENSITY RESIDENTIAL HOUSING

The Staff Report asks the Planning Commission to determine whether the Project site is "suitable for high-density residential development," suggesting that this fundamental question about permissible uses of the site is unresolved or at issue in the Planning Commission's recommendation. (Staff Report, p. 1, "Issues.") In fact, that decision has been made and is reflected in the City's General Plan. There is no proposal before the Planning Commission to amend the General Plan to *remove* the site's designation for high-density residential development. In this regard the Staff Report is misleading and fails to provide the Planning Commission with complete and accurate information concerning the context of the current Project application. The information below is essential to understanding the importance of the Project in achieving the City's housing goals as reflected in the current General Plan.

¹ Gov. Code § 65589.5; see 9/15/2000 Housing Accountability Act Technical Assistance Advisory provided to Planning Directors and Interested Parties by HCD at www.hcd.ca.gov.

In the 1980's, the City embarked on a major redevelopment effort to improve the Alvarado Creek corridor, with the goal of removing perceived blight, solving the ongoing flooding issues, and installing needed public improvements. The Project will accomplish these goals. The La Mesa General Plan Land Use & Urban Design Element designates the Project site as Regional Serving Commercial, and describes the designation as follows:

This land use designation is assigned to those areas of the City which are suitable for more intense urban activities, such as high volume retail sales, and other sales and services which are expected to draw local and Regional customers. Areas designated Regional Commercial are served by convenient freeway access and public transportation. Grossmont Center, Fletcher Parkway and Alvarado Road are examples of areas where the designation is applied. Examples of uses intended in the Regional Commercial designation include retail shopping centers, large office complexes and uses providing services to the traveling public such as restaurants, service stations, hotels, and motels. Entertainment uses such as movie theaters and nightclubs may be conditionally permitted. *Within larger areas of the City, which have been designated Regional Serving Commercial; there may be areas which are suitable for mixed-use or high density residential developments. The appropriate mix of uses permitted within these areas will be determined on a case-by-case review or by the amendment or adoption of a specific plan which will also establish the appropriate residential density.*

(LU&UD Element, p. LD-32, emphasis added.)

The Land Use & Urban Design Element emphasizes the importance of encouraging transit-oriented development:

Local jurisdictions have worked with SANDAG to develop the Regional Transportation Plan and Sustainable Communities Strategy to mitigate the adverse effects of traffic congestion and reduce Greenhouse Gas Emissions. An important part of this strategy is commitment of more of the region's transportation resources to improve the public transit system. Transit systems work best in neighborhoods characterized by dense residential and commercial development. The La Mesa General Plan encourages Transit Oriented Development, by permitting an intensification of a mix of uses adjacent to trolley stations and along transit corridors.

(LU&UD Element, p. LD-26.)

The General Plan Housing Element includes a variety of “Implementing Programs,” including the following:

9. Facilitate the Development of Higher Density Housing.

In an urbanized area like La Mesa, land represents a significant cost component in both multi- and single-family development projects. One way to lower the cost of land per unit is to allow a greater number of dwelling units per acre of land. Increased density generally results in a lower land cost per unit, and greater unit affordability.

As a means of reducing residential land costs, La Mesa will encourage development at the upper end of its residential density ranges, particularly in targeted areas such as the mixed use districts along the City’s transit corridors. The City has identified 12 opportunity sites/expected projects to accommodate a significant portion of the City’s remaining RHNA of 2,274 units.

(Housing Element, p. 106.)

Acknowledging the suitability of the Project site for high density residential development, the City’s Housing Element designates the Project site as an “Opportunity Site” in Table HE-49, with the following description:

The [Alvarado] Specific Plan will provide 900 units of housing at above moderate income.

(Housing Element, Table HE-49, p. 91.)

The Project is critical to the City’s satisfaction of its Housing Element goals and achieving Regional Housing Needs Assessment (“**RHNA**”) requirements in the 6th Housing Element Cycle (2021-2029). The Project accounts for 900 of the total 1,643 above moderate income dwelling units identified within the Opportunity Sites. (Housing Element, Table HE-49.) Of the 3,797 total dwelling units required to meet the City’s RHNA requirement, the Project accounts for 24%. (Housing Element, Table HE-53, p. 116.) With regard to the above moderate household RHNA requirement of 1,874 dwelling units, the Project represents 48%. (Ibid.) Of the “remaining RHNA of 2,274 units” referenced in the Housing Element above, the Project represents 40%.

There are no other housing projects being processed by the City that approach the size of the Project. The only other Opportunity Site of statistical consequence in achieving RHNA goals is

Grossmont Center, which could produce 496 above moderate income units, as well as affordable housing. (Housing Element, p. 91.) That project will not be processed nor built in the near term.

The Project is consistent with and implements these key provisions of the City's General Plan. The information above, essential to understanding the Project site planning history, the City's housing strategy, and Project's role in fulfilling the City's RHNA obligations, has been omitted from the Staff Report.

IV. THERE ARE NO FACTS IN SUPPORT OF A RECOMMENDATION FOR PROJECT DENIAL PURSUANT TO THE HOUSING ACCOUNTABILITY ACT

As mentioned above, the Project is a housing development project, and thus subject to the HAA. Also known as the "anti-NIMBY law," the HAA prohibits local governments from disapproving compliant housing development projects unless certain health or safety findings are made. Specifically, Government Code section 65589.5 provides:

(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.

There is no basis to make these findings. Indeed, the FEIR concludes there are no significant, unmitigated environmental impacts caused by the Project.

In addition, a proposed housing development project may not be deemed inconsistent with otherwise applicable zoning standards and criteria if the proposed project is consistent with objective general plan standards and criteria, but the zoning for the project site is inconsistent with the general plan. (Gov. Code § 65589.5(j)(4).) That is the case here, where the General Plan clearly contemplates high-density residential development but “multi-family residential units are not permitted and the project would not comply with the allowed uses, standards, and requirements established by the City of La Mesa Zoning Ordinance for the project site.” (Staff Report, p. 4.) Therefore, any inconsistent zoning standards and criteria which would not allow high-density residential development of the Project site consistent with the General Plan provisions outlined above, are not applicable and may not be imposed.

Also, in determining whether a proposed housing development project is consistent with applicable objective standards and criteria, a local agency has 60 days after an application is deemed complete (for projects of more than 150 dwelling units) to provide the applicant written documentation identifying the standard at issue and explaining the reasons it considers the housing development to be inconsistent with the requirement. (Gov. Code § 65589.5(j)(2)(A).) If an agency fails to timely provide this written explanation, the housing development shall be deemed “consistent, compliant and in conformity” with the applicable requirement. (Gov. Code § 65589.5(j)(2)(B).) With regard to the Project, the City did not timely provide any written notice of non-compliance with applicable objective General Plan standards or criteria. Consequently, the Project is deemed consistent, compliant and in conformity with all objective General Plan requirements.

V. THE STAFF REPORT CONTAINS NUMEROUS INACCURACIES, AND IN MANY INSTANCES IS FLATLY CONTRADICTED BY THE CITY’S FINAL ENVIRONMENTAL IMPACT REPORT

The Staff Report contains a host of inaccurate and incorrect statements. Exhibit 1 to this letter includes a detailed response to each incorrect assertion made. We urge the Planning Commission to review the exhibit. In the interest of brevity, a few of the more significant misstatements are addressed below:

A. Project Consistency With General Plan, Urban Design Program and other City Policies. As noted above, statements that the Project is inconsistent with City policies, in particular the General Plan, is contradicted by extensive analysis. The FEIR, at section 4.8, Land Use, analyzes Project consistency with applicable policies and land use plans, and finds the Project to be consistent with them all. The Staff Report selectively references certain goals or policies and suggests the Project fails to further them. This is contradicted by the FEIR and seeks to interject subjectivity into the process, contrary to the HAA.

B. The Project Might Be a Health Hazard to Future Residents Due to its Proximity to I-8. This assertion is demonstrably false and squarely addressed in the FEIR Air Quality analysis,

section 4.1. The environmental analysis included a Health Risk Assessment pursuant to the Office of Environmental Health Hazard Assessment's Air Toxics Hot Spots Program – Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments (2015). The report concluded that future Project residents will be safe and not exposed to significant health risks under applicable California standards. (FEIR, p. 4.1-25.) The FEIR also demonstrates that the Project will comply with applicable noise standards. (FEIR, § 4.9, Noise.)

C. Project Massing and Compatibility with the Neighborhood. The staff report suggests that the Project may not fit in with the neighborhood. Using code words often employed by opponents of multi-family housing, the staff report asks whether the Project is “consistent with the City’s unique community identity and historical image as a distinct suburban community,” appropriate in size and scale and compatible with the area. (Staff Report, p. 1, 7.) In addition to finding Project consistency with City land use and design policies addressed above, the FEIR contains extensive analysis of neighborhood compatibility, visual impacts and massing. (FEIR, § 4.14, Visual Resources.) In particular, FEIR Table 4.14-1 at page 4.14-20, addresses the issues raised in the Staff Report and finds the Project consistent with City policies, and concludes that no significant impacts will occur.

D. The Specific Plan is Unnecessarily Comprehensive. Staff criticizes the document for providing “extensive background discussion and support and rationale for the Plan.” (Staff Report, p. 5.) Staff complains that these aspects of the Specific Plan “would not provide guidance or serve a function in the implementation of the Plan.” Yet, staff does not indicate that these sections of the Specific Plan are inaccurate or intended to provide guidance. Rather, these sections provide historical context and explain how the Specific Plan came to be, what existing deficiencies it addresses and how it accomplishes those goals. Apparently, staff would have drafted these sections differently or eliminated them altogether. Yet such preferences don’t render the Specific Plan deficient.

E. Specific Plan Design Standards. The Staff Report suggests the Specific Plan “in its current state would not function properly as a regulatory tool...” (Staff Report, p. 5.) In particular, staff criticizes the objective design standards contained in the Specific Plan, drafted in order to comply with HAA requirements. (See Exhibit 2 hereto for the design standards at issue.) Staff states that the design standards provide “insufficient guidance” and is “far less articulated and varied than shown in illustrations in the Plan.” (*Ibid.*) The Staff Report states that the graphics provided in the Specific Plan “could mislead decisionmakers and the public to expect future construction to be similar to what is shown.” (Staff Report, pp. 5-6.)

The illustrations in the Specific Plan are examples of development consistent with the design parameters provided, and are not intended to be the exact project which will be constructed. Specific Plans are not intended as final construction drawings or design. Rather, the design standards provided ensure that a quality project meeting all of the requirements outlined. The

suggestion that the Specific Plan or its design component is deficient, misleading, lacking necessary content, or is not a functional document, is not supported by the evidence.

A key Project team member in the preparation of the Specific Plan, and the design components and standards, is the Dahlin Group. Highly regarded architects and planners with decades of combined experience, the Dahlin Group has been involved with successful projects throughout California, with an emphasis on complex projects with a high degree quality. Included as Exhibit 3 hereto is a memo from the Dahlin Group addressing the design standards included in the Specific Plan, and identifying each aspect the standards that will guide future development. Also included are the qualifications of the Dahlin Group team members who are working on the Project and examples of other specific plans they have drafted and similar, large residential and mixed-use projects they have designed.

Next, staff indicates that the City's Urban Design Program is subjective in nature, inconsistent with the objective design program required under the HAA, and complains it is referenced in the Specific Plan thereby creating an inconsistency. This misrepresents the proposed design guidelines. While the Urban Design Program is referenced, and developers are encouraged to use it as guidance, the requirements are not objective, and thus not mandatory:

This Chapter contains project development guidelines that provide the basis for project evaluation through the City's review process as outlined in Chapter IV. Objective Design Standards are provided that combine the elements of the Development Standards and Design Guidelines. The Objective Design Standards are included to implement Senate Bill (SB 35) signed into law in 2017 and SB 330 (which in part amended the Housing Accountability Act) signed into law in 2019, and will apply to projects within the Specific Plan Area which meet the requirements of such state laws. Projects in the Plan Area qualifying under SB 35 or SB 330 are subject to the objective design standards within this chapter. These projects are not subject to subjective design guidelines as a matter of state law; however, the intent and application of subjective guidelines is encouraged to be implemented by developers to the greatest extent feasible to ensure high-quality development that is consistent with the community identity of the Plan Area. (Specific Plan, Chapter III, Development Standards and Design Guidelines, pp. III-1 – III-2.)

The City's Urban Design Program is subjective in nature, as the Staff Report indicates, and thus inconsistent with State law. It may not be applied to any project absent the developer's consent. Thus, the Project includes the standards to be utilized on a voluntary basis. There is no inconsistency. Moreover, the statement in the staff report that a substantial conformance process necessarily is discretionary, and thus violates the HAA, is incorrect. Many jurisdiction utilize a

ministerial substantial conformance process to ensure that project submittals meet all applicable requirements. (See City of San Diego, Process 1, Substantial Conformance provisions at <https://www.sandiego.gov/departments/document/substantial-conformance-review-scr>.)

The City applied for and was awarded State grant funds under SB 2 to create new design standards in keeping with the HAA. This fact is reflected in the City's Housing Element (6th Cycle), and the City is required to adopt such standards this calendar year. (Housing Element, p. 103 and p. 113.) We are unaware of any progress yet made towards satisfying this requirement. No draft standards have been released to the public.

Ironically, in later Staff Report comments, the Project is criticized for supposedly not complying with the City's Urban Design Program.

F. The Applicant Didn't Adequately Respond To, Or Ignored Staff Comments. The Staff Report at page 5 asserts that the applicant didn't address or didn't fully address staff's comments provided in letters dated October 18, 2019 and August 10, 2020, attached as Exhibits D and E to the Staff Report. The Staff Report also states that "Development and design standards initially requested of the applicant in May 2019 were provided to staff in June 2022" (referencing the objective design standards drafted by applicant to comply with HAA requirements, attached at Exhibit B to the Staff Report). These statements are inaccurate. Initially, the City provided the applicant comments on the Specific Plan in a letter dated October 18, 2019. *It is important to note that this letter from the City represents the first written comments on the draft Specific Plan submitted one year earlier, in September 2018.* The City's letter resulted in the submittal of a substantially revised and reorganized Specific Plan in March 2020, addressing staff comments.

Subsequently, on August 10, 2020, staff provided the second comment letter to the applicant. The applicant responded in November 2020. (See applicant's responses to City letter highlighted in bold at Exhibit 4 attached hereto.) The City thereafter did not respond in writing. The City letter of August 10, 2020, is the last written communication from City staff with regard to the content of the Specific Plan, until issuance of the Staff Report on August 12, 2022. At no point did the City respond in writing to the applicant or dispute the applicant's responses to the final staff comment letter.

Despite the position taken in the Staff Report that the Specific Plan is inadequate, on September 9, 2020, the City released the Draft EIR and Specific Plan for public review and comment.

Staff made verbal comments during recent meetings that the Specific Plan was "deficient." In an effort to assuage staff's concern and to bring the Specific Plan up to the objective standard requirements set forth in the HAA, the applicant, on its own initiative, provided the revised design standards on June 7, 2022. (Exhibit 2 hereto includes those standards.) At a subsequent meeting on June 29, 2022, staff rejected the submittal as inadequate. Staff did not, and as of this writing has

not, provided any written comments or proposed revisions to the proposed design standards. At no point in time did staff request objective design standards. The Staff Report represents the first written comments on the design standards submitted.

VI. THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT HAS DECLARED THE CITY'S HOUSING ELEMENT NON-COMPLIANT WITH STATE HOUSING LAW

The City presently is out of compliance with State laws regarding its Housing Element. As the Planning Commission is aware, HCD and the Attorney General of California have become more aggressive in their enforcement of such laws as the State-declared housing crisis worsens.

VII. CONCLUSION

The Staff Report, for the many reasons outlined herein, appears to suggest that the City should disregard its obligations and not implement the requirements of the General Plan to embrace transit-oriented, high-density residential development in certain locations within the City best suited to accommodate these housing needs. Rather, the Staff Report contains unsupported arguments and misinformation offered up as justification why La Mesa shouldn't abide by its General Plan and State law. The Staff Report is far off-base in many instances, suggesting the Project might make people sick, failing to disclose studies and analysis in the FEIR which contradict the Staff Report, omitting explanation of the City's Housing Element, making no mention of the HAA, and unfairly blaming the applicant for supposed non-responsiveness, to name a few. These tactics are exactly what the HAA was enacted to combat, and have caused HCD to threaten or take enforcement action against other non-compliant cities. La Mesa should reject the Staff Report's invitation to follow rogue cities in defiance of State law.

We respectfully urge the Planning Commission to recommend certification of the FEIR, and approval of the Project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey A. Chine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffrey A. Chine

JAC:sn

Attachments

cc: Reza Paydar
Christopher Wahl
Dave Witt

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

La Mesa Planning Commission
August 15, 2022
Page 12

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Greg Humora
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EXHIBIT 1

APPLICANT'S RESPONSE TO STAFF REPORT

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
Page 3 ¶ 2	The project site currently has a General Plan designation of Regional Serving Commercial and a Zoning designation of CM-F-D (Light Industrial and Commercial Service with Floodway and Urban 2- / Design Overlays). The Light Industrial and Commercial Service zone (CM) is applied in areas that are generally removed from residential uses such as along Alvarado Road. The CM zone is intended to include heavy commercial activity and light industrial services.	<p>The CM Zone is not consistent with the GP Land Use Designation of General Serving Commercial which matches with the City's C (General Commercial) Zone. Nor is it consistent with the written policy statement in the GP LU Element that identifies the site as:</p> <p>"70th Street Station: There is redevelopment potential for more intensive mixed use projects located near the 70th Street Trolley Station in the Alvarado Creek Redevelopment Area. Sites in this area are designated for Regional Serving Commercial uses to contribute to the local economy, such as office, hotel, multi-family or mixed use development."</p> <p>The City's rezoning in the late 1970's from Mobilehome Park (MPH) to CM rendered the current RV park a legal non-conforming use.</p>
Page 3 ¶ 3	The Floodway Overlay Zone (Overlay Zone F) is intended for application in those areas of the City within floodways or water courses in which flood control structures and facilities are either required or planned to be installed or improved. The construction of buildings and structures within areas in Overlay Zone F are prohibited until adequate flood protection facilities are constructed or guaranteed to be constructed and temporary alternate arrangements are made to protect persons and property.	The Flood Overlay zone reference that "The construction of buildings and structures within areas in Overlay Zone F are prohibited until adequate flood protection facilities are constructed or guaranteed" is incorrect. The Flood Overlay Zone requires new construction to be protected at or above one foot above the designated 100 year flood level. The Project complies with this requirement.
Page 4 ¶ 3	Under current zoning, multi-family residential units are not permitted and the project would not comply with the allowed uses, standards, and requirements established by the City of La Mesa Zoning Ordinance for the project site. The Plan is proposed to establish the planning goals, policies, and objectives,	Pursuant to the Housing Accountability Act, future review of proposed development may only apply the objective standards provided in the Specific Plan.

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
	<p>and design guidelines and development standards for the development J of the site. Building design and site development of the project would be established through a form-based approach of the Plan, intended to guide design with text and diagrams to illustrate ultimate development of the site. Development on each parcel will require the approval of a Site Development Plan and Design Review application prior to construction. The Design Review application will be subject to ratification by the City Council.</p>	
<p>Page 5 ¶ 2</p>	<p>A Specific Plan should be a concise, efficient, well-organized, regulatory document that presents policies, rules, and regulations in a format that is relatively easy to understand and navigate. It is important that a Specific Plan provide clear regulation and guidance to current and future staff as well as to the property owner for development of the property and construction of the project. Since it is a regulatory document, according to the City Attorney, clarity and conciseness are paramount for successful enforcement in court, the same as any other zoning ordinance.</p>	<p>The Specific Plan meets all applicable requirements for content and format. These issues are addressed in the accompanying letter from applicant's counsel.</p>
<p>Page 5 ¶ 3</p>	<p>Staff review suggests that the Plan does not reflect the desired attributes of a Specific Plan and exhibits many inconsistencies with the objectives, goals, and policies of the General Plan. Staff provided direction to the applicant in two review letters (Attachments D and E) with the intent of ensuring that the Plan would be a functional document that serves the City and the property owner as a future development tool, as well as a viable tool for enforcement purposes, if necessary, and ensuring consistency with the General Plan. The applicant did not</p>	<p>These issues are addressed in the accompanying letter from applicant's counsel.</p>

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
	address the majority of the concerns presented in the review letters. The Plan in its current state would not function properly as a regulatory tool as discussed herein.	
Page 5 ¶ 4	The proposed Plan contains extensive background discussion and support and rationale for the Plan. In several instances, the Plan discusses the process by which it will be adopted and/or reviews, consultations, or other interactions necessary from other agencies to adopt the Plan. A Specific Plan does not typically include lengthy discussions of background or support for its adoption or the processes that would be completed prior to adoption of the Plan, which are more suited for the staff reports and supporting materials presented to decision makers during the adoption process. The excessive background discussion and processing narrative would not provide guidance or serve a function in the implementation of the Plan.	These issues are addressed in the accompanying letter from applicant's counsel.
Page 5 ¶ 5	The Plan states that only objective standards may be adopted and applied in compliance with state law. The Plan also states that future projects would be subject to a finding of substantial conformance with the Plan. A finding of substantial conformance relies on the discretion of decision makers, who decide based on their opinions. The plan also references being subject to the Urban Design Program, which establishes a subjective, discretionary process for consideration of projects. The Plan is internally inconsistent and contradictory in indicating both that subjective standards apply and that only objective standards may be applied.	These issues are addressed in the accompany letter from applicant's counsel.

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
Page 5 ¶ 6	Development and design standards initially requested of the applicant in May 2019 were provided to staff in June 2022 (Attachment B). The proposed objective design standards provide insufficient guidance for design of the project and describe design that is far less articulated and varied than shown in the illustrations in the Plan. A project with much less detail than shown could be found to be consistent with the proposed development standards and design guidelines. The Plan inaccurately portrays a level of architectural detail in the provided drawings compared to the text to the extent that it could mislead decision makers and the public to expect future construction to be similar to what is shown.	These issues are addressed in the accompanying letter from applicant's counsel.
Page 6 ¶ 1	The Plan states that the intent would be to enter into a Development Agreement with the City related to its implementation. However, the applicant stated in their letter dated December 29, 2021 (included as part of Attachment F) that they decided to discontinue pursuit of a Development Agreement.	Development Agreements are not mandatory, but instead are voluntary contracts negotiated between parties. The applicant chose not to pursue a development agreement when City staff proposed the developer pay roughly \$8 million to \$10 million to the City, in addition to the \$4.8 million in public benefits provided by the Project. See Staff Report Attachment F, Exhibit 1.
Page 6 ¶ 2	Staff requested several times that the applicant perform community outreach to introduce the Plan to La Mesa residents and business owners. The applicant declined to do any outreach whatsoever. The only notification to the community was the legally required notification for the draft PEIR. The applicant has insisted that the project site has no significant adjacency to other neighborhoods and therefore cannot possibly be the subject of community interest.	The Project has complied with all public notice requirements, and voluntarily has extended mailed notice from the required 300 feet from the property line to 1,000 feet. The City has no "public outreach" program. Staff may be confusing La Mesa with Encinitas, where there is a formal requirement to conduct "public outreach." The EIR and Specific Plan have been posted on the City's website for 2 years and we are not aware of any questions, comments or concerns that have been submitted to the City.

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
Page 6 ¶ 3	As noted in the staff reviews of the Plan, there are many other concerns with the document in its current state. These include exhibits with text or graphics too small to be readily legible, poor organization, extraneous and/or repetitive text, and lack of needed detail. Together these issues make the Plan a poor regulatory tool for guidance of future development for the property owner, decision makers, and the residents of the City. The applicant has declined to work with City staff to make the document viable and have consistently demonstrated the expectation that the Plan be accepted as they propose, without input from City staff or community and without consideration of any modifications or adjustments to ensure the Plan works for the City.	Initially, the comments about technical issues raised in this paragraph all were addressed by the resubmittal of a significantly revised Specific Plan in March 2020. The applicant disagrees that the Specific Plan is “a poor regulatory tool.” The comment accuses the applicant of making no effort to work with the City. This is untrue. The applicant has paid roughly \$500K to provide the City with the staff and professional support needed to work with the developer to ensure that every element of the Project meets City’s standards. Concerns raised by all the City departments (including Planning, Building, Engineering, Public Works, Fire and Police) were addressed in the Project design. In addition, through the CEQA process, the developer met with all appropriate public agencies to address any of their concerns early in the Project development stages (including Regional Water Quality, MTS, Caltrans, State and Federal Wildlife Agencies, SDSU, and Helix Water District). During the first three years of the Project review, the developer team met on a monthly basis with City staff to make changes or provide detailed technical reports to address any issues that were raised by the City.
Page 6 ¶ 4	The proposed Plan does address many requirements and is consistent with many General Plan policies relating to provision of housing and transit-oriented development. However, staff is concerned that many other important General Plan policies are not adequately addressed or	Staff fails to acknowledge that the FEIR refutes all comments made in this portion of the Staff Report. Moreover, these comments disregard the HAA, which prohibits the application of subjective standards to the Project.
Page 6 ¶¶ 7 & 8	Policy LU-2.1.5: Implement the Mixed-Use Overlay Zone by promoting the rehabilitation of properties and new development that fits into the context of the existing neighborhoods while meeting the City’s Urban Design Objectives for infill development.	The Mixed Use Overlay program was adopted to address the aging and outdated commercial zones along La Mesa Blvd., El Cajon Blvd., and University Avenue. It was not developed as a citywide program or one that would apply to a freeway frontage road like Alvarado Road. In fact, the City’s adopted Land Use Element discusses the ranges of possible uses for the

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
	<p>The City's Urban Design Objectives are established in the Land Use & Urban Design Element of the General Plan, and elucidated through the Urban Design Program. The three large buildings would be among the largest in the City of La Mesa. are proposed of similar size and massing with no transitioning from the street or adjacent development, and are divergent from the existing neighborhood character. The Planning Commission should consider the Plan's consistency with the City's Urban Design Objectives of the Land Use & Urban Design Element and as expressed through the Urban Design Program. The General Plan's Urban Design Objectives are addressed and analysis of the Plan in relation to the Urban Design Program is provided below.</p>	<p>area along Alvarado Road adjacent to the Trolley Station, and it does not reference the use of the Mixed Use Overlay Zone.</p>
<p>Page 7 ¶¶ 1 & 2</p>	<p>Policy LU-2.2.1: Create a superior living environment for multi-family dwellings.</p> <p>The Plan would site all of the proposed units within 500 feet of I-8, and between I-8 and the trolley tracks. CARB recommends that housing units not be sited within 500 feet of a freeway due to air pollution and particulate matter risks. The exterior sound environment is heavily impacted by noise created by traffic on I-8 and by the trolley. The Planning Commission should consider whether these factors reflect consistency with creating a superior living environment for multi-family dwellings.</p>	<p>These statements are contradicted by the FEIR Air Quality and Noise sections. The Project will NOT result in health risks or violate noise requirements.</p>
<p>Page 7 ¶¶ 3 & 4</p>	<p>Policy LU-4.1.1: Opportunities for affordable housing should exist in all residential areas to support the policies and programs of the City's Housing Element.</p>	<p>The City has no requirement to provide affordable housing on a project by project basis. This practice is known as "Inclusionary Zoning," and has not been adopted in La Mesa. The Policy referenced is a general, aspirational City-wide goal.</p>

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
	The Plan does not provide any affordable housing.	
Page 7 ¶¶ 5 & 6	<p>Policy LU-4.3.1: Promote citizen involvement and partnerships between residents, community organizations, and agencies, such as school districts.</p> <p>Community involvement is an important and integral part of the planning process. During processing of the Plan, the applicant declined to perform any outreach to the community about the proposed development.</p>	See earlier response regarding “public outreach” and confusion with City of Encinitas.
Page 7 ¶¶ 7 & 8	<p>Policy LU-6.1.4: Provide incentives for Transit-Oriented and Mixed-Use development, such as a parking reduction consistent with Regional Standards, for more intense development and higher density residential uses along major transportation corridors or in areas accessible to transit use.</p> <p>Although the Plan is identified as a Transit-Oriented and Mixed-Use development, no specific details are provided or outlined relative to transit oriented incentives or ridership. Necessary detail to determine how incentives will be applied (i.e. reduction in rent for transit ridership, discount transit passes, etc.) is not provided. There is only general discussion relative to transit discount programs and a definition and brief discussion regarding "unbundled parking" as a transit-oriented strategy.</p>	This comment misrepresents the Policy cited. The Project is a Transit-oriented development along a major transportation corridor. The City need not provide incentives to the applicant, as the Policy suggests, in order to construct the Project.
Page 7 ¶¶ 9 & 10	Policy UD-1.1.1: The visual quality and continuity of the community will be enhanced through consistent circulation patterns, definition of community edges and boundaries, distinct gateways and	These statements are contradicted by the FEIR, Section 4.14, Visual Resources.

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
	<p>nodes, and removal of visually disruptive elements.</p> <p>The Planning Commission should consider whether or not the development proposed in the Plan enhances the visual quality and continuity of the community. The large, clustered buildings would be substantially larger than any development in the vicinity, and would visually dominate the area. The project site sits at the western gateway to the City and would largely define the character of La Mesa to travelers on 1-8. The proposed Plan and massing of the large buildings could be construed as adding a visually disruptive element that does not enhance the visual quality and continuity of the community.</p>	
<p>Page 7 ¶¶ 11 & 12</p>	<p>Policy UD-1.2.2: Commercial signage should improve rather than detract from the quality of the surrounding neighborhood. New billboard structures are prohibited.</p> <p>The proposed Plan would retain the multiple billboards on the project site. Illustrations in the Plan show the billboards in relation to the proposed buildings. The Planning Commission should consider whether the billboards are compatible with the Plan and the proposed development, and whether they improve or detract from the quality of the surrounding neighborhood.</p>	<p>The Project does not propose new billboards. The City requested ownership or revenue sharing from the existing billboards as part of development agreement negotiations.</p>
<p>Page 8 ¶¶ 1 & 2</p>	<p>Policy UD-2.1.1: Give careful attention to Urban Design Standards related to building scale, architectural materials, landscaping, and other elements to emphasize attractive building and site design in new developments and redevelopments.</p>	<p>As explained in the letter from applicant's counsel, the City Urban Design Program is obsolete, violates the HAA, as the City is required to adopt a new, HAA-compliant program pursuant to its Housing Element.</p>

STAFF REPORT PAGE #	STAFF REPORT COMMENT	APPLICANT'S RESPONSE
	<p>The City's Urban Design Standards were established by the City Council as the Urban Design Program, which is intended to ensure that development is consistent with the City's commitment to design excellence and is compatible with the surrounding uses and neighborhoods, and the community as whole. The Planning Commission should consider the Plan's consistency with the City's Urban Design Standards as expressed through the Urban Design Program. Analysis of the Plan in relation to the Urban Design Program is provided below.</p>	
<p>Page 8 ¶¶ 3 & 4</p>	<p>Policy UD-2.1.4: Building setbacks and step-backs should be evaluated to maintain La Mesa's pedestrian emphasis and character.</p> <p>Proposed building scale and special form are not consistent with surroundings and 2- existing development or in scale with existing neighborhoods nearby. Illustrations and standards within the Plan identify buildings up to eight stories in height and in excess of 80-feet, thus proposing buildings amongst the largest in the City of La Mesa. The buildings rise to their full height in close proximity to pedestrian thoroughways with no or little step-back. The Planning Commission should consider whether the Plan in this respect maintains the City's pedestrian emphasis and character.</p>	<p>These statements are contradicted by extensive FEIR analysis at Section 4.14, Visual Resources.</p>
<p>Pages 8-10</p>	<p>Urban Design Program Consistency</p>	<p>All comments in the Staff Report regarding "Urban Design Program Consistency" are inapplicable to the Project. The standards therein are purely subjective ("Will the project be a good neighbor?") and may not be applied under the HAA. The City has acknowledged this in its Housing Element (6th Cycle) and has accepted State funds to draft new objective standards.</p>

EXHIBIT 2

CHAPTER III

Development Standards and Design Guidelines

Previous chapters in the Alvarado Specific Plan include the planning background and policy foundation for a new and forward looking land use plan for this unique location. The Specific Plan Area has a history that has been impacted by the growth and development major transportation infrastructure in La Mesa. The Alvarado Specific Plan represents a “master development plan” for the revitalization of the Area in a manner which is consistent with the goals and policies of the La Mesa General Plan. As discussed in Chapters I and II, implementation of the development plans is anticipated to occur in two major phases of construction. The Specific Plan will be implemented as primarily private development projects in partnership with the City of La Mesa and other affected public Agencies to achieve the public safety, environmental protection and enhancement, and infrastructure needs in the Specific Plan Area.

This Chapter provides the land use and regulatory framework for development projects and public improvements to be implemented in the Plan Area to:

- create a high quality “transit-oriented development” with a diversity of new multi-family housing
- provide for the construction of the needed public improvements in the Area;
- be financially feasible as a private investment in future of La Mesa;
- be a fiscally sound land use change through the revitalization of the Area; and,
- be a “good fit” within the existing fabric of the Specific Plan vicinity and the community as a whole.

The purpose of the development standards and design guidelines is to provide direction and clarity to owners, design professionals and builders, City staff, public decision makers and the public in the process of designing and approving future projects within the Plan Area. The Development Standards and Design Guidelines are intended to assist in achieving the goals and objective of the Specific Plan and not to unnecessarily limit flexibility and creativity through the implementation of these provisions. Project designs that vary from the plan illustrative concepts in the Plan, yet are able to meet the design intent and vision for the Alvarado Specific Plan can be deemed in substantial conformance through the implementation process. A project can be determined to be in conformance with the Specific Plan without the project being consistent with every development standard or design guideline.

This Chapter contains project development guidelines that provide the basis for project evaluation through the City’s review process as outlined in Chapter IV. Objective Design Standards are provided

that combine the elements of the Development Standards and Design Guidelines. The Objective Design Standards are included to implement Senate Bill (SB 35) signed into law in 2017 and SB 330 (which in part amended the Housing Accountability Act) signed into law in 2019, and will apply to projects within the Specific Plan Area which meet the requirements of such state laws. Projects in the Plan Area qualifying under SB 35 or SB 330 are subject to the objective design standards within this chapter. These projects are not subject to subjective design guidelines as a matter of state law; however, the intent and application of subjective guidelines is encouraged to be implemented by developers to the greatest extent feasible to ensure high-quality development that is consistent with the community identity of the Plan Area.

III – A. PROJECT DEVELOPMENT STANDARDS

III - A. 1. Consistency with Specific Plan

This Chapter serves to outline the regulatory development standards and design guidelines to be used in the final design and basis of review for the development projects that will implement the private and public improvement plans described within the Specific Plan. The Specific Plan will be the guiding reference for the implementation and project review steps which are further described in Chapter IV - Implementation. As the guiding regulatory tool for all subsequent implementing projects, each future discretionary and ministerial project authorized by the Plan will be subject to a finding of "substantial conformance" with the Alvarado Specific Plan and the supporting Program EIR documentation for the Plan.

III – A. 2. Substitution for Zoning Ordinance

All subsequent projects to implement the Alvarado Specific Plan will rely on the Plans, Development Standards and Design Guidelines approved by the City and subject to a finding of "substantial conformance" with the Alvarado Specific Plan and the project EIR. As described in this Section, the Specific Plan will substitute for the land use and zoning standards that would traditionally be used to regulate new private development in the Specific Plan Area. Documentation of this transfer of regulatory standards will be implemented through the approval of an "Alvarado Specific Plan Overlay Zone" to clearly establish the implementation area, role, and authority of the Specific Plan as outlined in Chapter IV - Implementation.

III – A. 3. Form-Based Development Approach

As describe above, a new approach is proposed to clearly communicate what development standards are to be used to review and evaluate individual projects within the Alvarado Specific Plan Area. This section of the Plan defines a **“form-based”** approach as an effective means to ensure the goals and policies of the Plan are met at the project review level. This Section includes the set of defining characteristics and limiting factors that can achieve the development goals and policies of La Mesa for the Specific Plan Area. Application of the Development Standards and Design Guidelines will:

- create a high quality “transit-oriented development” with a diversity of new multi-family housing
- provide for the construction of the needed public improvements in the Area;
- be financially feasible as a private investment in future of La Mesa;
- be a fiscally sound land use change through the revitalization of the Area: and,
- be a “good fit” within the existing fabric of the Specific Plan vicinity and the community as a whole.

The form-based approach serves to clearly communicate with text and diagrams the type, size, location, mix of uses, open spaces, landscaping and quality of the development that is authorized by the Specific Plan. The form-based approached established by the descriptions and diagrams in the Specific Plan provides a much more well defined and predictable image of the what will be built and how it will fit into the site and surrounding community than the traditional general plan/zoning classification approach.

This approach is in contrast to the traditional zoning regulations which focus on separation of uses, setbacks from adjoining properties, parking ratios and density calculations, with little emphasis on the unique characteristics or constraints of an actual location. Equally as important, this method describes the project review process and defines elements within each phase for providing the site improvements, public improvements, environmental enhancements, open space elements and transit connectivity, bicycle and pedestrian facilities, and other infrastructure that is not as clearly defined by a traditional zoning approach.

Figures 39 and 40 show a diagram of the overall site area and illustrate site sections through the project to specify the key dimensions that will define the proposed building envelope, distribution of uses, limiting factors that describe the individual multi-family residential buildings and the site improvements for the Alvarado Specific Plan. The descriptive elements in these diagrams correspond to the overall Site Development Plan shown in Figure 12 and described in detail in Chapter II – Land Use and Development Plan.

There are two key elements that have been used to create this “form-based” definition for the Development Plan. One is the overall site plan which has been designed to reflect the site’s physical characteristics and constraints in concert with the broader land use goals and infrastructure needs for the Area. The second primary basis for the development standards is the application of the current applicable Building Codes in California that define the limiting dimensions allowed for the proposed multi-family residential construction type over a Type I parking garage structures.

Within the “form-based” building envelope established by the Specific Plan, it is intended that the Plan may permit flexibility during implementation through the City’s Site Development Plan and Urban Design Program review process to achieve a determination of consistency with the Plan through an alternative mix of residential unit types and/or architectural design approaches.

Figures 41 to 44 define the areas in which Buildings 1-4 will be constructed in relation to the Alvarado Road improvements and the interior private street/emergency access road. Figures 40 and 41a - d provide typical site sections to define:

the overall height limits for the primary structures,

the requirements to comply with the minimum floodway elevations, and

the maximum number of residential floors above the parking levels.

Figure 42 provides an oblique view of the overall Specific Plan Area with a simplified graphic representation of the building envelopes that are defined by the site

Figures 43a - e illustrate the typical floor levels for Buildings 1-4 to define arrangement of uses with project vehicle parking levels, parking access points, and multi-family residential uses on levels above the parking structure podium deck level.

Figure 43 - c represents the location and design concept for “liner units” that will be permitted on building facades oriented to the interior of the site and away from Alvarado Road.

On the Building facades oriented to Alvarado Road, parking levels will be adjacent to the pedestrian sidewalk and bicycle facility zone and required to be architecturally screened as described in the Design Guidelines section of this Chapter.

Figure 39 Alvarado Specific Plan Land Use and Development Plan (with details identified)

Figure 40 Form-based Development Standards Plan View

Figure 41 a. b. c. d. Form-based Development Standards Section Views

Figure 42 Form-based Development Standards Schematic View of Development Envelopes

Figure 43 a. b. c. d. e. Form-based Development Standards Typical Building Plan View by Floor Level

Figure 44 Plan View to Show Site Access Points and Distance to Parking Structure Entries and Sec Gates

III – A. 4. Multi-family Residential Unit Mix

Multi-family Apartments: The unit mix for buildings 1-4 will include Studio, one-bedroom, and two-bedroom units. Final unit mix will be set at the time of Site Development Plan and Design Review by the City. The total number of residential units in an individual project will be limited by the location, site area, height and building massing parameters set in the form-based development standards established in this Chapter.

“Liner” Units: Buildings may incorporate liner units located below the parking structure podium deck levels on the interior elevations of the projects not directly oriented to the Alvarado Road frontage. The liner units may use a “loft” style design concepts within the mix of studio, one- and two-bedroom units. This design concept may also employ designs which include a front “stoop” element where direct access is available to the creek side interior private street and pedestrian pathways and open space areas. The liner units will meet the Flood Overlay zone requirements.

Student Housing: As described in the Land Use and Development Plan, Building 2 may be built as a “student housing” project focused on serving college and university students in the community with an economical housing option and direct and convenient existing Trolley access to the campus. Although the same standards for building location, size, and mass within the “form-based” concept described above apply, the net residential unit count for Building 2 will be lower with the “student housing” option due to the use of larger shared living design concepts as shown in Chapter II. The unit mix with the “student housing” concept may include a mix of: one-bedroom/one-bed units; two-bedroom/two and four-bed units; and four-bedroom/four-bed units.

The student housing configurations are much closer to dormitory style housing, allowing for independent living, yet within a fully managed and operated residential concept. Some of the key elements of the Student Housing project will include:

- Fully furnished units
- Limited access and secured building
- 24/7 Security presence
- On-site management and professionally trained staff
- Defined policy on resident behavior and enforcement

III – A. 5. Parking and Vehicle Access

Although the Alvarado Specific Plan is conceived as a Transit Oriented Development, parking and vehicle access still remains an important development and design standard. Implementation of the Specific Plan requires review and approval of Site Development Plans as described in Chapter IV - Implementation. Individual projects will provide vehicle parking and access as described in Chapter III – Land Use and Development Plan. The development standards for parking and project circulation are outline below and illustrated in Figure 44.

Parking Structures: Resident vehicle parking for each Building will be provided within a multi-level parking structures as illustrated in Figures 41 – 43 above for Buildings 2,3, and 4. Building 1 plans for one level of structured parking. Each parking structure will provide adequate ingress and egress to the interior private street. Parking structure access locations will provide sufficient distance from Alvarado Road for queuing space on-site and away from public street traffic.

Parking Ratios: For Buildings 2,3, and 4, within the multi-level parking structures to be constructed, the estimated parking ratio will be approximately 1.4 spaces per dwelling unit as described in Chapter II. This off-street parking ratio will be compatible with the reduced parking and automobile dependency objectives for a transit-oriented development (TOD). This same parking volume will be provided in the student housing option for Building 2 which results in a similar parking amount when correlated with the planned “bed” count with fewer but larger residential units. For Building 1 with an estimated 60 residential units above one level of parking, the off-street parking ratio will be approximately 0.5 space per residential unit.

These parking levels will serve as the total off-street parking requirements for the project and will be inclusive of the anticipated demand for guest parking and the secondary resident-oriented mixed uses that may be permitted on a limited basis within the project.

Guest Parking: Guest parking within each project is accounted for in two general areas. A limited number of exterior spaces surface parking spaces will be provided in the vicinity of the main entry/leasing office for each project as shown on the Specific Plan diagram in Figure 39. Visitor parking spaces will also be designated within the lower level of Buildings 2-4, and near building leasing offices and parking garage entrances.

Security: Resident parking within the parking structures will be secured with gates and require an automated access control system within the parking structure. Along the private interior streets, there will also be security gates beyond the parking garage entrances to prevent through vehicle traffic and reserve this area as primarily a part of the pedestrian pathways and creek-side open space. Limited vehicle access will be permitted beyond the security gates for deliveries and move-ins.

Unbundled Resident Parking: As described in Chapter II - Land Use and Development Plan, all on-site vehicle parking provided within the required parking areas and structured parking levels may be unbundled from any requirement for an on-site parking per-unit ratio or an assigned residential unit parking space designation. With this unbundled

parking standard, the management, use, and charges for resident on-site parking for each Building will be the responsibility of the project owner(s).

Services, Deliveries and Move-ins: The Alvarado Specific Plan has been designed with serious consideration given to the changes that have occurred in how people shop and live in a contemporary multi-family environment. As a result, the site development plan will provide access and space for vehicles within the site for service and delivery vehicles, as well as move-in locations that will maintain the required emergency vehicle access requirements. This is intended to assist with maintaining the interior private street and pedestrian pathways and primarily on open space feature and to keep traffic flow and safety directed to Alvarado Road.

On-street Parking: The streetscape plans for Alvarado Road in the Specific Plan include the construction of improvements along the entire length of the site Area as part of Phase 1 projects. This includes on-street parallel parking spaces along the south side of the Alvarado Road frontage in areas that insure proper site distances from primary project ingress/egress locations. The on-street parking areas are planned to be delineated by "bulb-out" features as part of the streetscape plan. This concept proposes to dedicate a limited number of spaces in the vicinity of each primary project entry as "timed parking" and/or "loading zones" to facilitate and encourage the use of shared transportation options, such as ride sharing and delivery services.

- **Alternative Transportation Support:** As a transit-oriented development, a key goal of the project is to facilitate future tenant use of alternatives to the single person vehicle trip.
- **Bicycle Parking:** All multi-family residential projects will include bicycle parking facilities.
- **EV Charging Stations:** All multi-family residential parking structures will incorporate spaces dedicated for electric vehicle charging stations.
- **Transit Access:** The primary feature of the project supporting this objective is the adjacent 70th Street Trolley Station. The project proposes constructing new public pedestrian improvements for access to the Station on Alvarado Road to complete the missing public links to the MTS station. Phase 1 projects will also improve and complete pedestrian access for project tenants from the interior private streets along Alvarado Creek to the Station.
- **Transit Passes:** It the intent of the Specific Plan to work with MTS and project developments to incorporate incentives for transit use by project residents.

III – A. 6. Open Space and Site Landscaping

Two of the most important design elements in the Alvarado Specific Plan are the mix of high-quality open space concepts and landscaping solutions. These two key areas were assigned a high priority in the formulation of the Land Use and Development Plans. This

commitment in the Plan can work within the physical demands of the site and still create a very livable and transformative environment the future tenants of the Area and achieve the objectives of La Mesa's General Plan.

To balance the physical demands of the site improvements and with the goal of creating a quality living environment for the future tenants and the community as a whole, the master plan provides for a mix of well-designed and highly functional open space and landscaping solutions.

An illustration of the basic elements of the open space concepts and the major landscaping features of the project is shown in Figure 45. The overall site development plan shown in Figure 39 also graphically represents the important role of open spaces and landscaping elements distributed throughout the project Area. Each of these key components is briefly described below:

Alvarado Road Streetscape Improvements:

The proposed frontage along Alvarado Road includes parallel parking, a minimum 25 foot wide pedestrian/bicycle and landscaping zone along the entire Alvarado Road frontage. The shared pedestrian sidewalk and bicycle shown in Figure 46 includes street trees with tree grates, foundation planting, and vines planting at the building façade to assist in screen garage levels. The streetscape design also proposes a new pedestrian bridge that will provide a crossing over Alvarado Creek providing a contiguous sidewalk connection within the project limits to the existing 70th Street trolley station. The streetscape concept also will provide for on-street parallel parking zones defined by pop-outs that will include tree planting.

Interior Private Street and Creek-side Pedestrian Pathway:

The project proposes a pedestrian promenade around the perimeter of the building that embraces the Alvarado Creek, providing pedestrians better access to the new landscape areas and a visual connection to the Creek. Figure 47 illustrates the key design elements to be incorporated into the interior street plans. The pedestrian pathways have several nodes that are designed for outdoor activity. Improvements may include shade elements, park benches, and synthetic turf. Each node accentuates and highlights the existing creek habitat while also increasing the outdoor walkable open space that also serves as the projects Emergency Vehicle Access plan. The pathway will be secured with and incorporate decorative fencing, lighting and paving to provide safety as well as enhance the pedestrian experience. Some creek side areas along the interior streets may also serve as part of the on-site storm water retention systems to meet regional water quality standards.

Exterior Courtyard Open Spaces and Indoor Amenities:

Each building is proposed with exterior courtyards landscaped to provide residents a variety of outdoor spaces and indoor facilities to meet the open space and recreational activity needs of residents. The open space concepts include passive restorative spaces, social nodes, and flexible spaces for a wide array of community activities. Furniture and social elements animate the spaces while garden landscapes and pools and water features help refresh and provide a sense of retreat. The courtyard amenities are planned to accommodate features such as pool and spas, outdoor seating, cabanas, water and fire elements, and barbeques with picnic tables. The project features are illustrated in Figure 48. In addition, as shown in the Development Standards, Buildings 2-4 will evaluate the feasibility of providing "sky deck" outdoor spaces that provided an additional amenity for residents and capture the opportunity to provide longer vistas of the surrounding community.

Alvarado Creek Flood Improvements and Urban Creek Restoration:

In concert with the interior private street, described above, is the goal of restoring and maintaining the riparian environment within Alvarado Creek as a key visual element of the open space plan. A goal of the Specific Plan is to address the impact from flooding and urban storm-water drainage from much of north La Mesa on the site by improving and maintaining Alvarado Creek as a valued open space resource for the future residents of this newly created urban village. Figure 49 illustrates the proposed Alvarado Creek restoration and maintenance area.

Figure 45 Open Space Concept Plan

Figure 46 Plan View of Alvarado Road Streetscape Improvement Plans

Figure 47 Plan View of Interior Street Improvement Plans

Figure 48 Plan View to Illustrate Podium Deck Open Space and Landscaping Concept

Figure 49 Plan View to Illustrate the Alvarado Creek Planting and Restoration Area

III – A. 7. Site Grading and Flood Chanel Improvements

The Specific Plan site characteristics and constraints are described in detail in Chapter I which outlines the planning context and history associated with the Area. While the site has many challenges, it is also unusual for La Mesa in that it is relatively flat. Developed originally in the 1950's with the alignment of Interstate 8 and Alvarado Road as a freeway frontage road, the initial urbanization of the site created an essentially flat site for use as a mobile-home park. The site has a very low slope gradient from east to west generally matching the flow line of Alvarado Creek.

The development plans for public improvements and multi-family housing will require grading of nearly all of the site area with the exception of the areas within the defined Alvarado Creek channel. Grading of the project site is largely driven the Alvarado Creek floodplain and floodway. The project will increase the capacity of the flood channel so that the required 100-year flood flows will be contained within the channel. This will be done through a combination of minor widening the channel width and raising the elevation of the top of the bank. Retaining walls will steepen the creek edge, thus allowing the bed of the Creek to be widened without significantly impacting the developable area of the building pads. The top of bank elevation for the site and garage entry elevations will all be elevated a minimum of 1.0 foot above the 100-year flood elevation.

Grading within the channel will be limited to the minimum needed to construct the retaining walls and the relocation of the City's sanitary sewer trunk line from the channel to a new easement within the interior private street as shown in Figure 50. The flood control improvements will actually increase the area of the channel and allow for additional planting of appropriate riparian plant materials as an environmental enhancement from the past conditions.

All earth work in the channel and the site which is within the FEMA mapped "floodplain" will be part of the required multi-agency cooperation and authorization needed to implement the Specific Plan. In addition, all grading and earthwork construction activity will be subject to any mitigation measures and monitoring requirements established by the Project EIR.

III – A. 9. Public Improvements, Utilities, and Infrastructure

The public improvements that will be provided through the approval of the Specific Plan and its implementing actions are described below. These improvements will be constructed in conjunction with the Phase 1 development plans as part of the private development requirements. The agencies that will be involved in coordinating and approving the plans are listed with each project.

Alvarado Road: Improvement of Alvarado Road will include the following components: Streetscape improvement plans to include sidewalks, curb and gutter, street lights, street trees, bulb-out landscape tree planting area, on-street parallel parking land, pedestrian connection to 70th Street Trolley Station, pedestrian bridge on south side of Alvarado Creek bridge, a traffic safety signal west of the Alvarado Creek bridge (City of La Mesa, MTS).

Overhead Power and Communication Line Relocation: The existing 12KV and communications lines that cross I-8 from Parkway Drive currently cross overhead in the San Diego RV Resort facility. This major power transmission line will need to be relocated underground generally around the west end of the project area before going overhead again to its current location on the south side of the MTS light rail tracks (City of La Mesa, SDG&E, Caltrans, MTS).

Flood Channel Improvements: The project includes seeking approvals to finally address the FEMA mapped need to address the flooding of the project site from Alvarado Creek. This will involve multi-agency approval to make the necessary channel improvements with engineered retaining walls within the San Diego RV Resort property (City of La Mesa, MTS, Army Corps of Engineers, Federal Fish and Wildlife, State Fish and Wildlife, San Diego Regional Water Quality Control Board, City of San Diego).

Sanitary Sewer System Improvements: The environmental improvements to Alvarado Creek will include the relocation of one City sewer trunk line out of the channel and under the planned interior street. The sewer work will also address the removal of abandoned sewer lines in the creek and raising and capping an existing manhole that cannot be relocated to above the flood flow levels (City of La Mesa, Army Corps of Engineers, Federal Fish and Wildlife, State Fish and Wildlife, San Diego Regional Water Quality Board, City of San Diego).

Figure 50 Preliminary Grading Plan and Sections for Flood Channel Improvements

Figure 51 Plan View with Major Public Improvements and Utilities

III – B. Specific Plan Project Design Guidelines

Implementation of the Specific Plan will require all the multi-family residential projects to complete the City's Site Development Plan and Design Review process. The two primary objectives of the implementation steps will be to make sure the future projects are: one, consistent with the Alvarado Specific Plan; and two, meet the principles of the City's Urban Design Program.

Principles from the Urban Design Program that have been employed in formulating the Land Use and Development Plans for the Specific Plan projects include:

- *Preserve and enhance the community character and sense of place by delivering projects and programs that build upon positive design features.*
- *promote a positive community identity and imageability;*
- *enhance the visual quality and continuity of the community through circulation patterns, definition of community edges and boundaries, distinct gateways;*
- *assure high quality community design for new construction;*
- *encourage energy conservation and safety conscious design methods for new development; and,*
- *provide specific project elements that will provide the attributes including: vitality, function, spatial form and quality, safe and efficient access, structural orientation, congruence, safety and defensible space principles, and stability. La Mesa Urban Design Program, page 13.*

The design guidelines that can be applied more directly to the projects as part of the implementation steps for the Specific Plan are outlined in the following sections.

III – B. 1. Site Design

- a.) The Alvarado Road streetscape improvements will use a coordinated set of street lighting, tree grates, street trees, landscaping, and paving materials to establish a strong design statement that ties the four development parcels into a cohesive project area.
- b.) Within the private interior streets, a coordinated palette of enhanced paving, decorative fencing and gates, lighting, street furniture, shade structures, tree planting and landscaping will be used to tie the overall site development plan together.
- c.) Project lighting and landscaping along Alvarado Road, the interior private streets and pedestrian pathways connecting to the 70th Street Trolley Station will be used to create a safe and secure residential environment.
- d.) Project signs may include entry monument signs and/or signs incorporated into the project architecture. Each sign shall be so designed to complement the architectural style of the main building. Project signs should add clarity and direction to the project circulation system.
- e.) Throughout the Specific Plan Area, a unified system of site features and signage will be used to enhance the wayfinding character of the pedestrian and bicycle facilities.
- f.) As a unique location that will be transformed from a challenging freeway oriented location, landscaping will play a strong role in creating a vital residential environment. Key areas that should be the focus to meet the project design objectives with landscaping solutions will be the:
 - Alvarado Road streetscape street tree types, frequency and initial planting sizes.
 - Significant role of planting areas and materials within the podium deck open space and recreation areas
 - Coordinated use of planting materials and design features along the interior private street creek side pathways and socializing nodes
 - Alvarado Creek flood channel plant restoration and maintenance plan

III – B. 2. Architectural Design Guidelines

- a.) All four primary multi-family residential project buildings should have a coordinated and unifying overall architectural style or theme, yet express an individual character with varying forms, features and materials to avoid an overuse of a single design concept for the Specific Plan Area.
- b.) As a major new land use change and highly visible gateway statement along the I-8 corridor, individual project design will provide strong forms and architectural elements at the primary project entrances to the interior private streets.

c.) On the northern Alvarado Road facades, where balconies may not be feasible due to noise attenuation requirements, buildings will use sufficient architectural design forms, features and changes in materials to provide visual interest and variance in the elevations from the I-8 view corridor.

d.) On the Alvarado Road frontages with exposed parking garage levels, buildings will incorporate both architecturally coordinated building materials and landscaping solutions to add value to the pedestrian scale and environment along the Alvarado Road streetscape zone.

e.) Roof top mechanical equipment should be architecturally screened from views from locations above the site to the south.

f.) Interior elevations viewed from the podium deck open space areas and elevations fronting on to the interior private street pathways should reflect sufficient architectural interest with forms, massing, fenestration, balconies and viewing locations to enhance a sense of an active residential environment.

III – C. Objective Design Standards

TO BE ADDED AS ADDENDUM

ALAVARADO SPECIFIC PLAN

CHAPTER III UPDATE

DRAFT OBJECTIVE DESIGN STANDARDS – 6/6/2022

A. PURPOSE AND INTENT:

The purpose and intent of the Alvarado Creek Specific Plan Objective Design Standards are to provide clear direction and understanding of the City's expectations for multi-family residential projects that are proposed within the Specific Plan Area. The following Objective Design Standards have been written to be consistent with the goals, objectives, development plans and guidelines established by the Alvarado Specific Plan. The Objective Design Standards shall be applied to projects which qualify under state housing laws which mandate the application of objective design standards, such as the Housing Accountability Act (HAA). Projects that meet these requirements shall be deemed to be in substantial conformance with the goals, objectives and policies of the Alvarado Specific Plan and any requirements established by the Alvarado Specific Plan Project EIR.

B. LAND USE:

1. The primary land use within the Specific Plan Area shall be multi-family residential located in Buildings 1-4 (See Exhibit 37). The primary multi-family residential structures will comply with the Form-Based Development Standards established by the Specific Plan and further described within the Development Standards below, which define the building locations, massing, orientation, separations, setbacks, description and distribution of open spaces, parking, circulation, and public improvements, as shown in Figures 37, 38, 39a-g, 40 and 41a-e.
2. Parking to serve each primary multi-family residential structure (Buildings 1-4) shall be provided within structured parking levels for each Building. Development Standards for off-street parking are described further below.
3. Non-residential uses shall be permitted, but not required within each of Buildings 1-4. Such uses shall be limited to uses providing commercial and service uses intended primarily for the residents of the SP projects. Such non-residential uses shall be limited to a maximum of 5,000 square feet within any one Building.

C. SITE DEVELOPMENT:

1. All new residential structures and the improvements to the Alvarado Creek channel will be constructed to meet the requirements of the City's Floodplain Ordinance.
2. Contingent upon approvals from all required Federal, State and local agencies, the project will construct improvements to the Alvarado Creek channel as illustrated in Figure 48. As part of the Flood Channel improvements, the improvements will require restoration of any disturbed area of the channel with appropriate plant materials defined by the permitting agencies.
3. Individual multi-family residential projects as defined by the Alvarado Specific Plan are to be developed in a coordinated manner that can be completed in Phases as further defined in the Specific Plan. All development of projects in Building sites 1-4, whether constructed individually or grouped by phases, shall guarantee all necessary site preparation, including but not limited to: site grading, installation of public utilities, construction public improvements and public utilities, and public safety access, as a condition of occupancy.
4. All site grading shall be in accordance with the overall project development plans established by the Alvarado Specific Plan and the City's grading regulations and standards.

D. MULTI-FAMILY RESIDENTIAL PROJECT DEVELOPMENT STANDARDS:

1. Form Based Development Standards: As described in this Chapter, a Form Based Development Standards is used to define the physical locations and limits of the primary multi-family residential projects authorized by the Alvarado Specific Plan. This concept is described in detail in both the text and exhibits within the Specific Plan. The following Development Standards apply to multi-family development projects within the Specific Plan Area, as illustrated in Figures 37, 38, 39a-g, 40 and 41a-e.

a. Building Height and Step-Backs:

- (1). Maximum height per California Building Code
 - (a). 75' to top of habitable floor.
 - (b). 85' to top of roof sheathing

- (2). No vertical step-backs required (see Massing Articulation section below)

b. Building Setbacks and Encroachments:

(1). Building Height encroachments are permitted for non-habitable roof appurtenances of up to a maximum of 12'-0".

(2). Where no minimum setbacks are provided, residential units shall be located a minimum 5' from back of a pedestrian path or walkway.

2. Off-street parking shall be provided for each of the proposed Buildings 1-4 within parking garage structures as illustrated in Figures 37, 39a-g, 41a-c, and 42, and shall meet the following standards:

a. Off-street parking will be provided for Buildings 2-4 in three levels and will meet the City's structured parking garage design requirements for size, access and circulation. Building 1 will provide just one level of structured parking at the ground level.

b. All off-street parking spaces located within parking structures will utilize Universal Parking Space dimensions of 9' wide by 18' deep with 24' wide two-way travel lanes.

c. The only exception to structured parking locations will this be for limited on-site parking spaces outside the parking structures that will serve as visitor parking as shown on the Alvarado SP site development plan.

d. All off-street parking spaces provided in Buildings 1-4 shall be "unbundled" and made available residents of the individual buildings as part of the rent for the residential unit as managed by the project owners. Parking spaces within the parking structures can be reserved for related uses such as, but not limited to, deliveries, guest parking, and shared EV charging stations.

e. All parking structures shall provide secured bicycle parking enclosures at the ground level.

f. All off-street parking shall comply with the number, distribution and location of spaces to meet the requirements for Disabled Persons.

E. MULTI-FAMILY RESIDENTIAL BUILDING DESIGN STANDARDS:

1. Massing Articulation and Building Design:

a. Vertical plane breaks – Min. 3' deep x 10' wide break every 150' maximum

b. The horizontal composition of building planes shall provide visual breaks as follows:

- (1). Base and top definition for buildings 3 stories or lower
- (2). Base, middle, and top definition for buildings over 3 stories
- (3). Vertical plane continuity is allowed for a maximum 40% of the façade length

c. Building entrances shall be visible from, and face, the public right-of-way or a publicly accessible pedestrian walkway, incorporating at least one of the following:

- (1). Change of massing through vertical or horizontal plane breaks (see above)
- (2). Change of exterior finish color and/or materials
- (3). Change of transparency by using glazing for a minimum of 50% of the entrance width

d. Roofline variation: Vertical and horizontal variation every 150' maximum using one or more of the following in combination:

- (1). Varying parapet heights by a minimum of 12"
- (2). Eave overhangs
- (3). Parapet offsets every 150' following vertical plane standards above

e. Buildings shall carry the same design theme and pallet of colors and materials on all exterior elevations. For the purpose of this standard, a theme includes primary (non-accent) forms, materials and colors. Exterior Finish Materials and Colors for Buildings 1-4 shall use:

- (1). A minimum two (2) exterior finish materials, each material must cover min. 20% of building façade
- (2). A minimum two (2) exterior colors, each color must cover min. 20% of building façade
- (3). Material changes with a minimum 6" offset in depth or equivalent as appropriate to the materials used
- (4). No mirrored glass

f. Mixed-Use Spaces shall be integrated into the Form-Based Standards for Buildings 1-4 and required to be differentiated from residential and commercial/ retail spaces through the use of:

- (1). At least one contrasting material and one contrasting color
- (2). Massing breaks (see Section E.1. above)
- (3). Storefront and glazing for a minimum of 50% of the retail/ commercial frontage

g. Building shall clearly differentiate residential and non-residential service/commercial spaces through the use of:

- (1). At least one (1) contrasting material and one contrasting color
- (2). Massing breaks (see Section E.1. above)
- (3). Storefront and glazing for a minimum of 50% of the retail/ commercial frontage

h. Primary Buildings 1-4 shall incorporate a distinctive vertical corner design element to identify the primary entry location for each Building in the immediate vicinity of the driveway entry serving that Building.

i. All mechanical equipment located on building rooftops shall be screen with visual screening panels or devices with a minimum height of 42".

2. Liner Units: Interior elevations (not facing Alvarado Road) that include liner units, shall incorporate a pallet of materials and colors that clearly differentiate these lower floors from the residential floors above the podium deck level.

a. As shown in Exhibit 16a, 16b and 16c, liner units are proposed along the interior facades for Buildings 2,3, and 4. The liner units add more direct interaction and visibility for the pedestrian promenade areas. If incorporated into these locations, the ground level liner units located within 36" of adjacent finished grade shall provide direct access to the promenade via steps and/or ramps.

3. Podium Deck Open Spaces: Buildings 2-4, which incorporate a Podium Deck Area as part of the active and passive open space amenities provided for the project. The Podium Deck Area for Buildings 2-4 is defined by the space created by the location of a double-loaded interior corridor serving residential units that face either to the building's exterior or to the Podium Deck Area (see Figures 37, 38, 39a-g, 40 and 41a-e). Due to

the irregular shape of the Specific Plan Area each Building site results in an irregularly shaped parking structure and corresponding Podium Deck open space area is defined by the residential unit arrangement around the perimeter of the parking structure.

- a. Each unique Podium Deck Area will be oriented toward the interior of the Specific Plan Area (i.e., away from I-8) and incorporate at least one segment that is open to views of the pedestrian promenade area and Alvarado Creek.

4. Exterior Parking Levels: All elevations with exposed parking garage levels above grade facing Alvarado Road shall use a combination of architectural screening materials and landscaping to differentiate the parking level elevations from the residential floors above podium deck, and to screen all views of parked vehicles on the interior of the parking structures.

5. Signs: Primary Buildings 1-4 shall incorporate building identification with project naming signage and street numbers, and located on the building façade in a location that assists in directing people to the appropriate project address and entrance.

- a. Monument signs shall be permitted in the vicinity of each primary Building entrance in a limited in size and location that will not limit site visibility for vehicles, pedestrians or bicycles.
- b. Building identification signs shall be indirectly lighted and shall not use internal illumination.

F. MOBILITY AND CIRCULATION:

1. No direct access to individual parking structures will be permitted from Alvarado Road.

- a. Access to off-street parking for all residential units will from driveway entrances to the interior loop roads serving Buildings 1-4. Parking garage entrance and exits shall be located as shown in the Specific Plan to allow sufficient queuing on the project site and prevent waiting for turning movements on Alvarado Road.
- b. All security gates defining the pedestrian promenade area shall be located beyond the parking structure entrances to allow free vehicle movements into the structure.
- c. Recess gates at vehicular entrances to parking structures shall provide a minimum of 20' from the primary building facade.

2. A combined public pedestrian walkway and bike lane will be constructed along the Alvarado Road frontage of the SP Area. These public improvements will include a pedestrian bridge of a minimum 15' in width to cross Alvarado Creek on the south side of the existing Alvarado Road bridge within the City's right-of-way to maintain connectivity between the public sidewalk and bike lane from the building sites for Buildings 1-3 and Building 4.

3. The Alvarado Road streetscape improvements shall include: planting of street trees, installation of tree grates and decorative street lights in accordance with the City's standards for spacing and design.

4. Project improvements shall include the construction of pedestrian connections from the Alvarado Road frontage improvements and from the private interior ring road improvements to the 70th Street MTS Trolley/Bus Station.

5. All parcels developed for Building 1-4 shall provide for reciprocal access for the shared use of the interior pedestrian promenade areas along the restored Alvarado Creek areas.

6. The interior ring road area improved to provide pedestrian access to the linear open spaces along the restored Alvarado Creek shall incorporate a unified set of landscape planting, street furniture, pedestrian scale lighting, enhanced paving materials, creek-side viewing nodes and wayfinding signage.

7. The interior ring road will provide control gates at locations beyond the parking garage entrances to prevent through vehicle traffic except for service vehicles and move-in locations.

G. PUBLIC SAFETY:

1. Emergency access to serve Buildings 1-4 shall be provided by the interior loop roads provided for Buildings 1-3 to the west of the Alvarado Road bridge and for Building 4 on the east side of the Alvarado Road bridge.

a. The interior ring road will be constructed to meet the City's specifications for access and load bearing capability for Fire Department vehicles. A dedicated Fire Lane shall be executed for the emergency access use of the interior loop road.

2. If Building 2 is developed with the Student Housing option described in the SP, the project will be required to operate with the following services:

a. Fully furnished units

- b. Access to the building via a secured entry with a staffed 24/7 presence
 - c. On-site management and professionally trained staff
 - d. A designated staff liaison with San Diego State University
 - e. A clear policy requiring a lease agreement with provisions regarding resident behavior and enforcement for all tenants
3. As shown on the approved Alvarado SP site development plan, automated securing gates will be installed in locations beyond the parking garage level access points with pedestrian gates to maintain the value of the promenade area as part of the project open space and to provide access to the adjacent transit facilities.
4. Site Lighting: All development projects shall comply with the following standards to create a safe environment for the residents of the Specific Plan Area:
- a. All active outdoor open spaces, including the Creekside pedestrian area, the Alvarado Road streetscape area, the Alvarado Creek pedestrian bridge, podium level open space areas, and pathways connecting the project to the 70th Street MTS Trolley/Bus Stations shall provide dusk to dawn pedestrian scale safety lighting with a uniform design standard throughout the Specific Plan Area. Other than street light installed in the Alvarado Road public sidewalk and bike lane, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height, unless approved by the Director of Community Development
 - b. All outdoor lighting, shall be focused, directed, and arranged to minimize glare and illumination of streets, the night sky, or adjoining property. This will require the use of shields and the appropriate lighting design and specifications, and can limit the location, type and height of light fixtures.
 - c. Service area lighting shall be contained within the service area boundaries
 - d. Lights shall be durable, recessed, or otherwise designed to reduce the problems associated with damage and vandalism
 - e. All electrical meter pedestals and light switch/control equipment shall be located with minimum public visibility if possible or shall be screened with appropriate plant material
 - f. All community landscape common areas, private facilities, streetscape areas, and other use Specific Plan areas are permitted, at the discretion of the project developer or builders, to use accent or other night lighting elements

H. UTILITIES, SERVICES AND INFRASTRUCTURE:

1. All existing overhead utilities will be placed underground and all new utilities will be placed underground. The existing SDG&E electrical transmission line that crosses the site will receive a down pole on the Alvarado Rd frontage and continue underground to the south side of the new residential structures where it will connect with a new up-pole on the north side of Alvarado Creek to continue in service to the south of the SP Area.
2. All trash collection facilities shall be located within the parking structure serving each of Buildings 1-4 individually.
3. Contingent upon the execution of a mutually agreed upon reimbursement agreement, to the extent feasible, the project will facilitate the relocation of the existing sewer main located within the SP Area in the Alvarado Creek channel to a new location in a public easement within the proposed ring road serving Buildings 1-3.
4. Improvements to the Alvarado Creek Flood Channel as described above.

I. LANDSCAPE AND OPEN SPACE

1. Open space will be provided in elements that are shared throughout the Specific Plan Area and in locations that are provided for the use of residents of the in each multi-family development project. Open spaces for the benefit of the Specific Plan Area shall include both active and passive spaces and uses. To reflect the unique characteristics and opportunities as outlined in the Specific Plan (illustrated in Figures 43-47), the Open Space objectives will be provided within the following areas which will combine both active and passive open space functions:
 - a. Outdoor podium deck areas and adjoining interior facilities for community rooms, gym spaces serving Buildings 2-4. Building 1 shall include interior spaces for active recreation and community room
 - b. Interior promenade areas adjacent to Alvarado Creek and within the vehicle control gates
 - c. The Alvarado Creek restoration area
 - d. The Alvarado Road shared pedestrian path and bicycle lane, including landscape areas
 - e. Landscape areas included within required stormwater management facilities
2. Podium deck areas for Buildings 2-4 shall consist of a network of gardens, social nodes, flexible use areas, and planting include at least 4 of the following elements:

- a. Pool
- b. Landscaping to include canopy trees and low planting materials to define spaces within the podium deck
- c. Seating areas for individuals and group settings
- d. Shade structures and/or umbrellas
- e. Direct access to adjoining recreation and community activity rooms
- f. BBQ facilities or adjoining community room with cooking facilities
- g. Alvarado Creek viewing areas

3. All project landscaping shall comply with the City of La Mesa Water Efficient Landscaping standards and Model Water Efficient Landscape ordinance.

4. Alvarado Road streetscape improvements shall be constructed along the Alvarado Road frontage within the Alvarado Specific Plan Area as illustrated in Exhibit 48 to improve traffic and pedestrian safety, provide stormwater management, enhance the streetscape environment, and implement the City's General Plan Circulation Element policies. The facilities to be constructed as part of the Alvarado Road streetscape improvements shall include:

- a. Curb, gutter, sidewalk, bike lane, pedestrian bridge crossing Alvarado Creek, driveway aprons, street trees with tree grates, and street lighting to meet the City's standards and specifications. Street trees species, size and distribution shall meet the City's specifications and standards.
- b. The shared 16'-0" bike lane and pedestrian sidewalk shall extend from the easterly property line frontage, connect with the planned pedestrian bridge at Alvarado Creek, and extend westerly to connect with the existing MTS 70th Street Trolley Station. The shared bike lane and pedestrian sidewalk will be paved and striped to define 8'-0" for the bicycles and 8'-0" for the pedestrian zone.
- c. A minimum of one short-term bike rack shall be located with the streetscape improvements in the vicinity of each entrance to Buildings 1-4.
- d. A minimum 5'-0" landscaped buffer area shall be provided between bike lane/pedestrian sidewalk and the building facades facing Alvarado Road. The planting design and materials in this area shall be coordinated with the project

requirements for screening the parking structure elevations facing Alvarado Road.

5. The interior roadway serving as the linear creek-side pedestrian promenade open space element shall include:

- a. Enhanced paving
- b. The promenade/fire lane shall be secured with decorative vehicular and pedestrian gates at all vehicular points of entry and exit
- c. Bench seating and gathering nodes distributed throughout the project area with a minimum of 100' spacing
- d. Pedestrian scale lighting
- e. Canopy trees that will not interfere with access or movement within the dedicated fire lane
- f. Wayfinding signage
- g. Landscaped bioswales area

J. SUSTAINABILITY STANDARDS:

- 1. All new residential dwelling units will use electrical services and appliances only.
- 2. All new residential buildings will be constructed to meet or exceed Calgreen requirements.

EXHIBIT 3

August 12, 2022

Attn: Jeffrey A. Chine
Allen Matkins
Partner
600 W. Broadway, 27th Floor
San Diego, CA 92101

Re: Alvarado Specific Plan

Dear Jeffrey,

As requested, following is a summary prepared by Dahlin Group (Dahlin) outlining the project development and building design standards provided in Chapter III of the Alvarado Specific Plan (ASP) as well as the Objective Design Standards (ODS) amendment to the ASP, dated June 6, 2022. The outline below identifies each standard and references specific figure(s) and/or text section(s) that were provided in the above-referenced documents. These standards establish building design criteria which are intended to be comprehensive and cover key building design aspects such as height and stories, setbacks and encroachments, massing and step-backs, in addition to finishes, colors and materials. Figures referenced below are provided as exhibits in Appendix A enclosed.

In addition to building design, Chapter III of the ASP and the subsequent ODS amendment also address the size, location, and mix of uses and frontages within the project site including the location of surface and structured parking; screening of garages by applying architectural devices and liner uses; treatment of facades along Alvarado Road and the Creekside Promenade; distribution of usable open space; and finally, the provision of services and emergency vehicle access roads.

Outline of Project Development and Building Design Standards:

- Land Use Development Plan:
 - ASP, Chapter III, Figure 37
- Building Boundaries:
 - ASP, Chapter III, Figure 38
- Building Height and Setbacks:
 - ASP, Chapter III, Figures 39a through 39g
 - ODS Amendment, Section D (a) and D (b)
- Building Envelope:
 - ASP, Chapter III, Figure 40
- Building Plan Configuration:
 - ASP, Chapter III, Figures 41a through 41c

- Building Massing and Articulation:
 - Vertical and Horizontal Articulation: ODS Amendment, Section E (1) a – c
 - Roofline Articulation: ODS Amendment, Section E (1) d
 - Building Colors and Materials: ODS Amendment, Section E (1) e
 - Mixed-Use Design Standards: ODS Amendment, Section E (1) f & g
 - Structured Parking Design: ODS Amendment, Section E (4)
- Uses Lining Structured Parking:
 - ASP, Chapter II, Figures 16a through 16c
 - ODS Amendment, Section E (2)

The figures and sections above illustrate, in both text and graphics, key building design criteria that help define a coherent architectural vernacular that is specific to the site in the way it responds to site conditions, constraints, and characteristics. The implementation of the above-described standards is intended to be practical and achievable, ultimately resulting in a coherent, site-specific, and context-sensitive design.

Enclosed (in Appendix B) is additional information about Dahlin's experience in community planning and urban design, highlighting our expertise in the design and planning of specific plans and mixed-use master plans that are similar in nature, size, and complexity to the Alvarado Specific Plan. Also included in Appendix B are resumes of the key team members at Dahlin who participated in the preparation of the ASP.

Jirair Garabedian, AIA, NCARB
Senior Associate, Senior Architect

Attachments

- *Appendix A*
- *Appendix B*

cc: *David Witt*

APPENDIX A

Liner Units: Throughout residential Buildings 2-4, there will be the opportunity to use liner units along the interior private streets. Liner units are not proposed for project facades adjacent to the Alvarado Road frontages. These units will include a similar mix of residential unit size from studios to 1-2 bedrooms. The Liner Units may also create the opportunity to provide for some variety of unit types that could include "loft" type units and units that have "front-stoop" type units with direct access to the Creekside promenade area. Examples of a typical floor plan, building sections and photographs are provided below to further describe this concept. Adding direct access and unit entries to the Creekside areas, creating more visibility, lighting and activity levels that represents a good use of defensible space design concepts into the Land Use and Development Plan.

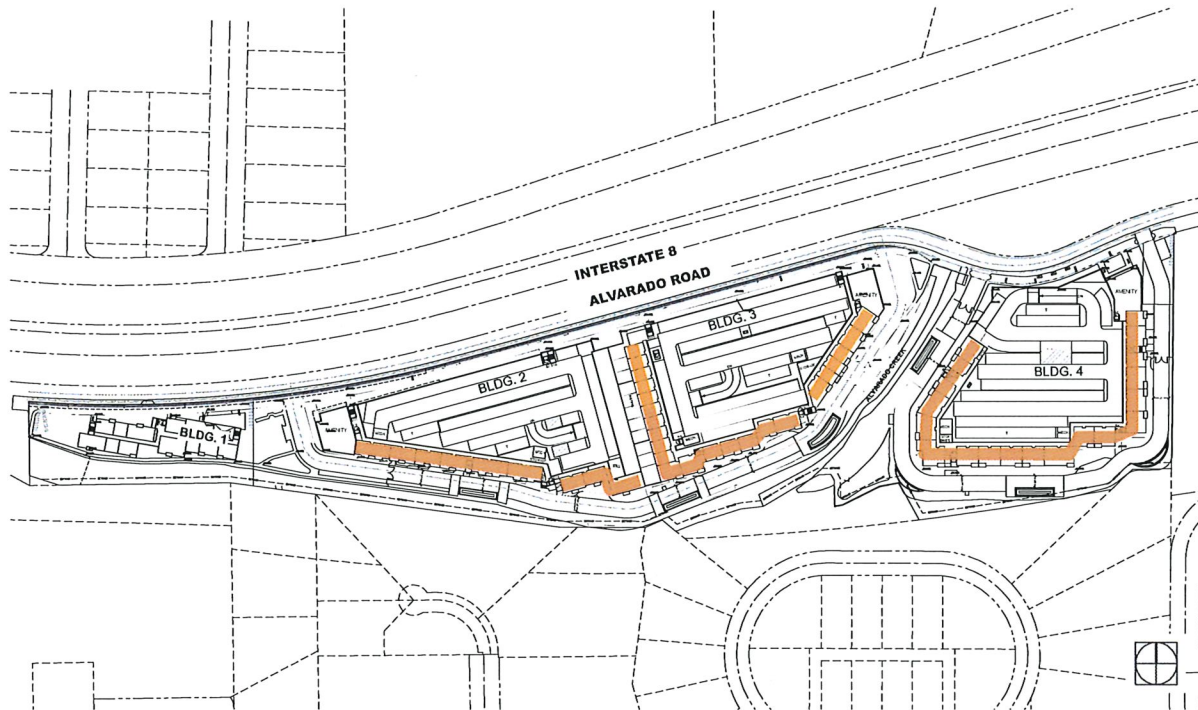


Figure 16a - Liner Units

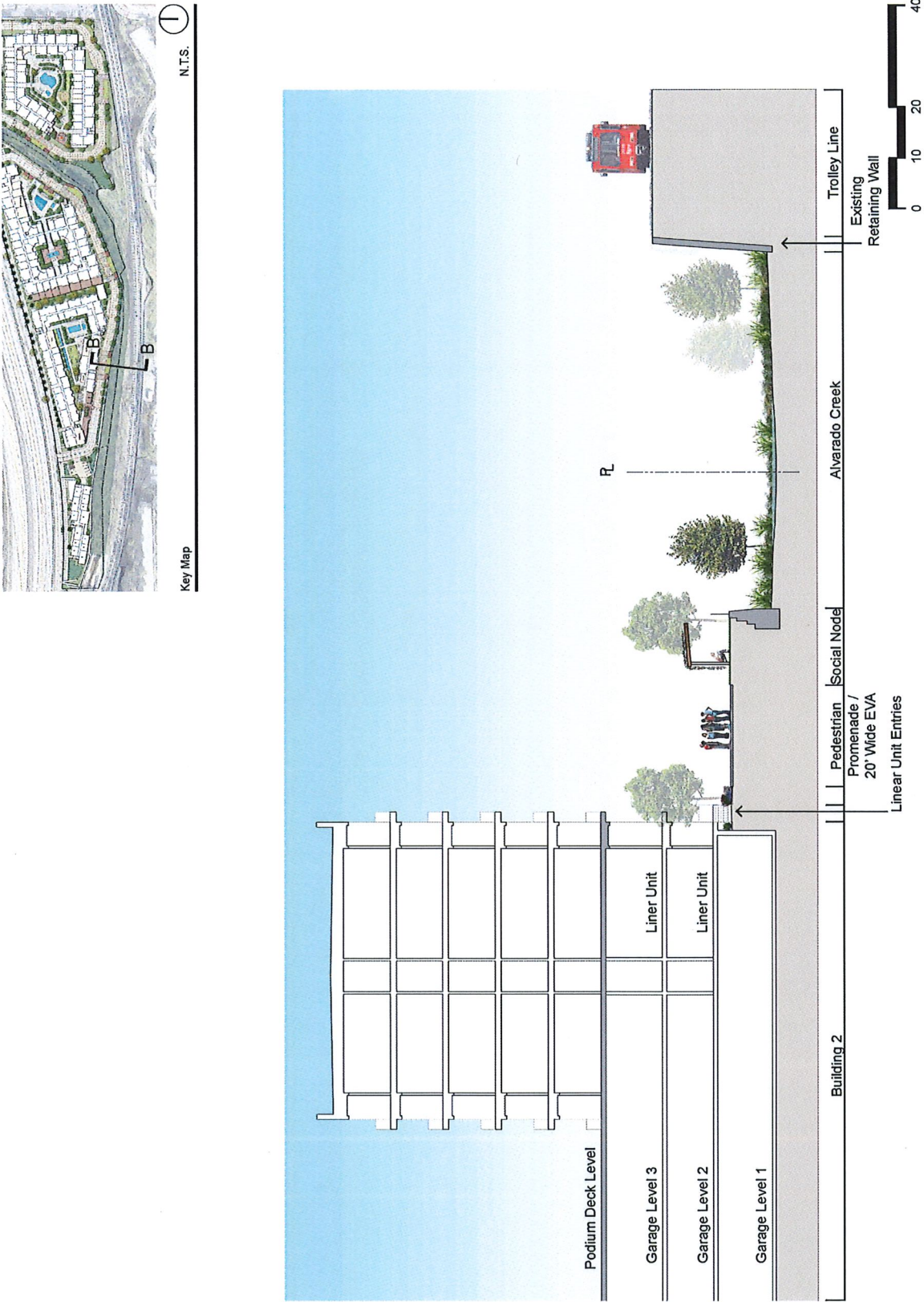


Figure 16b - Building Section with Liner Unit Examples

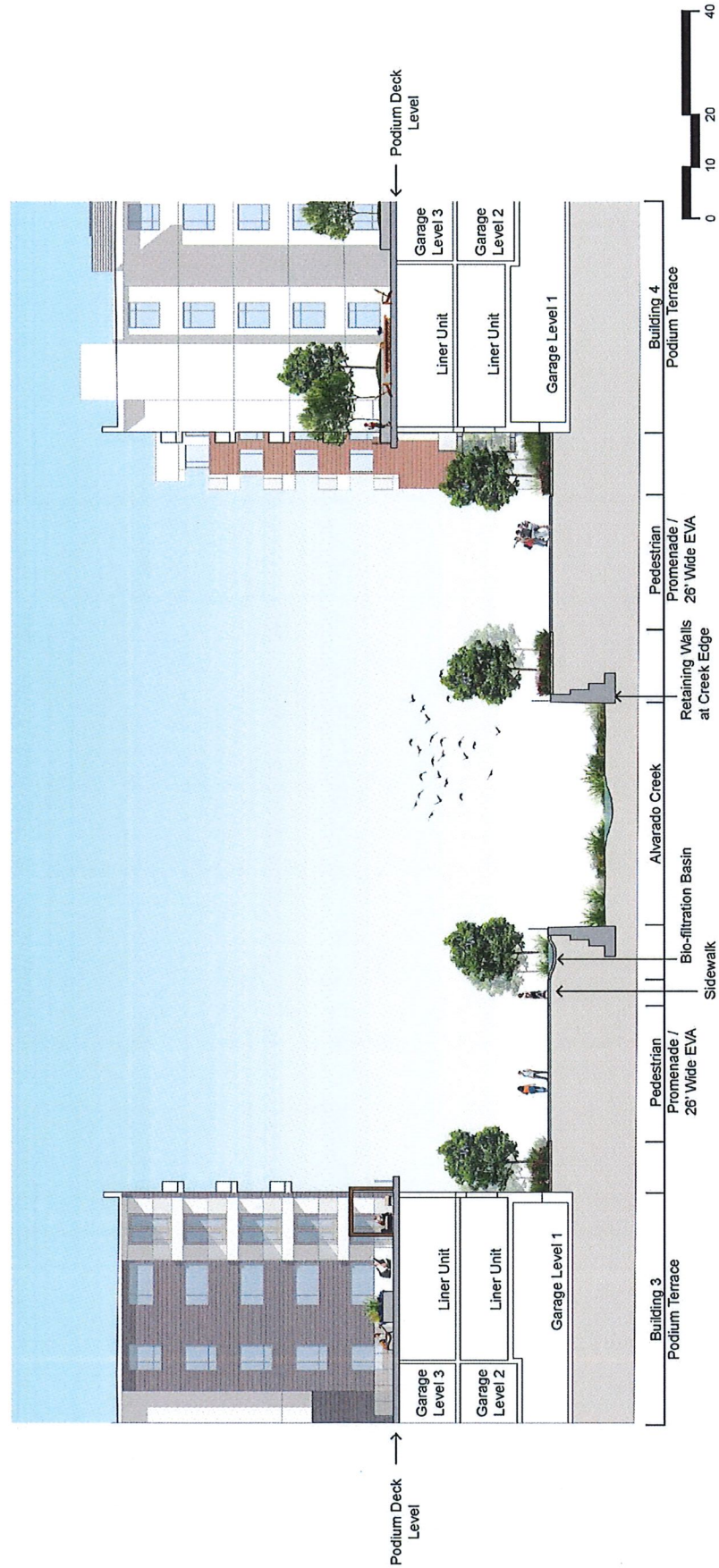
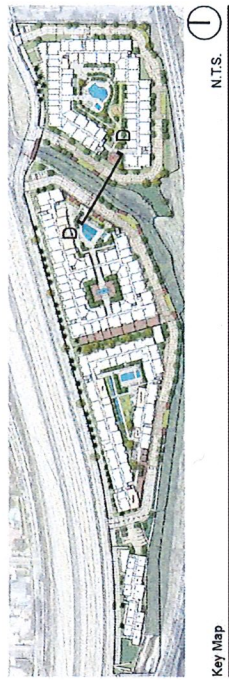


Figure 16c - Building Section with Liner Unit Examples

LEGEND

- | | | | | | |
|---------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------|-----------------------------------|----------------------------------------------------|-----------------------------------|
| 1 Outdoor courtyard at podium level | 6 Proposed entry monument | 11 Accent street trees | 16 Loading zone | 21 Public connection to MTS Trolley Station | 26 Pole light, Typ. |
| 2 Dedicative paving in pedestrian promenade | 7 16'-0" wide pedestrian sidewalk / shared bike lane (4'-0" tree grate, 12'-0" shared path) | 12 Existing power pole to remain | 17 Future resident parking | 22 Private connection to MTS Trolley Station | 27 Retaining wall at interstate |
| 3 Access (EVA) | 8 Parallel parking | 13 Prefabricated pedestrian bridge | 18 Vehicular and pedestrian gate | 23 MTS Trolley Station | 28 Parking structure entry points |
| 4 Retaining wall at creek edge | 9 Pick up & drop off zone | 14 Bio-filtration basin, Typ. | 19 Existing creek / flood channel | 24 Building 3 private residential patios | 29 Primary vehicle entry points |
| 5 Parcel division | 10 Palm trees in 5x8 tree grates | 15 Rain event bio-filtration basin | 20 Existing billboards to remain | 25 Building 2 landscape corridor between buildings | 30 Secondary vehicle entry points |

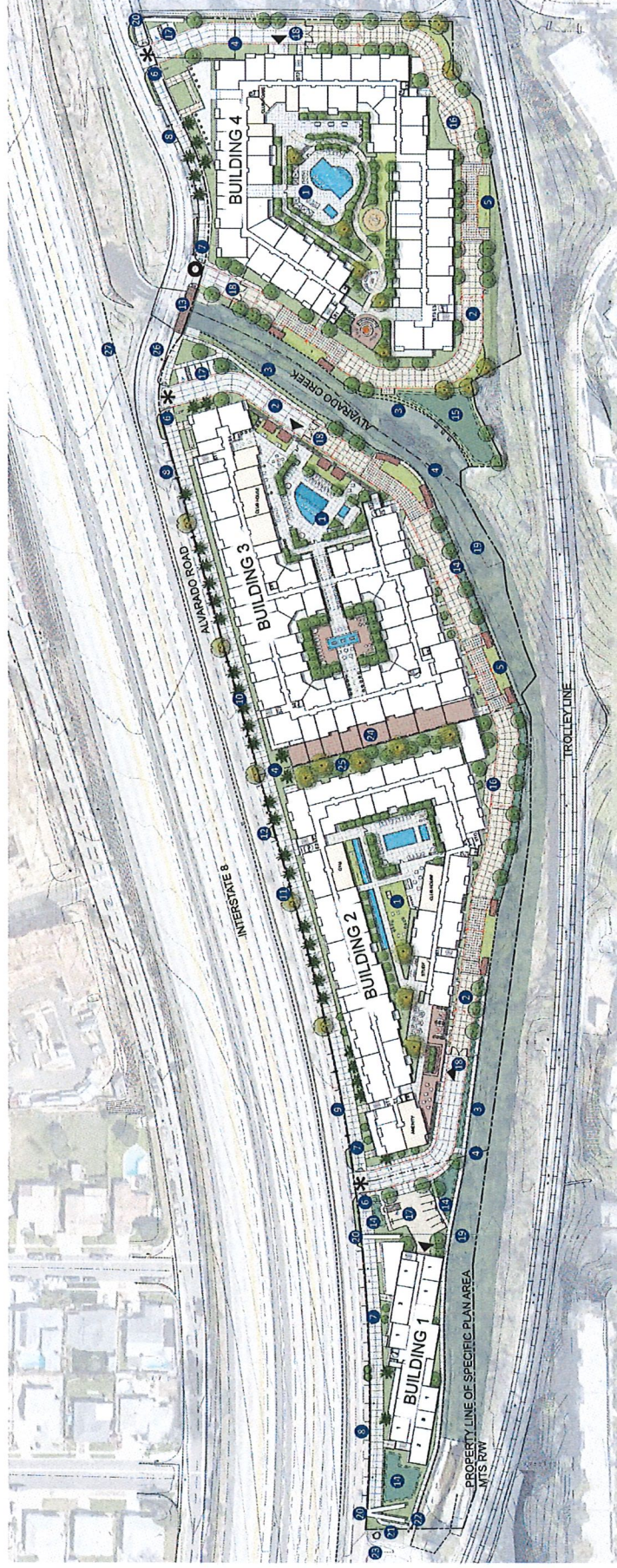


Figure 37 - Alvarado Specific Plan Land Use Development Plan (with details identified)

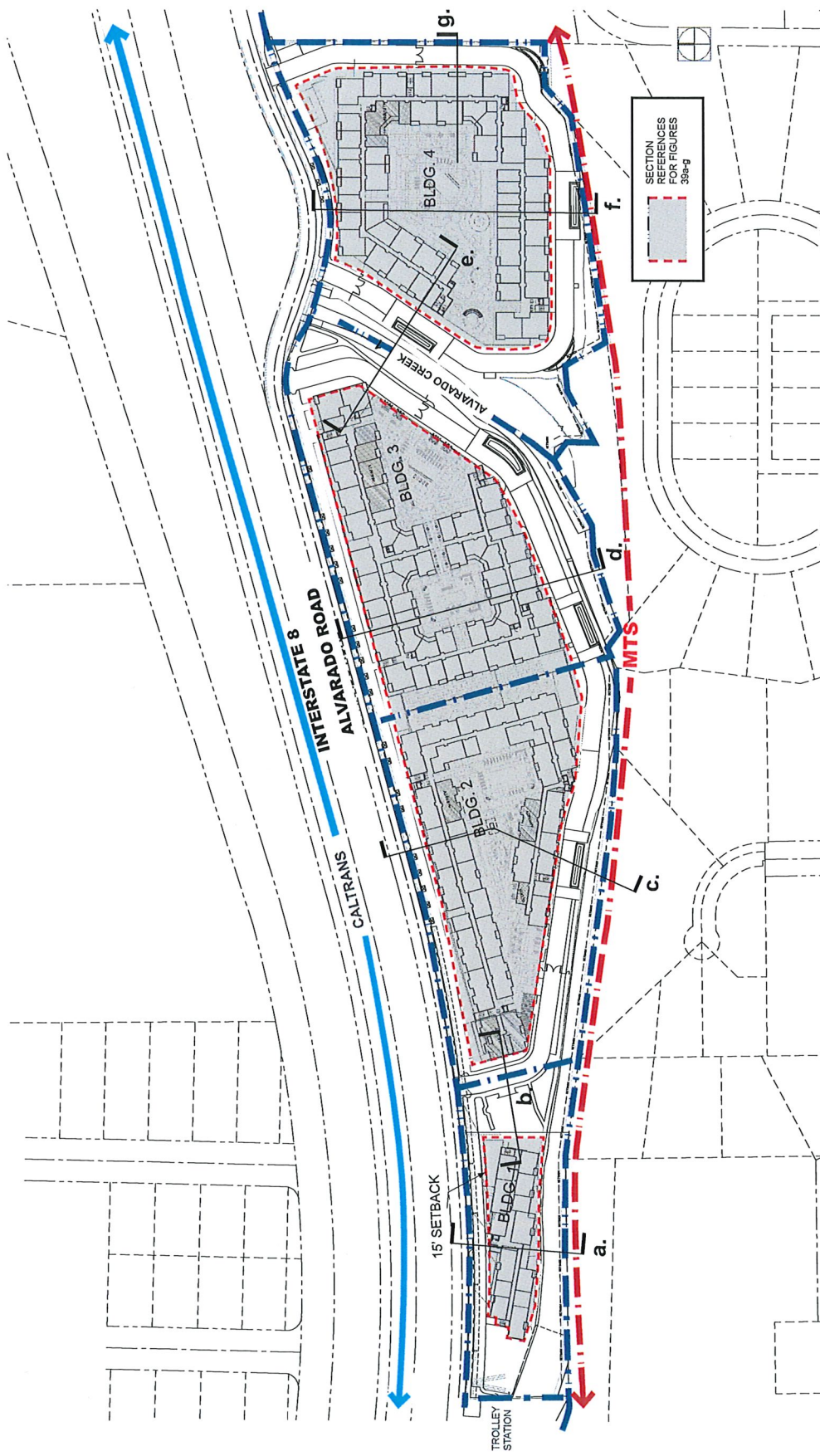


Figure 38 - Form-Based Development Standards Plan View Building Area Boundaries and Figure 39a-g Section Lines

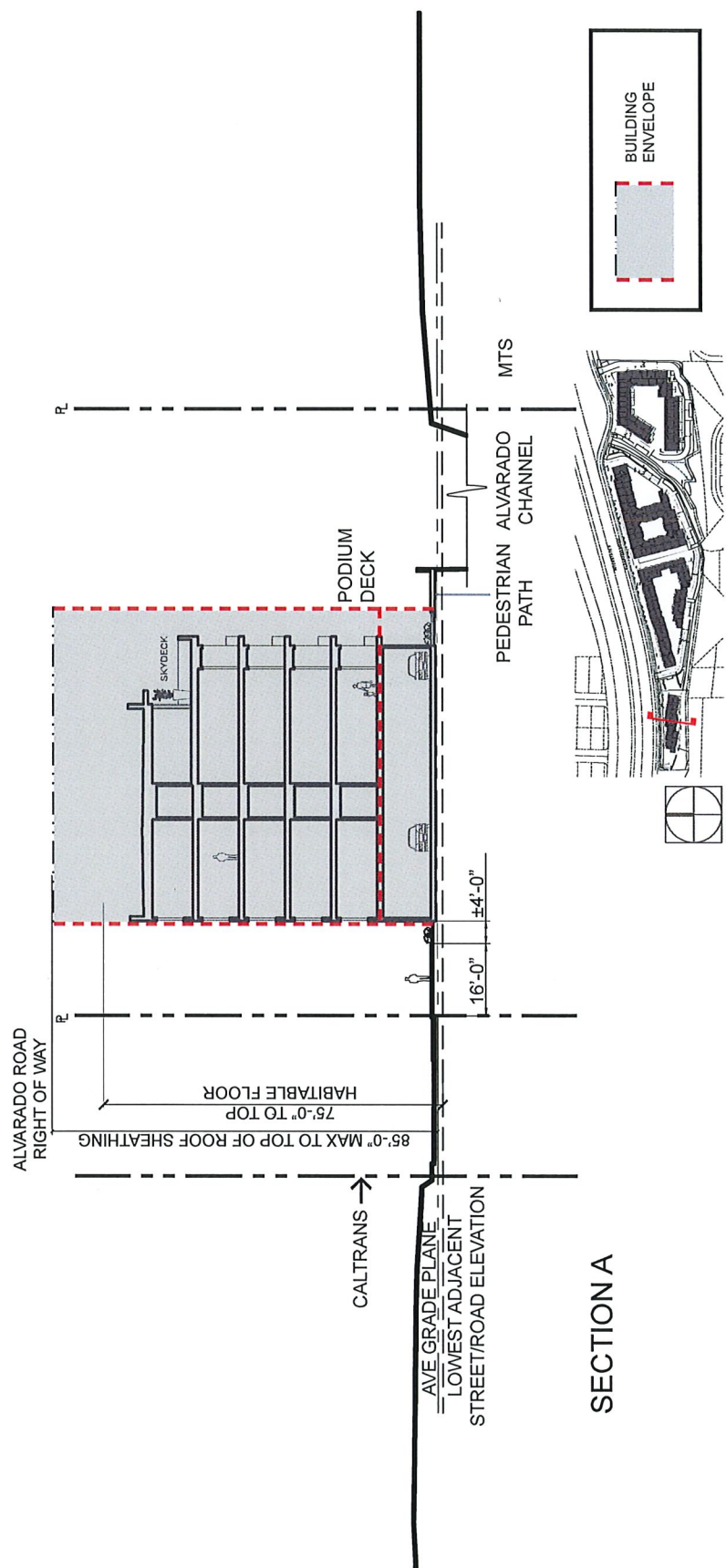


Figure 39a - Form-Based Development Standards, Fig. 38 Section a

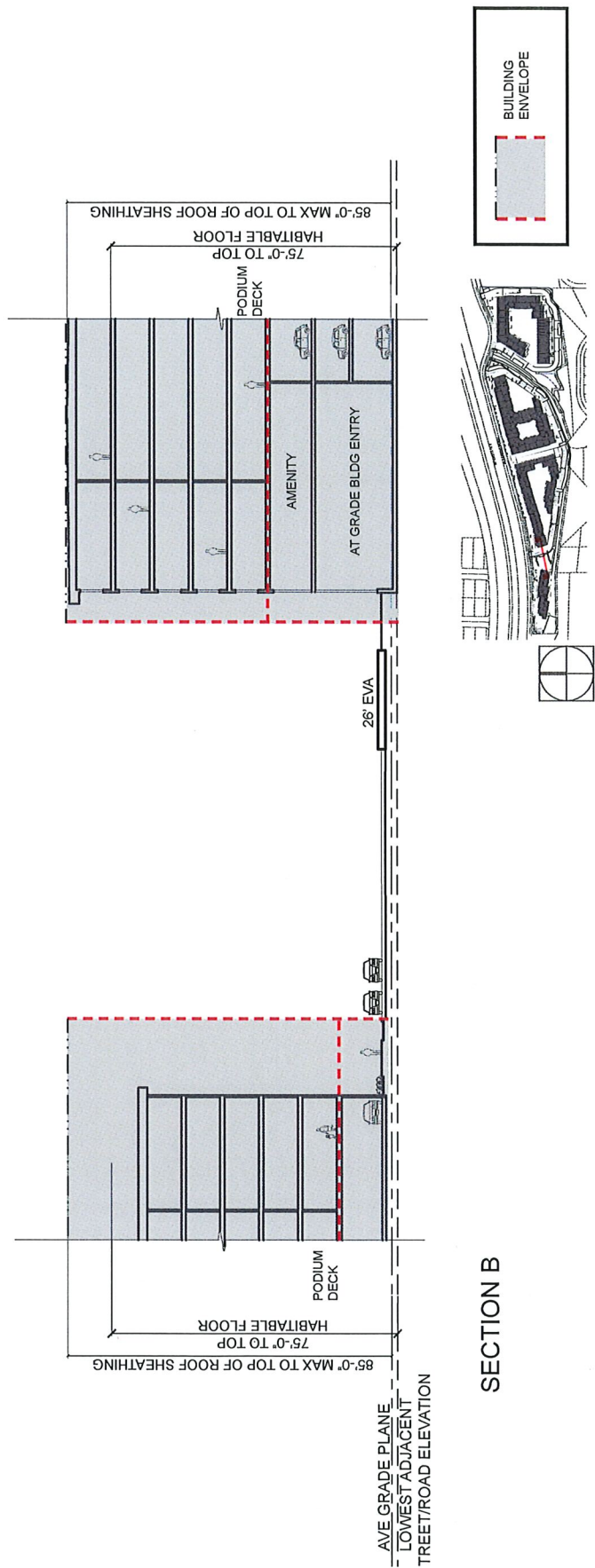


Figure 39b - Form-Based Development Standards, Fig. 38 Section b

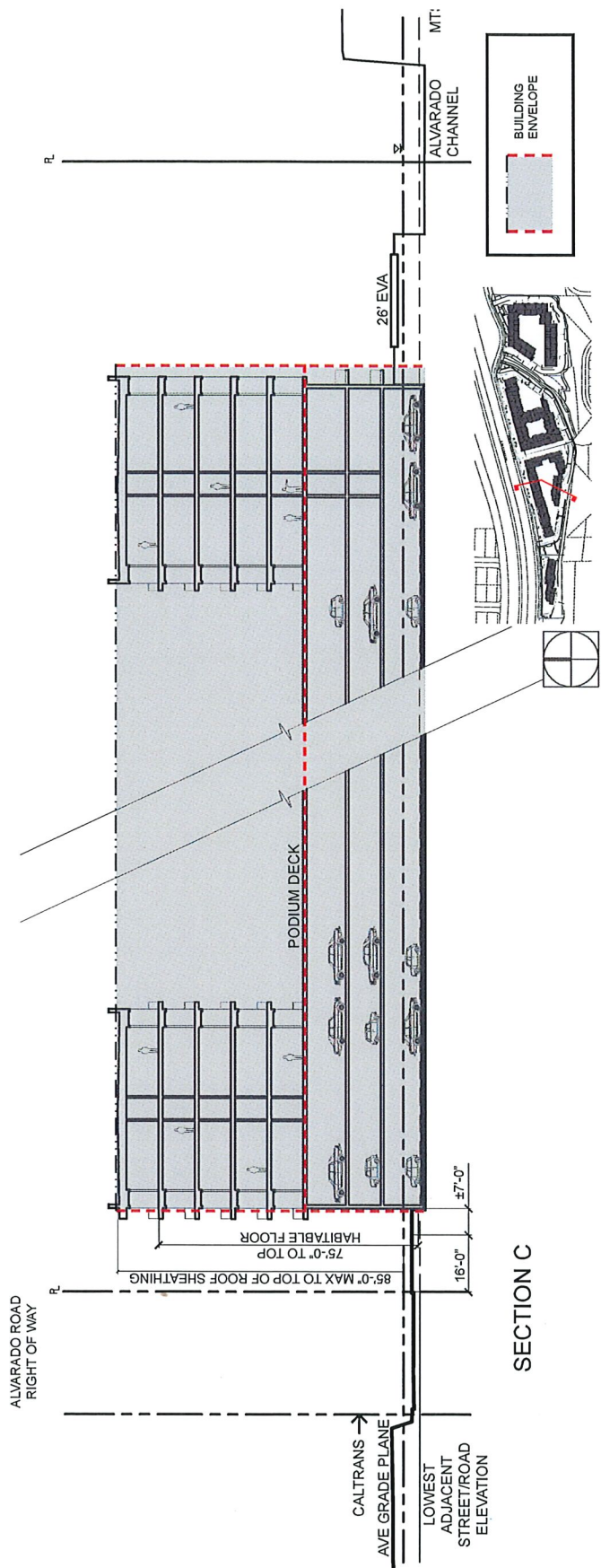


Figure 39c - Form-Based Development Standards, Fig. 38 Section c

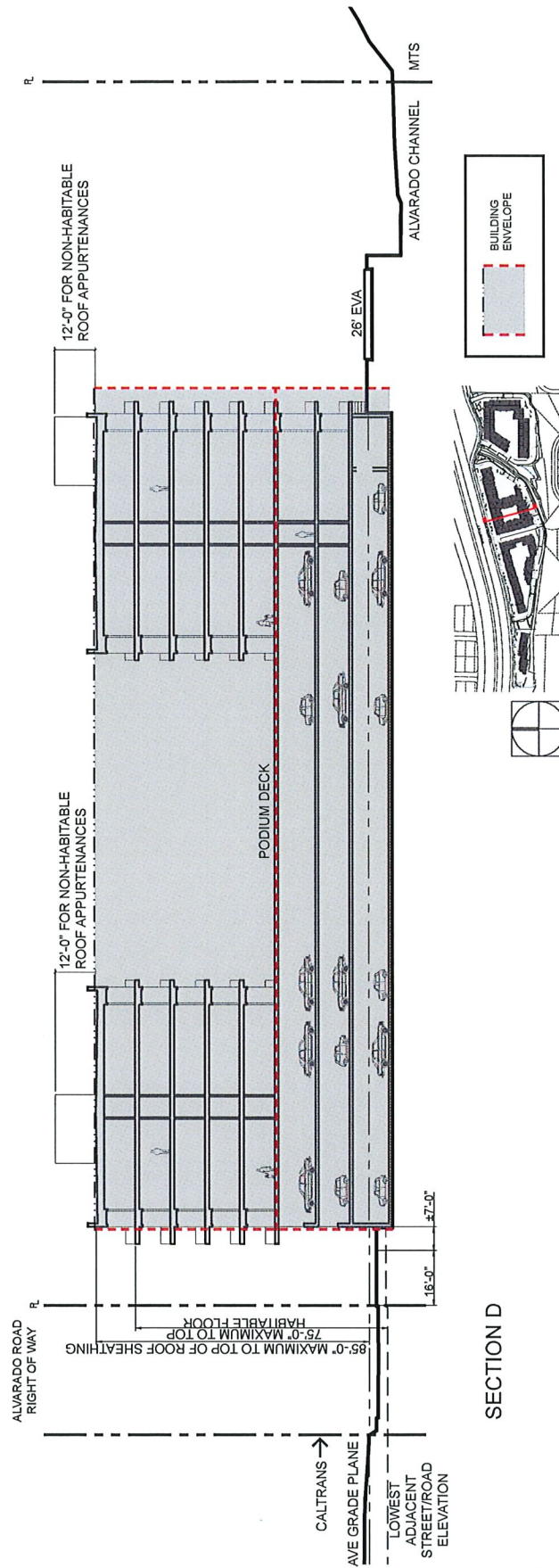


Figure 39d - Form-Based Development Standards, Fig. 38 Section d

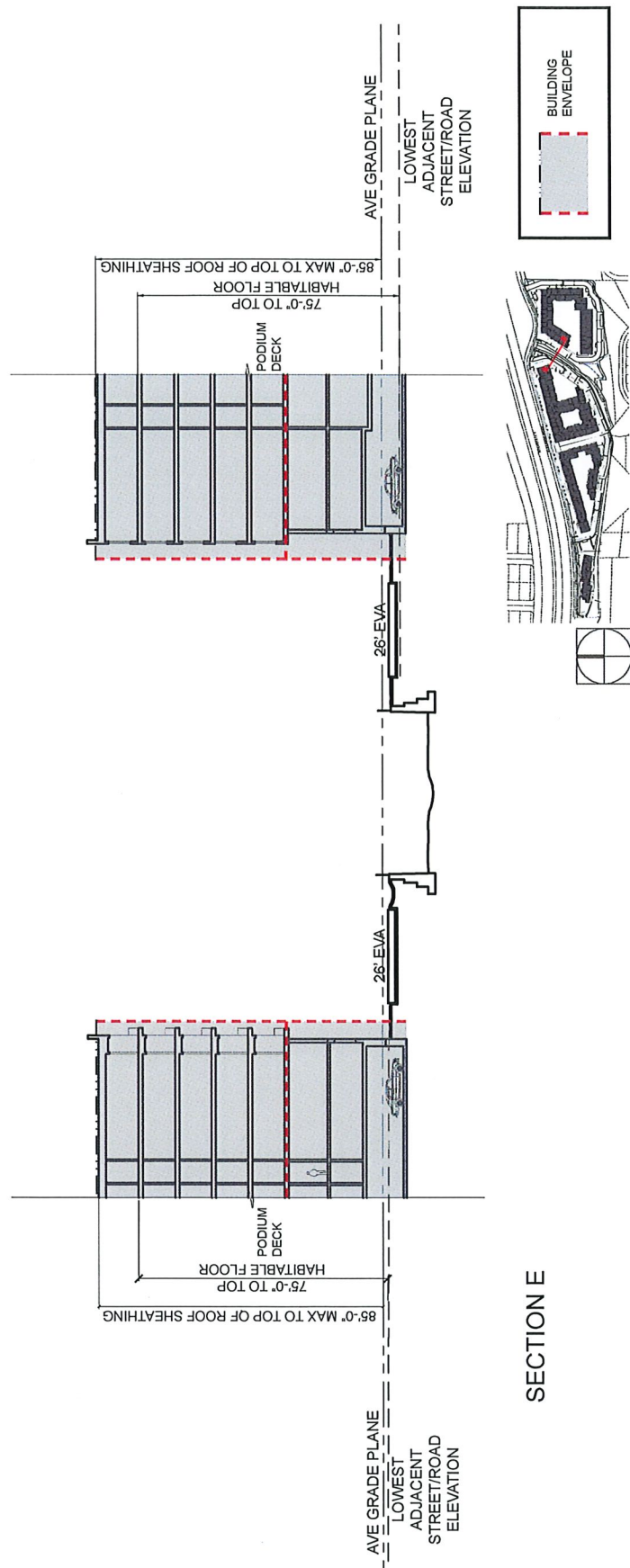


Figure 39e - Form-Based Development Standards, Fig. 38 Section e

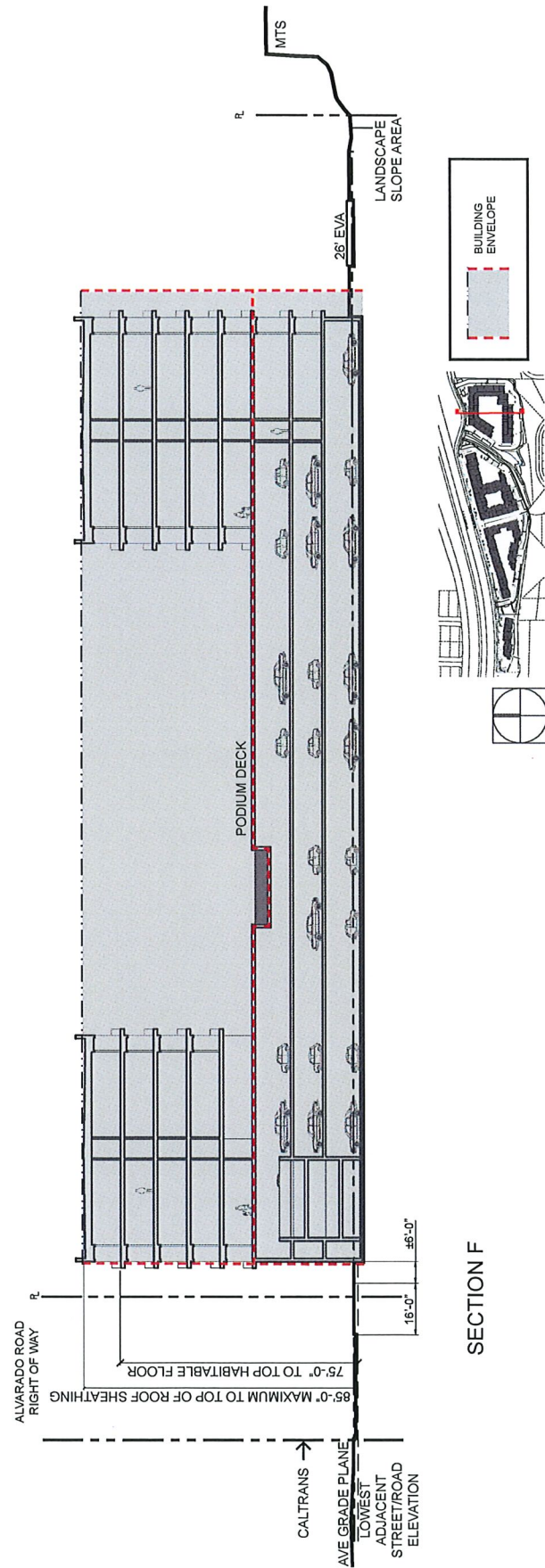


Figure 39f - Form-Based Development Standards, Fig. 38 Section f

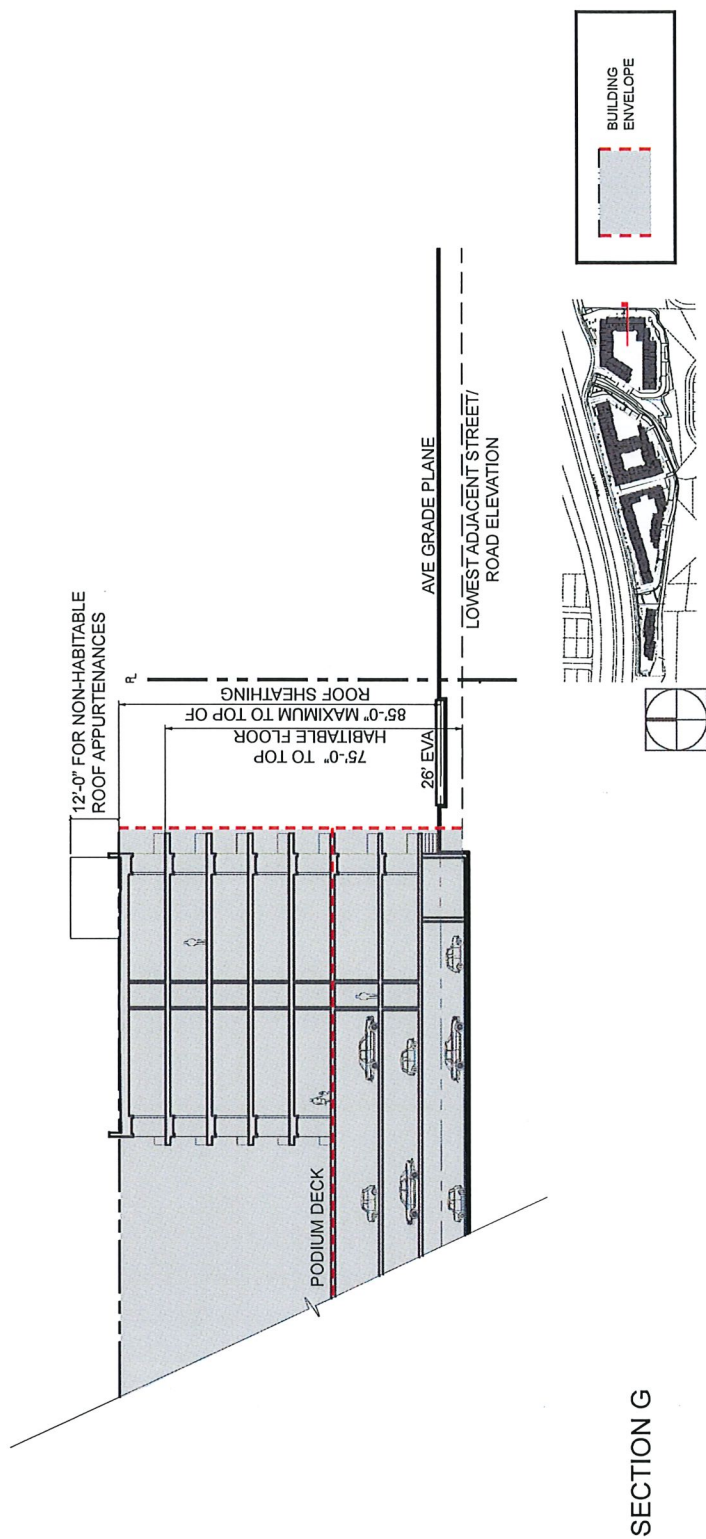


Figure 39g - Form-Based Development Standards, Fig. 38 Section g

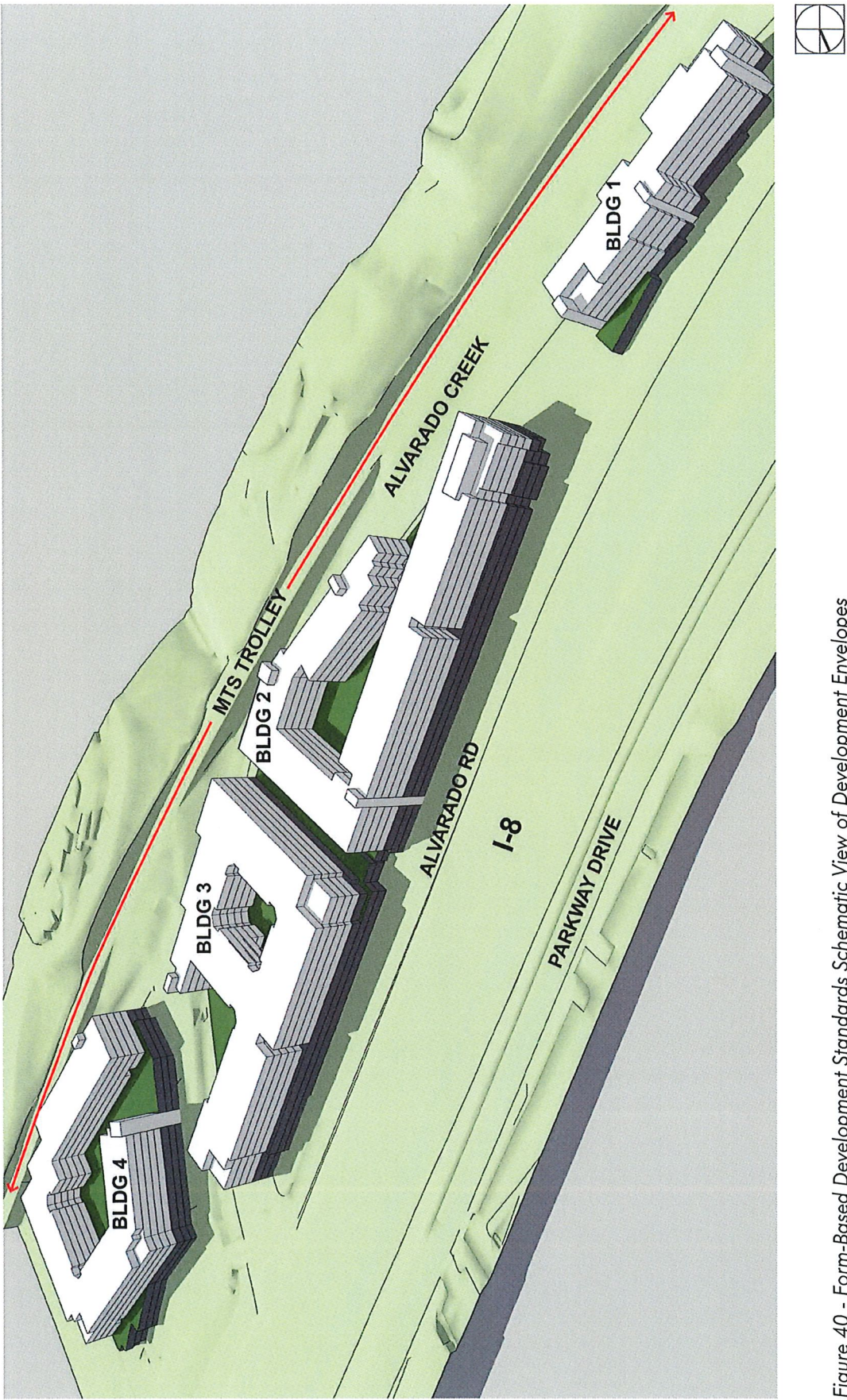
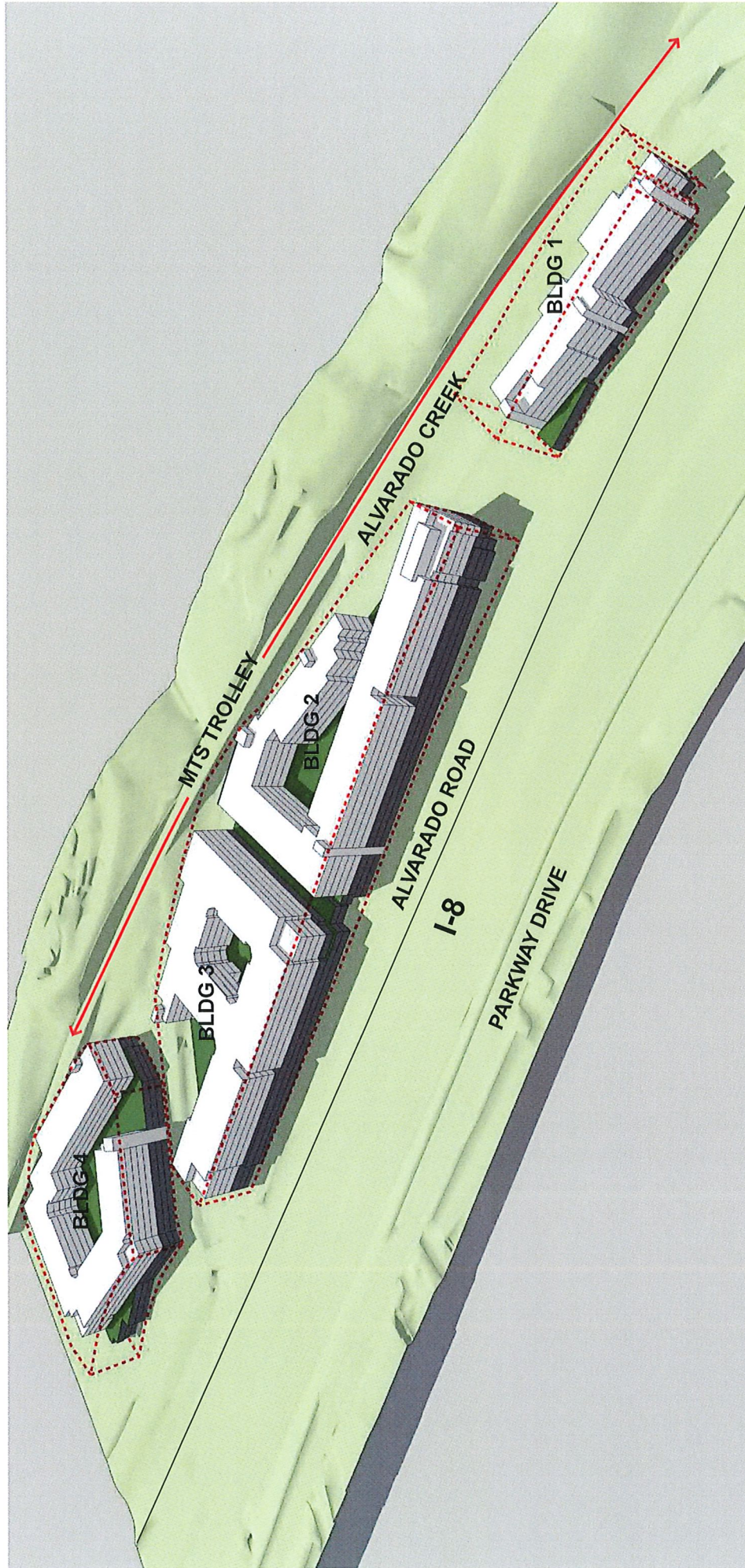


Figure 40 - Form-Based Development Standards Schematic View of Development Envelopes



THREE-DIMENSIONAL BUILDING AREA BOUNDARIES
ALVARADO CREEK SPECIFIC PLAN



PAYDAR • PROPERTIES

JOB NO. 1386.001
DATE 05-13-2021
501 West Broadway, Suite 1050
San Diego, CA 92101
858-592-0544

A.1

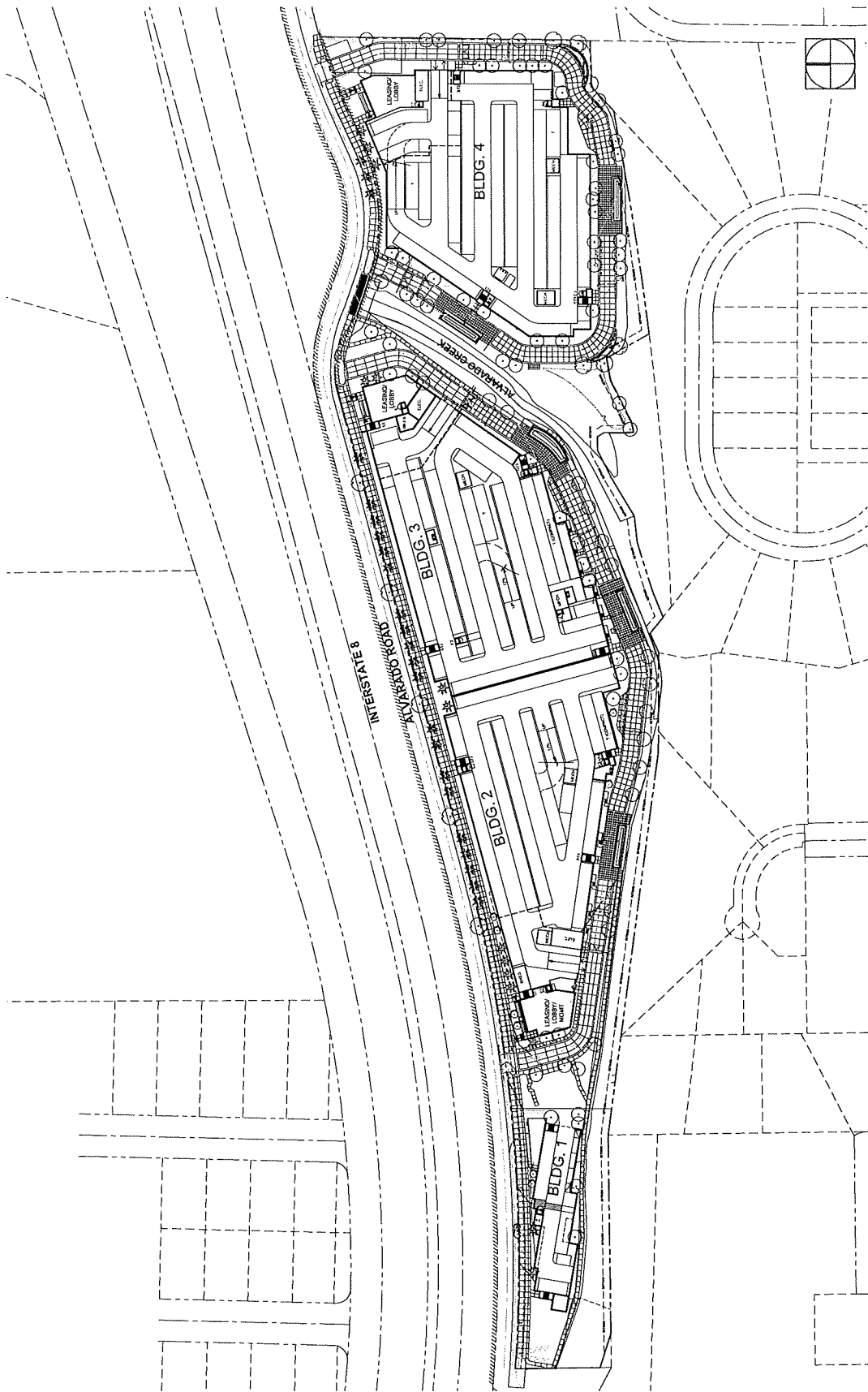


Figure 41a - Form-Based Development Standards Typical Building Plan View at Ground Floor

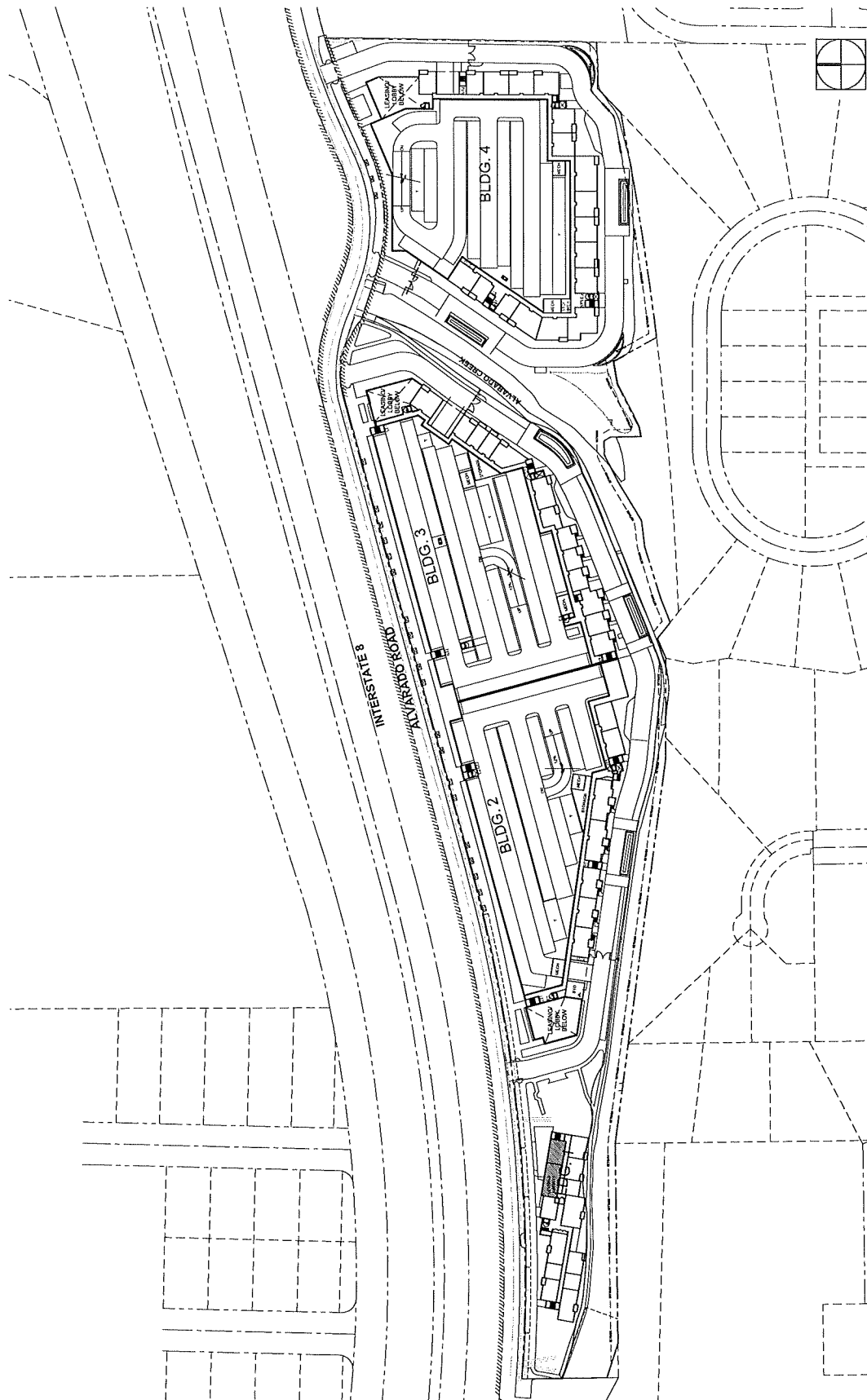


Figure 41b - Form-Based Development Standards Typical Building Plan View at Second Floor

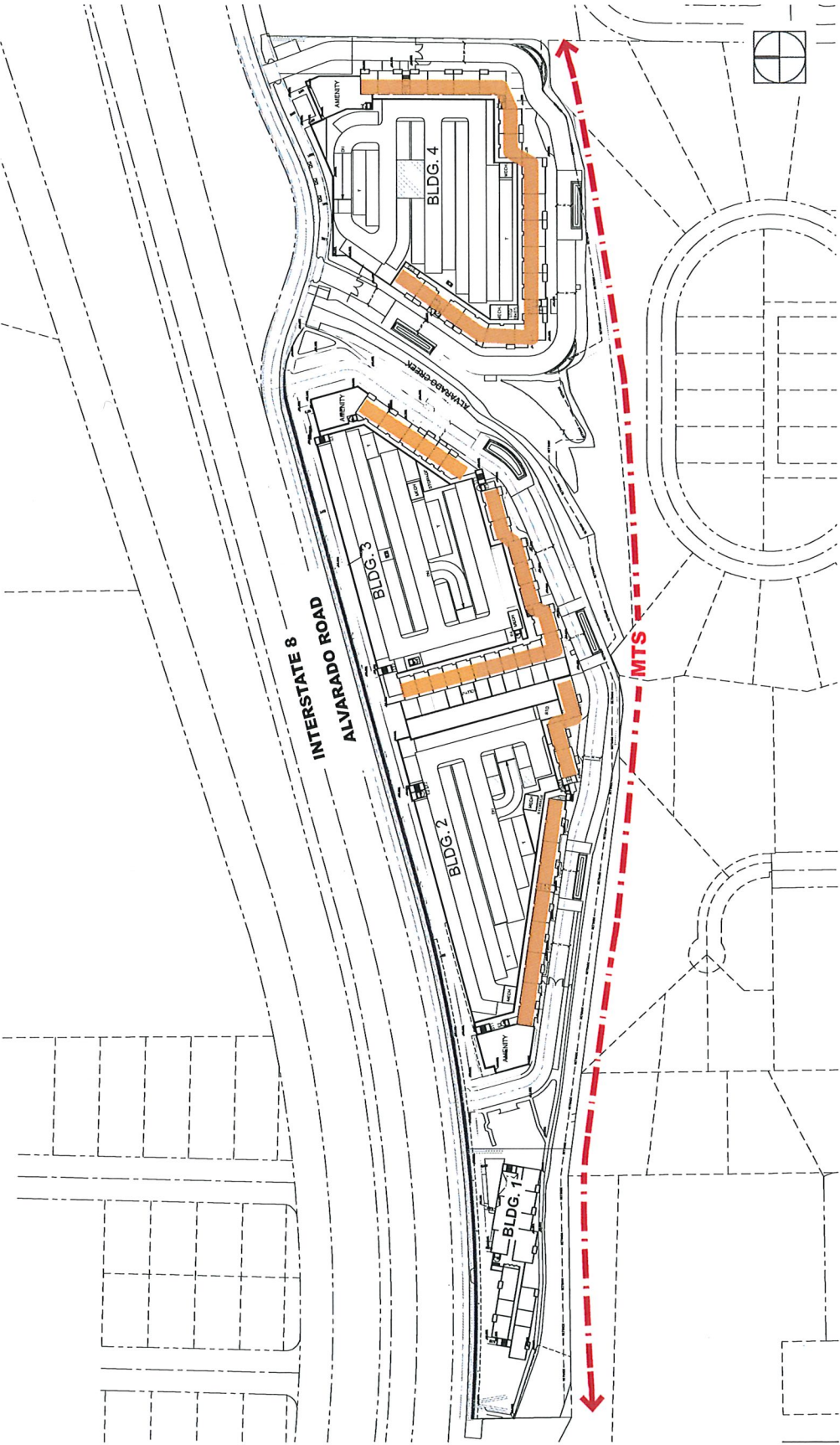


Figure 41c - Form-Based Development Standards Typical Building Plan View at Third Floor

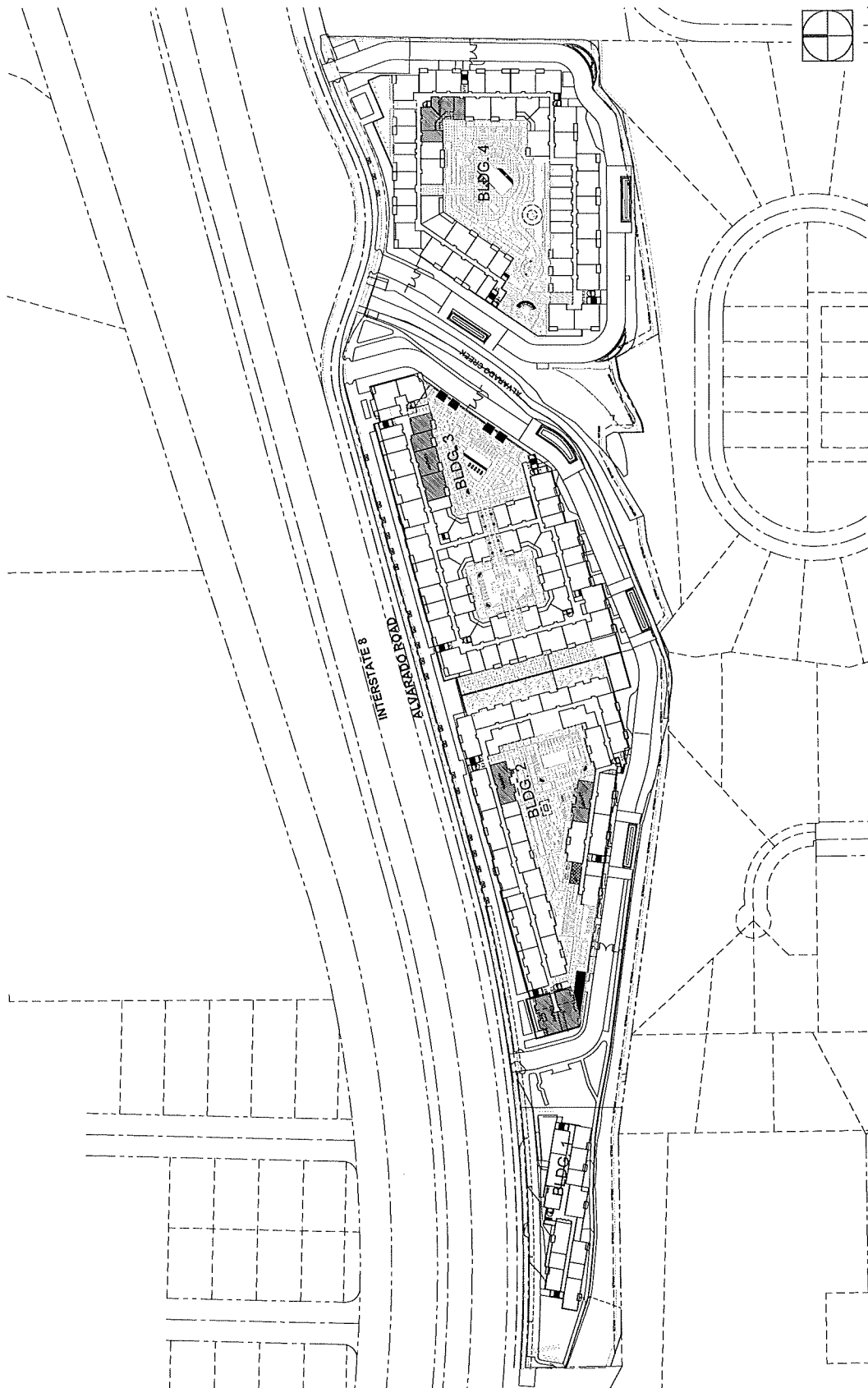


Figure 41d - Form-Based Development Standards Typical Building Plan View by Fourth Floor

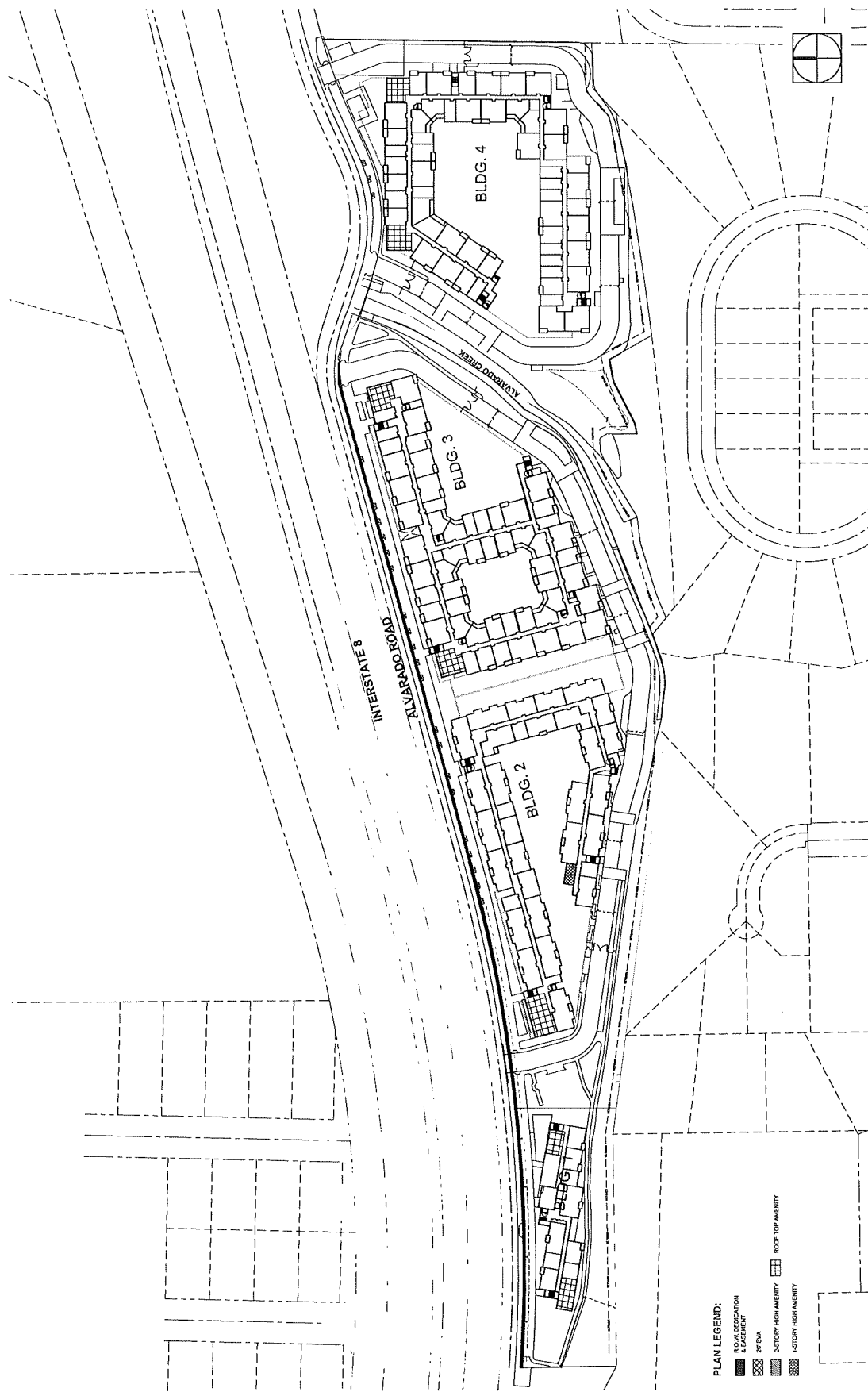


Figure 41e - Form-Based Development Standards Typical Building Plan View at Eighth Floor

APPENDIX B

ANDREW “JACK” GALLAGHER AIA, LEED AP

Managing Principal

Jack has been with DAHLIN for over 22 years, and has over 35 years experience designing, detailing and managing a wide variety of projects including golf clubs and recreational facilities, multi-family housing, mixed use, affordable housing, high-end custom homes, office buildings, retail shops and warehouses. His background has also been enriched by his travels to over 50 countries across 6 continents, experiencing an extensive diversity of successful architectural styles and “place-making” solutions. Jack strives to keep each project on time and within budget by his exceptional design vision, constant redefinition of “next steps”, management and coordination of all consultants, cost control, scheduling, and continuous conscientious oversight of the design process on behalf of the client.

Jack’s philosophy is that every endeavor in architecture, as in life, should be based on a “Big Idea”. Success depends on a passion for defining and pursuing your Big Idea to the end, in spite of every obstacle, and avoiding the poison of complacency along the way.



EDUCATION

BS, ARCHITECTURE,
OHIO STATE UNIVERSITY

MASTER OF ARCHITECTURE,
UNIVERSITY OF NEW MEXICO

AFFILIATIONS

AMERICAN INSTITUTE OF ARCHITECTS

URBAN LAND INSTITUTE

NATIONAL COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS

APARTMENTS + MIXED-USE

Enso Apartments

San Jose, California, USA
Fairfield Residential

11th Street Lofts Condos/Mixed-Use

Gilroy, California, USA
Pinn Bros. Construction

233 Place Condos/Mixed-Use

Las Vegas, Nevada, USA
Warmington Homes

Sandalwood Affordable Housing

City of Big Bear Lake, California, USA
EAH Housing

Newark Opera House Shops/Condos

Newark, Delaware, USA

APARTMENTS + MIXED-USE

Monte Vista II Affordable Apartments

Murrieta, California, USA
Affirmed Housing Group

Eastgate

San Marcos, California, USA
Affirmed Housing Group

Summerhouse

Carlsbad, California, USA
Zephyr Partners

Qizi Bay Resort Villas

Hainan Island, China

Robertson Ranch Senior Apartments

Carlsbad, California, USA
Shapell Properties

GOLF CLUB + RECREATIONAL FACILITIES

Marion V. Ashley Community Center

Riverside California, USA
Riverside County EDA

Balboa Golf Clubhouse Master Plan

San Diego, California, USA
City of San Diego

Torrey Pines Golf Club Master Plan

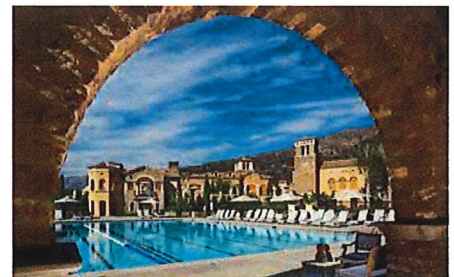
San Diego, California, USA
City of San Diego

Harveston Lakehouse Amenity

Temecula, California, USA
Lennar Communities

Cielo Clubhouse

Rancho Santa Fe, California, USA
Rancho Cielo Estates



SEAN WHITACRE AIA

Principal - Senior Architect

Sean Whitacre is a talented and experienced designer, and problem solver with a wide range of abilities in the field of architecture. He leads our multi-family sector, by delivering an exceptional client experiences. His commitment to listening to clients and leading the process has helped DAHLIN to consistently add value and generate positive outcomes for our clients. In his over 18 years with DAHLIN, Sean has designed nearly all forms of residential architecture supplemented with, retail complexes and resorts. His design skills and deep knowledge of code and construction make him a highly valuable resource to developers as he leads our next generation of architects and designers.



EDUCATION

BACHELOR OF ARCHITECTURE, CALIFORNIA
POLYTECHNIC STATE UNIVERSITY,
SAN LUIS OBISPO

AFFILIATIONS

AMERICAN INSTITUTE OF ARCHITECTS
NATIONAL COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS

MULTIFAMILY + MIXED-USE

The Spencer 68

Kenmore, Washington, USA
Main Street Property Group

The LINQ Lofts + Flats

Kenmore, Washington, USA
MainStreet Property Group

The Flyway

Kenmore, Washington, USA
Main Street Property Group

The Bond

Kenmore, Washington, USA
MainStreet Property Group

Airway Gardens

San Diego, California, USA
Colrich Communities

MULTIFAMILY + MIXED-USE

The Harlow

San Diego, California, USA
Colrich Communities

Agave at La Floresta

Brea, California, USA
The New Home Company

The Braydon

Napa, California, USA
Fairfield Residential Company LLC

Azure Apartments

Petaluma, California, USA
Trammel Crow

Enso at Baypointe Station

San Jose, California, USA
Fairfield Residential

APARTMENTS + AFFORDABLE

Nova

Oakland, California, USA
Affirmed Housing

Villas on the Park

San Jose, CA
Affirmed Housing

Alora

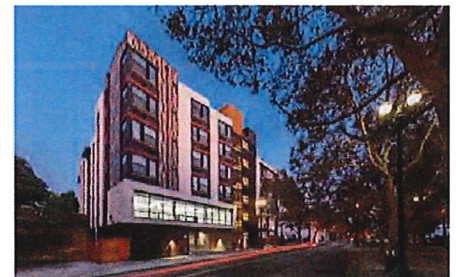
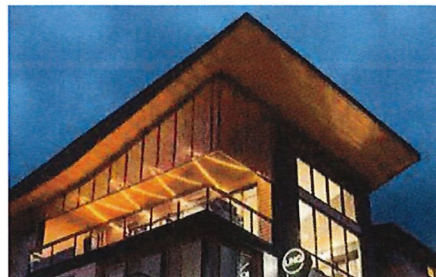
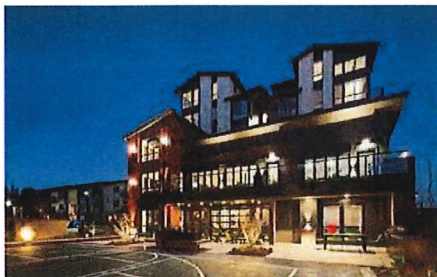
San Marcos, California, USA
Affirmed Housing

The Grove

Vista, California, USA
Wakeland Housing

Carlsbad Veterans

Carlsbad, California USA
Affirmed Housing



JIRAIR GARABEDIAN AIA, LEED AP

Senior Associate / Senior Architect

Jirair's collaborative approach in shaping our built environment allows him to work closely with all stakeholders, including future residents and the larger community, actively listening to understand their needs. His design approach and problem-solving methodology are rooted in his expertise in leveraging zoning and building code requirements, taking advantage of both opportunities and constraints, and preparing comprehensive feasibility studies to evaluate highest and best use scenarios.

With over two decades of demonstrated experience in planning, designing and securing entitlements for complex and multi-faceted, private and public sector projects, encompassing a wide variety of typologies, building occupancies, and construction types (Type-I, Type-III, and Type-V), clients benefit from all the lessons learned from problems solved.

He has extensive experience in high-density, transit-oriented, mixed-use, multi-family residential, market rate, affordable, for sale and for rent, and retail development.



EDUCATION

MASTERS, CONSTRUCTION ENGINEERING & MANAGEMENT, UNIVERSITY OF CALIFORNIA, BERKELEY

B. ARCH, MAGNA CUM LAUDE, CAL POLY POMONA COLLEGE OF ENVIRONMENTAL DESIGN

REGISTRATIONS & AFFILIATIONS

LICENSED ARCHITECT IN CALIFORNIA

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) CERTIFIED

SENIOR LIVING + MULTIFAMILY

Woodland Hills Seniors

Woodland Hills, California, USA
CA Ventures

Firmin Court

Los Angeles, California, USA
The Decro Group

Otay Ranch Affordable Housing

Chula Vista, California, USA
Meta Housing

Alvarado Specific Plan

La Mesa, California, USA
The Paydar Companies

Desert Marketplace Apartments

Las Vegas, NV
Warmington Apartment Communities

MULTIFAMILY + MIXED-USE

Allison Avenue Mixed-Use

La Mesa, California, USA
USA Properties

Crowther Avenue Mixed-Use

Placentia, California, USA
USA Properties

PRIOR TO JOINING DAHLIN

6250 Sunset Mixed Use

Los Angeles, California, USA
Essex Properties

Paragon at Old Town

Monrovia, California, USA
Urban Housing Group

MULTIFAMILY+ MIXED-USE PRIOR TO JOINING DAHLIN

The Village at USC

Los Angeles, California, USA
USC Real Estate & Capital Construction Group

Central Park West

Irvine Business Complex, California, USA
Lennar

Avalon Wilshire Mixed-Use

Los Angeles, California, USA
Avalon Bay

Trio Mixed Use Apartments

Pasadena, California, USA
Shea Properties

100 W. Walnut Mixed Use

Pasadena, California, USA
AMLI Residential



RITU RAJ SHARMA AICP, LEED AP

Principal / Senior Planner

Ritu Raj Sharma is a dynamic urban designer with over 16 years of planning, urban design and architectural experience working with communities, private developers and public agencies. As leader of the planning team, he provides design and planning expertise on a wide scale of planning projects, including large master plans, urban mixed-use projects, streetscape plans, and design guidelines, encompassing issues of equity, community and urban design and open space.

Ritu Raj's projects are focused on placemaking, context sensitive design and creating consensus in the communities he works in. His familiarity with building typologies and densities, ability to convey issues of scale and mass, and knowledge of building and municipal codes brings rigor to the guidelines and standards he is involved with. His extensive involvement in these various planning projects spans the entire project lifecycle.

Through years of seeing numerous projects through from start to finish, Ritu Raj has developed a holistic perspective on the planning process, from which he actively draws insights for creating innovative planning and development strategies for better communities with a strong focus on sustainability. Several of these projects have received awards and industry recognition, such as the *Watson Ranch Specific Plan* in American Canyon, the *Duarte Station TOD Specific Plan*, the *University Villages Specific Plan* and the *Villages of Black Diamond Master Plan*.



EDUCATION

MASTERS, URBAN PLANNING,
UNIVERSITY OF MICHIGAN

BA, ARCHITECTURE,
JADAVPUR UNIVERSITY, INDIA

AFFILIATIONS

AMERICAN PLANNING ASSOCIATION

URBAN LAND INSTITUTE

SPUR

COUNCIL OF ARCHITECTURE, INDIA

PLANNING + COMMUNITY DEVELOPMENT

Vacaville Residential Standards Update

Vacaville, California, USA
City of Vacaville

Natomas Joint Vision Area Master Plan

Sacramento, California, USA
Brookfield Land

Watson Ranch Specific Plan

American Canyon, California, USA
McGrath Properties

Amoruso Ranch Specific Plan

Roseville, California, USA
Brookfield Sunset LLC

Villages of Black Diamond

Black Diamond, Washington, USA
YarrowBay

TRANSIT-ORIENTED + INFILL DEVELOPMENT

Duarte TOD Specific Plan

Duarte, California, USA
City of Duarte

Dumbarton TOD Specific Plan

Newark, California, USA
City of Newark

Tamien Station Redevelopment

San Jose, California, USA
Santa Clara Valley Transportation Authority

Alum Rock Station Redevelopment

San Jose, California, USA
Santa Clara Valley Transportation Authority

Blossom Hill Station Redevelopment

San Jose, California, USA
Santa Clara Valley Transportation Authority

TRANSIT-ORIENTED + INFILL DEVELOPMENT

SoHay (South Hayward) Master Plan

Hayward, California, USA
City of Hayward/William Lyon Homes

The Dunes

Former Fort Ord, Marina, California, USA
Marina Community Partners

Prynt

Milpitas, California, USA
SRE Company / Taylor Morrison

Waterline

Point Richmond, California, USA
Shea Homes

Kottinger Gardens

Pleasanton, California, USA
Mid Peninsula Housing



PLANNING EXPERTISE

DAHLIN's planning expertise is complemented by a strong architectural presence throughout California that started over 45 years ago.

DAHLIN is deeply rooted in both new development and redevelopment of existing urban areas in the San Francisco Bay Area and throughout the West Coast.

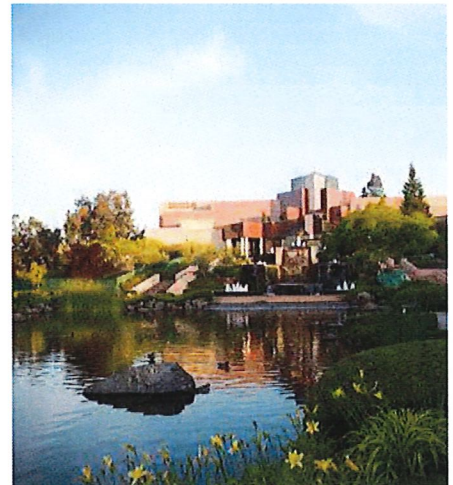
Our deep commitment to cities has helped communities articulate their visions through plans and design requirements that are sensitive to historical context and existing neighborhoods, provide key open spaces and linkages, and promote pedestrian orientation. Our firm is led by a passion for, and expertise in, translating civic sustainability and development goals into practical, cost-effective plans and standards that promote rich, varied, and identifiable districts, communities and neighborhoods.

Many thriving California communities were both planned and designed by DAHLIN, such as Blackhawk in Danville, CA, Evergreen in San Jose, CA, and Rivermark in Santa Clara, CA to name only a few. As community planners and architects, we truly understand the importance and relationship between quality urban design, sustainable development, and successful neighborhoods. Our well thought out and planned urban

design creates a layered sequencing of space: the private realm, the intermediate transition, and the public realm. In incorporating all three layers for our clients, we've helped them achieve their visions to define and create successful neighborhoods.

For over four decades, DAHLIN's community planning and urban design work has shaped much of the San Francisco Bay Area's growth, providing innovative and environmentally sensitive community plans throughout the U.S., as well as Canada, China, Dubai, Iraq, Libya, Russia, South Africa and Spain. More than 100,000 buildings have been built in these communities from DAHLIN designs ranging from single-family homes, townhomes, multifamily homes, and mixed-use urban lofts, to high-rise urban centers, civic and retail buildings. Our planning studio has a wide range of planning and urban design experience including:

- Public Municipality work, such as specific plans
- Large scale master planning
- Entitlement services
- Design work



BLACKHAWK
Danville, California

DUARTE STATION SPECIFIC PLAN

DUARTE, CALIFORNIA, USA
CITY OF DUARTE

Use/Type: Urban Residential TOD;
Infill/Redevelopment

Site: 19.1 acres

Building: 400,000 sqft office; 12,000
sqft commercial/retail; 250-room hotel

Density/FAR: 40–70 du/ac

Units: 475

The City-initiated Duarte Station Specific Plan establishes the use and development character of this transit-oriented development surrounding the Metro Gold Line Foothill Extension. The context and transportation infrastructure surrounding the plan area facilitates economic development in Duarte and is an ideal location for the City's new urban, mixed-use transit core. The transit village will support residential uses, office, commercial/retail, hospitality and urban green space. The development standards and guidelines of the specific plan focus on defining the scale and mass of the urban form, while allowing land use flexibility for changing market conditions.



2014 APA LA MERIT AWARD,
ECONOMIC PLANNING & DEVELOPMENT



PLAZA AT DALE

MODESTO, CALIFORNIA/USA
CHOPRA DEVELOPMENT

Use/Type: Urban Design

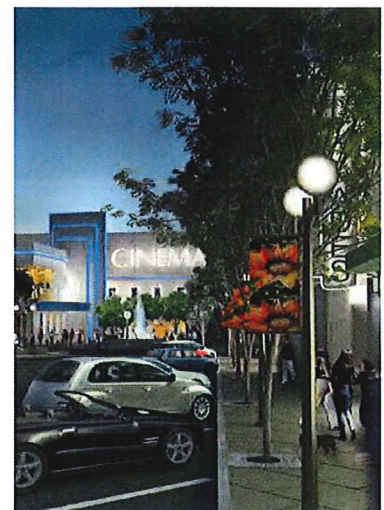
Site: 39 acres

Building: 684,000 sqft mixed-use,
170,000 sqft hotel

Units: 342

Beginning with an update to its specific Plan, DAHLIN revisited the design of Plaza at Dale, a high density, urban mixed-use project located across from Kaiser Permanente's new, one-million-square-foot regional hospital campus. Massing studies were developed to establish the overall character of eight buildings in the mixed-use area. The project includes medical office, regional and national retail, dining and entertainment, a 10-screen movie theater, hotel, high-end health club, and specialty grocery store.

RETAIL SHOPPING CENTER
MEDICAL OFFICE
HOTEL
ENTERTAINMENT/THEATER
HEALTH CLUB



SOHAY

HAYWARD, CALIFORNIA, USA
TAYLOR MORRISON
CITY OF HAYWARD

Use/Type: Community Planning;
Mixed-Use; Condominiums, Apartments

Site: 25 acres

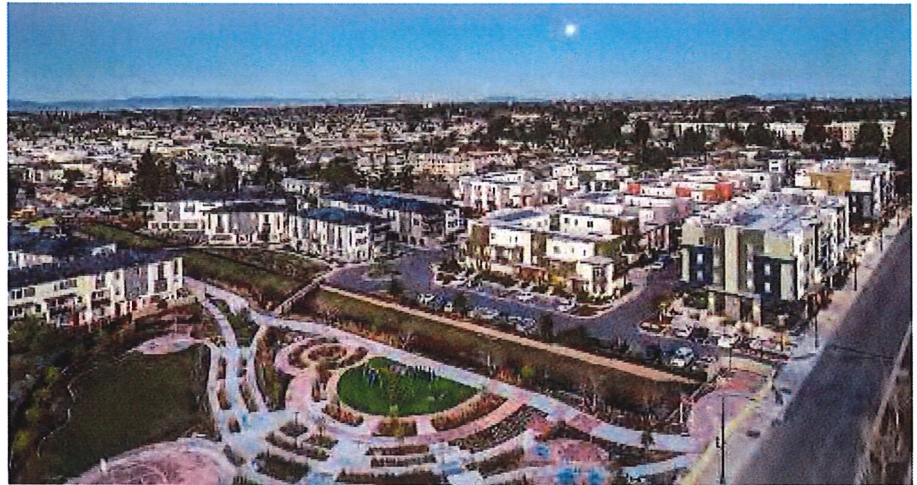
Building: 22,418 sqft ground floor
retail

Density/FAR: 14 du/ac

Units: 352

Originally started as a project with the City of Hayward, this mixed-use neighborhood development was subsequently contracted to Taylor Morrison, who chose to continue work with DAHLIN. SoHay is comprised of approximately 25 acres of property owned by Caltrans, HARD, BART, ACFC, and the City of Hayward. The development is part of the City's long term vision of transforming the underutilized Caltrans parcels into vibrant and sustainable neighborhoods. It will serve as a catalyst in South Hayward to help spur more development in the area, which has historically been overlooked by the development community.

The mixed-use, mixed-density plan includes retail, cluster condominiums, apartments and a new park, and seamlessly connects disjointed parcels into a series of connected neighborhoods with a progressive, holistic approach to walkability, open space framework, neighborhood character, sustainability and contemporary architectural styles.



COMMUNICATIONS HILL

SAN JOSE, CALIFORNIA / USA
KB HOMES

Use/Type: Community
Planning; Urban Design

Site: +/- 6 acres

Residential Units: 505

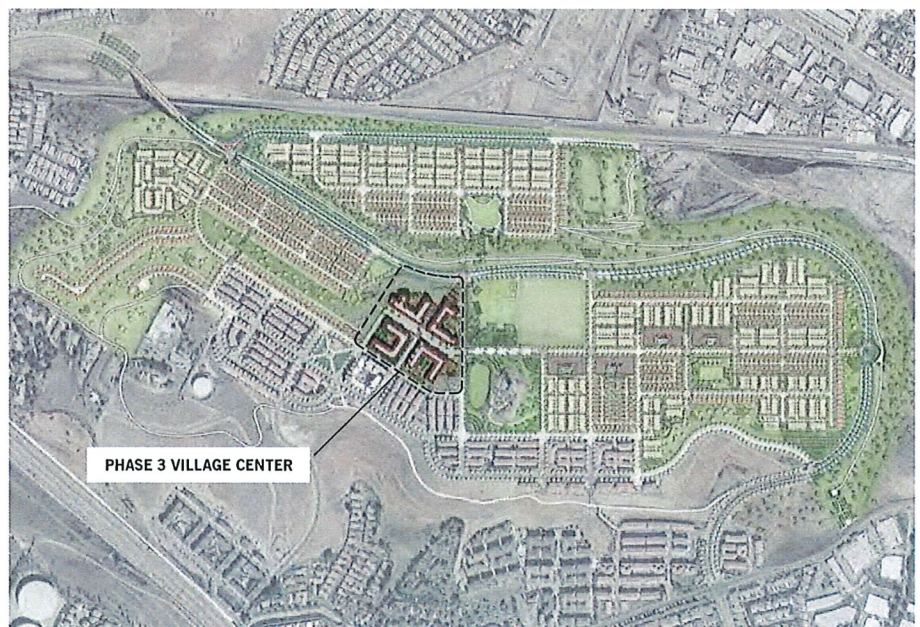
Density: 82.8 du/ac

Retail: +/- 25,000 sf.

DAHLIN is working with KB Home in developing the Communications Hill Village Center in San Jose. The Village Center is the core of the entire Communications Hill neighborhood and consists of four blocks adjacent to a park and other civic uses. Two of the blocks are mixed use and two of them are purely residential.

Built on an extremely steep site, the buildings take advantage of the grades to submerge structured parking, while providing active ground floor uses to create an attractive and pedestrian-friendly public realm, and highly desirable units with great views. When completed, the Village Center will have approximately 505 residential units (rental and for sale) and around 25,000 sf of neighborhood serving retail.

Using Type III construction, the development maximizes the potential of the site, and accommodates the density necessary to create a vibrant and active Village Center.



TAMIEN STATION

SAN JOSE, CALIFORNIA, USA
SANTA CLARA VALLEY TRANSPORTATION
AUTHORITY

Use/Type: Urban Residential TOD;
Infill/Redevelopment

Site: 6.9 acres

Building: 5-story wrap construction
with parking garage

Density/FAR: +/- 88 du/ac

Units: +/- 335 apartments/townhomes

Scope of Work: Feasibility Study,
Rezoning, Entitlement

Status: Completed

Tamien Station is a unique 6.9-acre redevelopment opportunity of an underutilized Santa Clara Valley Transportation Authority parking lot. The project envisions high density housing on the site to better align with the City of San Jose's Tamien Station Area Specific Plan and VTA's long term vision. The mixture of housing types allows the design to respond and respect the surrounding context while also meeting the project's financial and long-term planning goals. The larger apartment building relates to the existing mid-rise building to the south, while the three-story townhomes front onto the proposed city park and relate more appropriately to the adjoining neighborhood of single-family homes.

TRANSIT-ORIENTED DESIGN TO SUPPORT SAN JOSE'S LONG-TERM GROWTH AND PLANNING GOALS.



THE DUNES SPECIFIC PLAN

MARINA, CALIFORNIA/USA
MARINA COMMUNITY PARTNERS

Site: 429 acres

Building: 1,400,000 sqft
commercial/office

Units: 1,237

Adopted: May 2005

On a brownfield redevelopment site of former Fort Ord, the University Villages Specific Plan will serve as the gateway to the Monterey Peninsula. The master plan embraces the principles of smart growth, sustainability and green building. Anchored by a main street and town square, development is clustered with key pedestrian corridors and greenbelt pathways, connecting retail, recreation and neighborhoods, including a boardwalk destined for the state beach. Community threads are key to crafting this walkable beach community. A regional transit corridor is also integrated into the plan, eventually servicing Marina to the greater Bay Area. The plan recognizes the proximity to the campus creating pedestrian and vehicular connections to and from the campus.

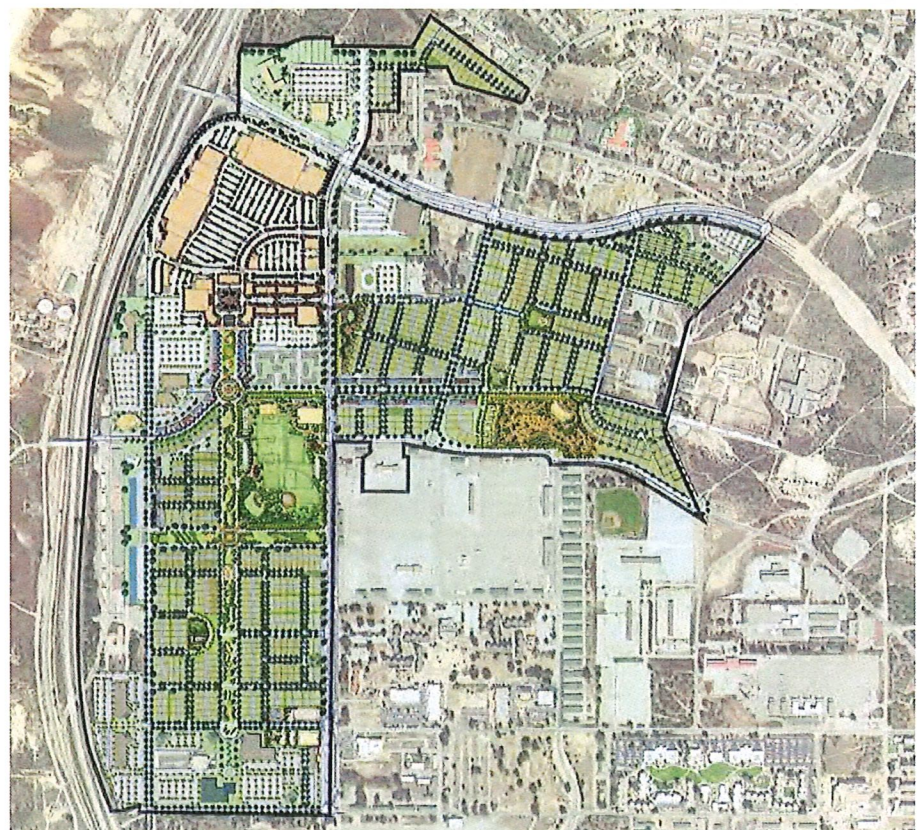
BASE REUSE

REUSE OF EXISTING INFRASTRUCTURE AND BUILDINGS

16 MONTH SCHEDULE FROM INITIAL TO ENTITLEMENT

2006 SAN JOSE BUSINESS JOURNAL
STRUCTURES AWARD, RESIDENTIAL
DEVELOPMENT OF THE YEAR

2010, CATALYST PROJECT FOR CALIFORNIA
SUSTAINABLE COMMUNITIES, SILVER
CATALYST COMMUNITY



AMORUSO RANCH SPECIFIC PLAN

ROSEVILLE, CALIFORNIA/USA
BROOKFIELD SUNSET LLC

Site: 694 acres

Units: 3,027

27 acre mixed-use village

24 acre regional commercial

160 acres parks and open space

Status: Ongoing

Amoruso Ranch creates a livable community where housing, recreation, education, retail, and employment opportunities are integrated into an urban village. This village is envisioned as a contemporary version of a small walkable town. Key components include pedestrian and bicycle friendly streets, open space connections, and vistas to important community focal points, and an integration of land uses that give the feeling of "development over time". Public spaces such as plazas, urban parks, linear parks, and pedestrian linkages are the primary form giving features.

MIXED-USE INTENDED FOR FLEXIBILITY

WIDE RANGE OF RESIDENTIAL
OPPORTUNITIES

INTEGRATED OPEN SPACE COMMUNITY

SUSTAINABLE DEVELOPMENT PRACTICES



EVERGREEN SPECIFIC PLAN

SAN JOSE, CALIFORNIA/USA
CITY OF SAN JOSE

Site: 850 acres

Homes: 3,000

Adopted: July 1991

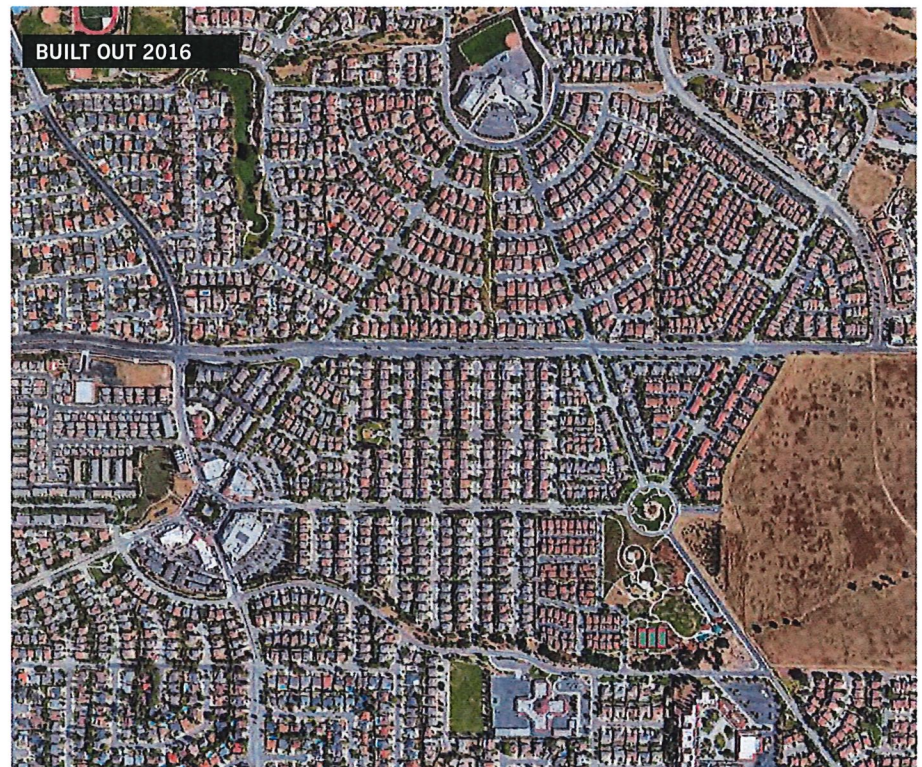
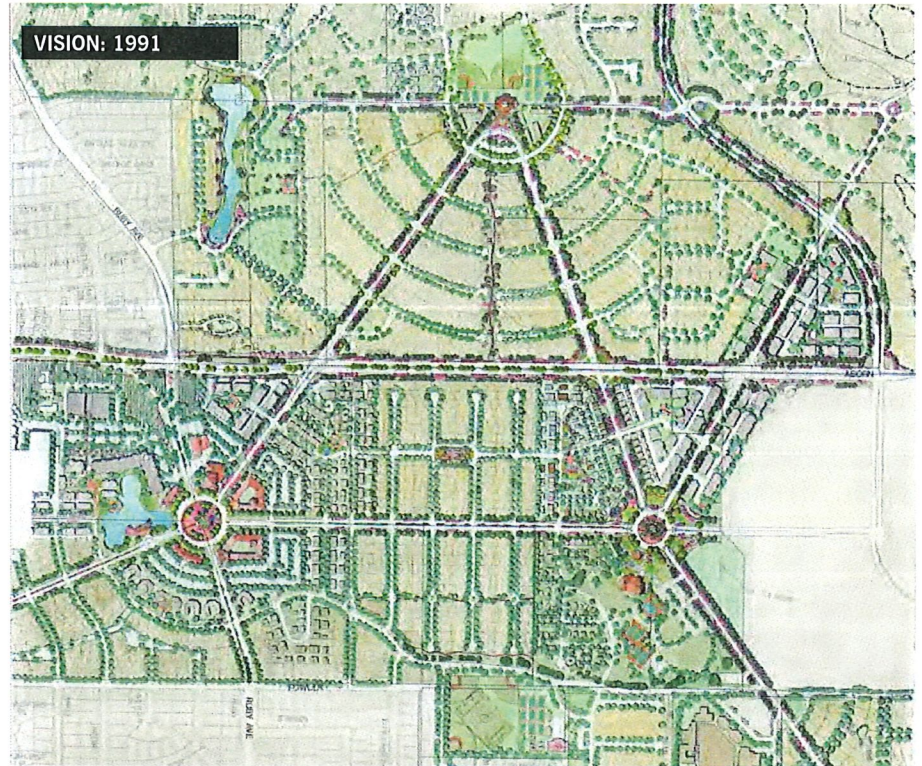
Under direct public contract to the City of San Jose, DAHLIN was hired to design and author the specific plan for an 850 acre neighborhood infill plan with 3,000 housing units and a small village center. DAHLIN incorporated multiple landowners into a single specific plan vision. A historic winery and vineyards were preserved and serve as a neighborhood gateway. Rotaries and radials focus on and give landmark identity to the village center, park and civic structures. Image "story boards" and detailed design guidelines assure a strong visual community identity.

17 PROPERTY OWNERS

MIX OF LAND USES

PRESERVATION OF HISTORIC RESOURCES

CITED AS AN EXAMPLE OF A GOOD SPECIFIC PLAN IN *THE PLANNER'S GUIDE TO SPECIFIC PLANS*



WATSON RANCH SPECIFIC PLAN

AMERICAN CANYON, CALIFORNIA/USA
McGRATH PROPERTIES

Site: 305 acres

Building: 200 room hotel + 150,000
sqft of commercial

Units: 1250

Status: ongoing

On a former cement factory site from the early 1900s, the Watson Ranch Specific Plan redevelops the massive factory 'ruins' as part of a new mixed-use center. The preservation and architectural identity will create a unique sense of place alongside features including a boutique hotel, wine tasting and events center, and quarry lake park. Residential neighborhoods will surround and connect into town center activities.

The community considers the site as their new town center and the focus is on creating a lively, community core around a beautiful set of historic, though challenging, structures.

The plan balances the community's needs by creating a comprehensive set of design guidelines and development standards that guide future development of the Watson Ranch Specific Plan Area, based on an extensive, successful public outreach process. The guidelines are more form-based to allow for a phased development over a period of time, without compromising the community quality.

REUSE OF EXISTING RUINS

MIX OF USES, MIX OF HOUSING TYPES

LOCAL AND REGIONAL TRAIL CONNECTIONS

2015 GOLD NUGGET MERIT AWARD,
BEST ON THE BOARDS SITE PLAN

DAHLIN GROUP ARCHITECTURE | PLANNING



RIVERMARK

SANTA CLARA, CALIFORNIA/USA
CENTEX HOMES / LENNAR COMMUNITIES /
SHEA HOMES

Use/Type: Community Planning

Site: 225 acres

Building: 170,000 sqft commercial,
60,000 sqft office

Density: 20 du/ac

Units: 1,900

Status: Completed 2004

Rivermark is a thriving urban village on the 225-acre former Agnews Hospital site in the heart of Silicon Valley. This award-winning community is noted for its compact neighborhoods, multiple uses and housing diversity, walkability, and other smart growth planning and design techniques. Leading the planning effort and the design of multiple building components, DAHLIN collaborated closely with its project team to produce a cohesive masterpiece between planning, engineering, architecture, and landscape.

BROWNFIELD SITE

MIX OF HOUSING TYPES

MIX OF LAND USE

ACCESS TO LIGHT RAIL

2004 GOLD NUGGET GRAND AWARD, BEST
MASTER PLANNED COMMUNITY OF THE YEAR

2003 GOLD NUGGET GRAND AWARD, BEST
INFILL COMMUNITY DESIGN

2003 GOLD NUGGET GRAND AWARD, BEST
COMMUNITY SITE PLAN

2003 BALA PLATINUM AWARD, BEST SMART
GROWTH COMMUNITY

DAH LIN GROUP ARCHITECTURE | PLANNING



VILLAGES OF BLACK DIAMOND MASTER PLAN

BLACK DIAMOND, WASHINGTON/USA
YARROWBAY

Site: 1,567 acres

Density: 4 du/ac

Units: 6,061

Adopted: May 2011

Once a rural coal mining town, Black Diamond today is entering the next chapter in its legacy. Villages of Black Diamond is a new context-sensitive, large-scale multiuse community. A significant portion of the site has been left as open space, truly creating neighborhoods that are defined by the natural terrain and its features. These enclaves are connected by a network of forested trails that channel into the new town center.

MIX OF LAND-USES

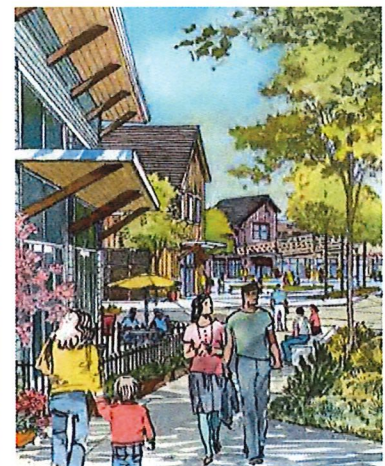
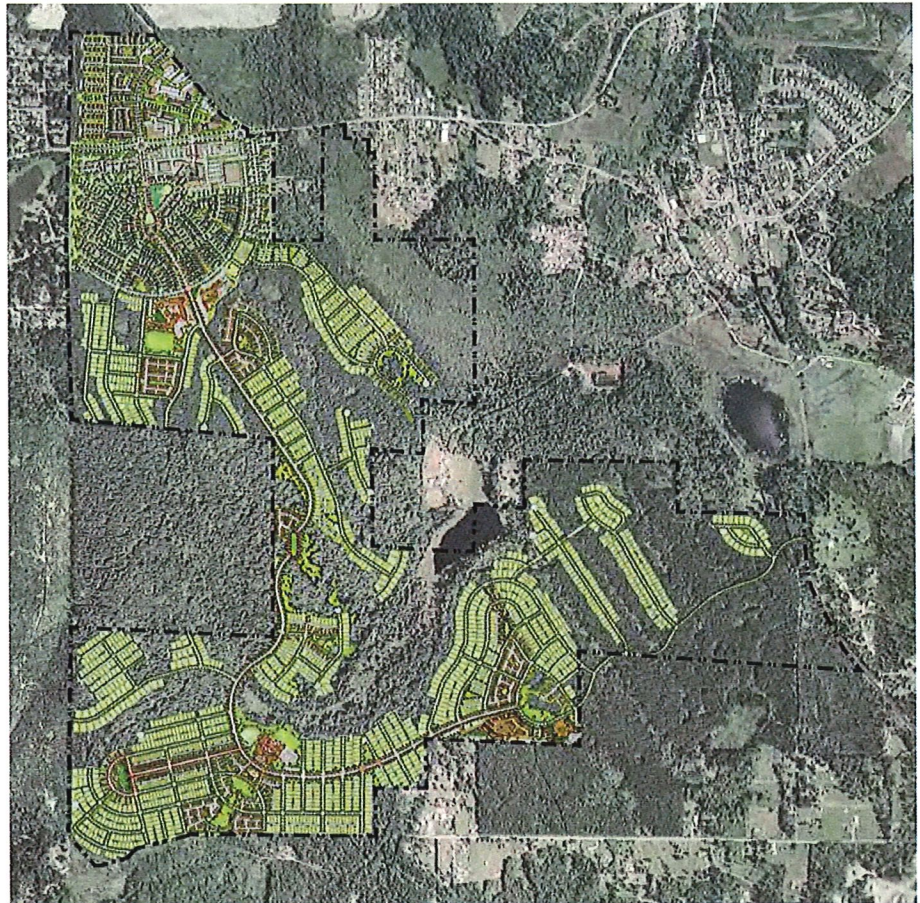
CONTEXT SENSITIVE DESIGN

PRESERVATION OF AREAS WITH
ENVIRONMENTAL SENSITIVITIES

2012 BALA SILVER AWARD, ON-THE-BOARDS,
COMMUNITY

2011 GOLD NUGGET MERIT AWARD, BEST
ON-THE-BOARDS SITE PLAN

DAH LIN GROUP ARCHITECTURE | PLANNING



RIVER ISLANDS MASTER PLAN, PHASE 2 TOWN CENTER

LATHROP, CALIFORNIA, USA

THE CAMBAY GROUP (RIVER ISLANDS DEVELOPMENT, LLC; CALIFIA, LLC)

Use / Type: Master Planned Community

Site: 2,200 acres

Density / FAR: 3 du/ac - 40 du/ac

Units: 7,300 (approx.)

River Islands is a Master Planned Community in Lathrop, CA along the banks of the San Joaquin River. Phase 2 planning requires a complex balance of flood protection, utility distribution, and storm water management, while providing a range of residential densities, commercial activity, and community amenities that include parks, schools, trails, employment, and retail centers. River Islands will provide a vibrant mix of uses and a complete community where residents can live, work, and play.

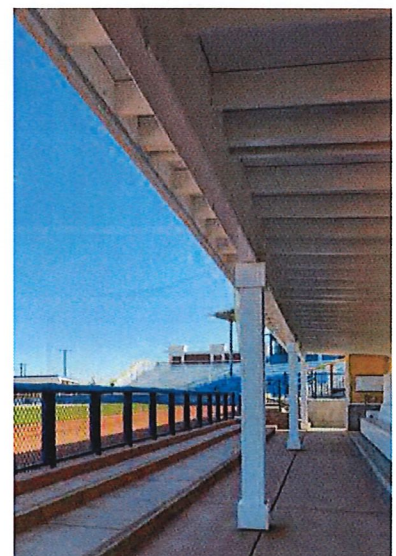
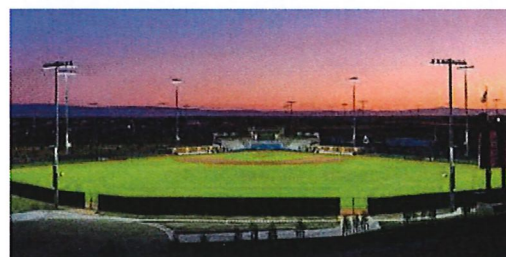
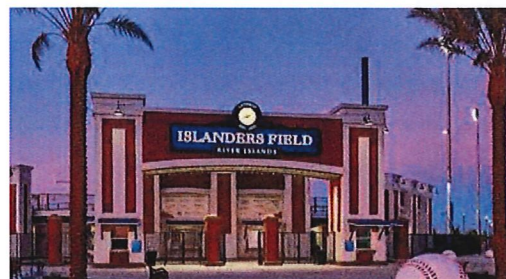


1,200 SEAT COMMUNITY BALLPARK

60-ACRE CENTRAL LAKE

60-ACRE HIGH SCHOOL CAMPUS

FIVE 15-ACRE K-8 SCHOOL CAMPUSES



DOWNTOWN KENMORE

A walkable, mixed-use community becomes the downtown urban core in the City of Kenmore.

KENMORE, WASHINGTON
MAINSTREET PROPERTIES, LLC

Use/Type: Urban Residential and
Mixed-Use; Apartments

Site: 9.6 acres

Density/FAR: 68-90 du/ac

On the northern tip of Lake Washington, Downtown Kenmore offers scenic bike and pedestrian paths, access to Seattle, the Eastside, and local transit. Before incorporating in 1998, Kenmore was regarded as a pass-through suburb. After adopting a Downtown Plan in 2003, the City has assembled properties within the downtown totaling 9.6 acres. A second strategic planning process was engaged in 2012 to transform the combined properties into a recognizable downtown.

Substantial infrastructure improvements and civic projects, including a new City Hall, library, and skatepark, surround the immediate plan area, centering on 14,000-square-foot town square for community gathering and shared use of all kinds.

New urban residential housing, including The LINQ Lofts + Flats, The Spencer 68 and The Flyway, introduces over 500 units built or planned. The variety of housing types brings new

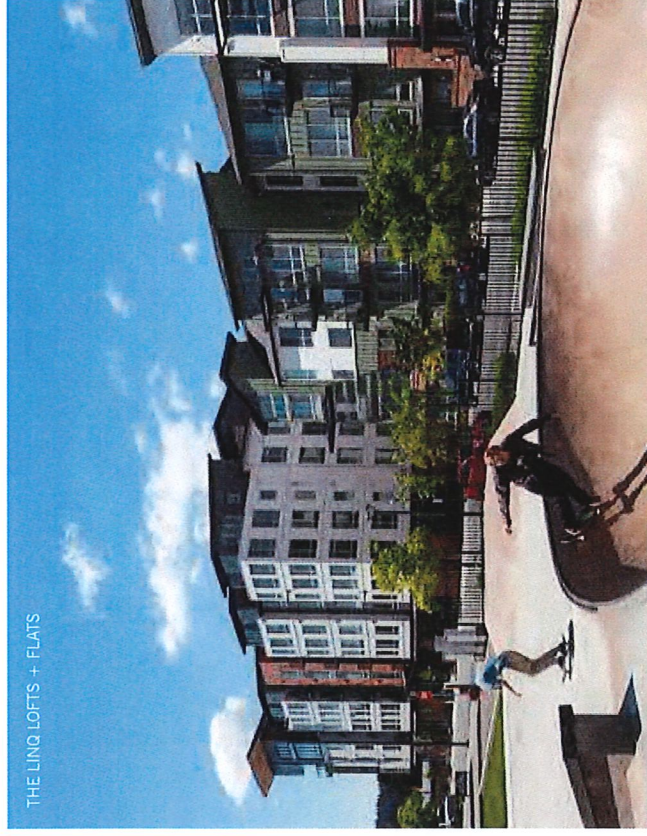
energy and residents to the City as growth of the technology industry attracts tech-savvy millennials. In town living with highly-amenitized common areas fosters a hip urban lifestyle.

EvergreenHealth, a primary care clinic that occupies the ground floor of The LINQ, provides accessible healthcare services to improve community wellness. Seaplane Kitchen + Bar anchors the town square as the local restaurant hangout with additional commercial/retail underway, intensifying the activity of this burgeoning downtown. The project represents the largest investment made at one time within the City and provides a true sense of identity and future economic development opportunity.

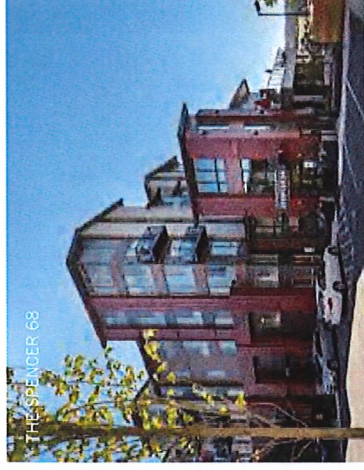
The downtown development has received the 2016 Governor's Smart Communities Award for innovative, quality, community-driven design and sustainability principles.

2018 GOLD NUGGET MERIT AWARD,
BEST COMMUNITY LAND PLAN

2016 GOVERNOR'S SMART COMMUNITIES
"SMART PARTNERSHIP" AWARD



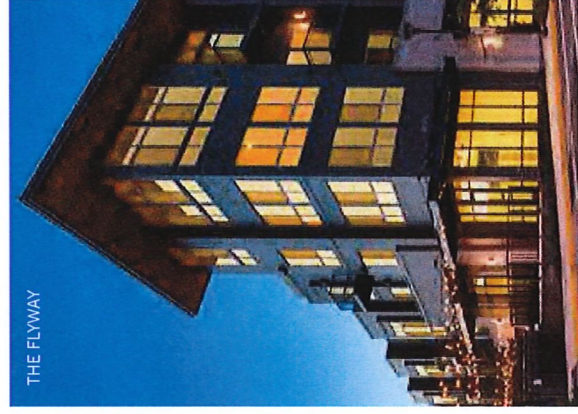
THE LINQ LOFTS + FLATS



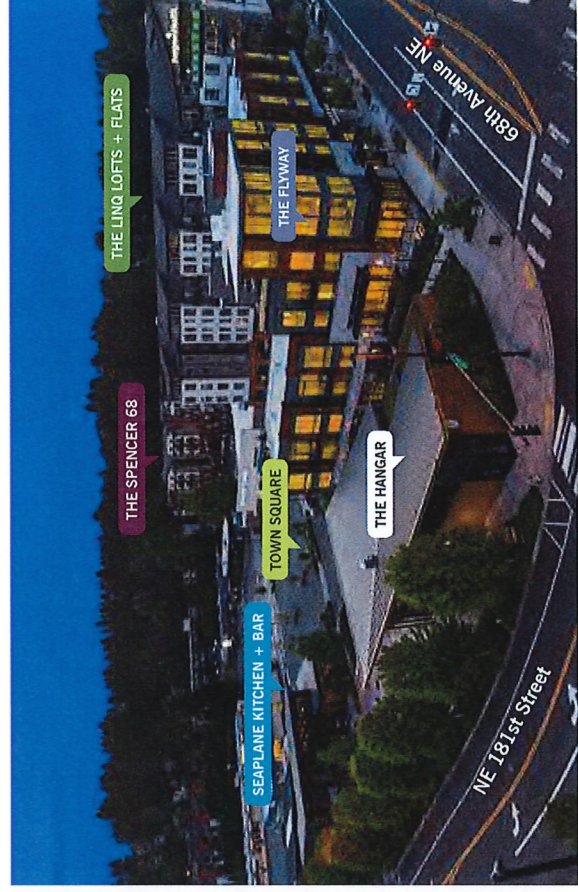
THE SPENCER 68



SEAPLANE KITCHEN + BAR



THE FLYWAY



THE SPENCER 68

SEAPLANE KITCHEN + BAR

TOWN SQUARE

THE HANGAR

THE FLYWAY

THE LINQ LOFTS + FLATS

AVALONBAY WALNUT CREEK II

WALNUT CREEK, CALIFORNIA, USA
AVALONBAY

Type: Urban Residential and Mixed-use

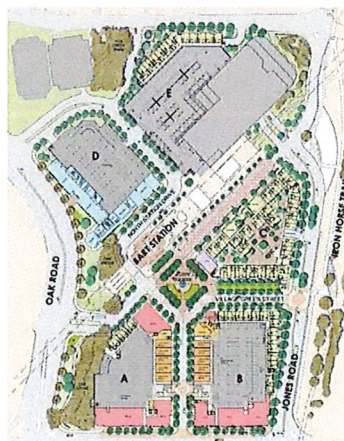
Site: 1.61 acres

Building: 351,717 sqft, 2,310 sqft retail podium building

Density / FAR: 124 du/ac

Units: 200

This mixed-use development of studio, 1, 2, and 3-bedroom units and retail space covers Block C of Avalon Walnut Creek at the Contra Costa Centre Transit Village. A retail street gateway and frontage along Harvey Drive highlights the BART transit station site and provides nearby residents with walkable access to BART and the surrounding community. Placemaking improvements such as street trees, landscape and pedestrian sidewalk improvements, and bicycle amenities all add to overall public benefit and encourage use of the Iron Horse Regional Trail, directly across the street.



BUTCHER'S CORNER

SUNNYVALE, CALIFORNIA/USA
DE ANZA PROPERTIES

Use/Type: Multifamily + Mixed-Use,
Apartments

Site: 5.23 acres

Building: 582,100 sqft

Density/FAR: 40.7 du/ac / 2.6 far

Units: 213

In December 2016, after a four year long process, the City Council voted in favor of the project, a mixed-use apartment project located at the intersection of several major streets in Silicon Valley. The project will provide pedestrian level retail and services along the major streets and much needed family-oriented housing for the growing population, giving them an alternative housing choice on the Peninsula. It will include a first class roof top fitness and lounge center with swimming pool that will be open to all club members. An orchard of fruit trees will act as a buffer to the adjacent neighbors and pay tribute to the site's agricultural heritage.



GRAPE AVENUE

SUNNYVALE, CALIFORNIA, USA
DE ANZA PROPERTIES

Type: Multifamily + Mixed-Use

Site: 3.56 acres

Density/FAR: 25 du/ac

Building: 30,000 sf commercial/
dealership, 410,000 sf 4-story podium
building

Units: 88 Residential Flat Units, 5
Single Family Homes

This project merges a commonly
seen surface-parked auto dealership
with a medium density (25 DU/
acre) mixed-use development.

The auto dealership will be
approximately 23,000 SF on the
ground floor with an additional
7,000 SF of office mezzanine space, a
three level parking structure integrated
within the mixed-use building.

The four-story residential component
consists of 88 large, 2-, 3- and
4-bedroom units targeted towards
families desiring to live in the area. The
podium level features outdoor living
amenities, pool and spa. Generous
patios and planter areas provide privacy
and a buffer between the common
amenity spaces and the podium-level
residences. A four-story gym and
clubhouse amenity core at the hinge of
the plan is a prominent design element
as residents and visitors enter the
project from the secondary side street.

Five four-bedroom single-family
detached fee simple homes with
walk-out basements (3200 SF
each) provide a transition from
the mixed-use building and the
single-family neighbors next door.



THE BOND

REDMOND, WASHINGTON/USA
MAINSTREET PROPERTY GROUP

Use/Type: Multifamily; Apartments

Site: 3.68 acres

Building: 2 Buildings, 187,000 sqft
Total

Units: 139

Density: 37.8 du/ac

The Bond is inspired by its setting adjacent to the newly minted Urban Forest within the SE Redmond neighborhood. The housing variety of urban studios and one- and two-bedroom apartment homes attracts residents of dynamic backgrounds to Redmond, with ten percent of the units provided as affordable housing. The community is thoughtfully integrated into its natural surroundings and boasts big views of the Marymoor Park and Lake Sammamish.

The two buildings have been carefully placed with respect to the natural grade, views, solar orientation and preservation. The garages and site walls create a terracing affect, controlling the grade and create a natural experience for guests and residents. Features within the outdoor amenity area include: a sport court, BBQ, ping-pong and social space. Indoor amenities include: fitness, club, and demonstration kitchen. A view deck is located on the fifth floor of building A.



LEED PLATINUM CERTIFIED

DAHLIN GROUP ARCHITECTURE | PLANNING

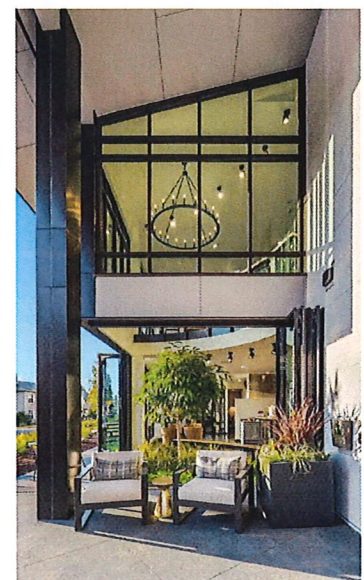
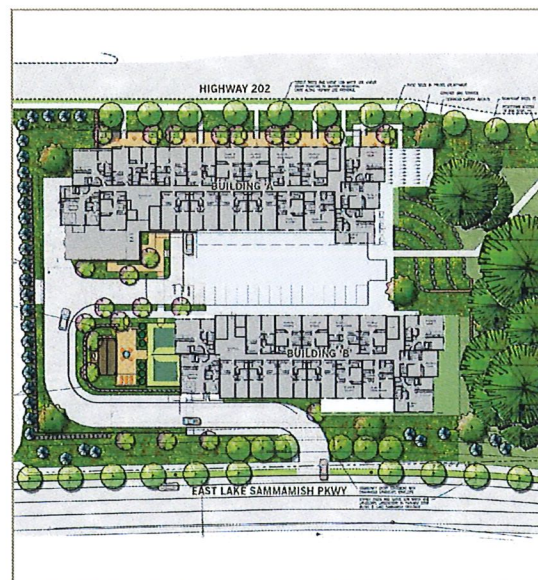


EXHIBIT 4

August 10, 2020

RE: Alvarado Specific Plan, Comment Letter2

This letter provides staff's second review comments on the draft Alvarado Specific Plan (Plan). The efforts made to revise the specific plan to be a concise, efficient, well-organized, regulatory document that presents policies, rules, and regulations in a format that is relatively easy to understand and navigate are appreciated. The document as revised is greatly improved and well on its way to be a tool to provide clear regulation and guidance to current and future staff as well as to the property owner whether new or existing for development of the property and construction of the project. The revisions requested in the first round of comments necessarily resulted in a document that is much revised, and in some ways more similar to a first submittal than a subsequent submittal given the scope of the changes made. The comments provided herein generally follow-up on previous comments, or react to new information or changes, and seek to further clarify and refine the document to ensure that the Plan is a functional document that serves the City and the property owner as a future development tool, as well as a viable tool for enforcement purposes, if necessary.

In addition to the following comments, various text revisions and minor edits are noted throughout the marked-up version of the Plan. General comments not tied to specific pages or exhibits of the Plan are provided first, followed by comments specified by page.

Specific Plan Content

1. The Plan needs to be an easily interpretable document that provides clear direction to future development and review of that development. The revised document is better, but too many instances remain where standards are not well enough defined but rather rely on determinations of conformance or future decision, leaving too many matters for future debate between project proponents and staff, and lacks the desired clarity. In general, standards and policies need to be clear, easily interpretable, and well-defined to facilitate future use of the Plan and development of the Plan area. Specific instances are addressed later in this letter.
2. Provide links in the TOC, list of tables, and list of figures to navigate to the appropriate section, table, or figure in the electronic version of the Plan.
3. To provide clarity to public, decision makers and staff on how the site will be filled to achieve elevations above the floodplain:
 - a. Revise existing conditions sheet in civil plans to have legible existing contours and spot elevations.
 - b. Provide site sections showing existing grade and proposed grade.

Alvarado Specific Plan, Comment Letter 2
August 10, 2020

4. The bicycle path needs to connect with a marked bicycle crossing to the westbound lanes at the east and west termini. The project needs to specify this connection on plan and in narrative. If this is not a part of the project, some of the statements about the bicycle facilities in the EIR cannot be supported.
5. It is preferable for the shared pedestrian and bicycle path to be referenced as such throughout, and not as a "sidewalk," which has a pedestrian connotation.
6. A public easement is required for the connection from the trolley station to the shared path.
7. Easements and agreements for shared access and facilities are required, e.g., for the pedestrian promenade. Full public access is highly desirable, but at least all residents of the Plan Area must have access to all portions of the Creekside promenade on both portions of the project.
8. The Plan in several instances mentions "abandoned sewer lines" and "raising and capping a manhole" in the creek area. No currently abandoned lines or the manhole are shown on any plans of the Plan. Identify the lines to be abandoned and the manhole on project plans. If the lines to be removed are the current active lines to be abandoned, that is addressed separately and the "abandoned sewer lines" references need to be removed.
9. Provide enhanced paving consistent with enhanced paving for internal streets for intersections at Alvarado Road and project access drives. Incorporate the enhanced paving into existing plans, drawings, and renderings. Provide a plan detail drawing showing a sample intersection with the proposed enhanced paving.
10. The Plan indicates that final project design will provide adequate space for delivery vehicles. Provide a concept for delivery space in the Plan.
11. Provide pedestrian-perspective renderings of the pool/deck areas, the ring road/pedestrian promenade, and Alvarado Road to illustrate how they would appear with implementation of the Plan.

Illustrations of these areas from ped-perspective can be provided at the public hearing stage.

12. Palm trees are not acceptable as City street trees. Trees along Alvarado Road need to be selected from the approved City street tree list.

Palm trees were part of the design concept to provide a reference to the well known palm trees on the site for many years and to provide a substantial vertical element along the new Alvarado Rd streetscape as part of the lower level parking garage screening. These street trees will be within an easement area and the maintenance responsibility of the property owner (not in the right-of-way). Does the City Street Tree list apply on private property?

13. Address whether individual units will have laundry facilities or there will be common laundry facilities. If there is a different solution for student housing, include that as well.

This is a final construction design issue and not relevant at the "specific plan" stage of design development, unless you can explain why this would impact the land use concept at this stage of the entitlement process. This is not a final site development plan as in the case of the senior housing project being considered for the old PD site.

14. The Plan should consider community gardens for the Plan area consistent with Health and Wellness Policy 2.1.3.

In considering the type of project and the proposed development concept this may not be feasible with little of no ground level site that could be dedicated to a community garden area.

15. Text in many figures is quite small, in some instances illegible. Maximize font size in exhibits as much as is feasible throughout the document. Figures in many instances are 8.5 x 11 but need to be 11 x 17 to be readable and text to be legible.

Significant changes were made to all the exhibits in the updated version of the plan. All of the exhibits are clearly readable in print version and the online version (which can be viewed with a zoom function).

16. The Plan identifies development standards relative to building siting, building height, and some degree of building setbacks. However, more details and information is needed relative to open space and landscaping. The Plan should provide more information relative to uses (a use matrix) for residential, commercial, and mixed uses. Lastly, the plan should provide a description or narrative for site/street "furniture" so that the site is developed with consistency and uniformity relative to benches, lighting, bike racks, etc.

The distribution of land uses is explained in detail in a variety of forms as required by California law. Additional methods are not needed at this stage for decision-makers to understand what is being proposed. A list of "site furniture" is not needed at the specific plan stage.

17. Clearly address parking standards for the project in the development standards. Provide definitive parking ratios for the project.

The parking standards are specifically addressed in the Plan in the text and exhibits.

18. Include guidance on sign design in the Plan. The Plan needs to include sign standards specific to the project or needs to reference appropriate LMMC sections. Include standards for signage for project identification, wayfinding, and signage for nonresidential uses.

Sign design and wayfinding specifics will be appropriate at the implementation stage with the actual site development plans, not at the specific plan stage.

19. P. 1-9: Figure 6 is not necessary here. It is not referenced in the text.

If needed, a reference to Fig. 6 can be made in a final version after approval. This has not impact on the merits of the project or the specific plan.

20. P. 1-20: Goal RO-1 mentions "a network of public parks." It is not clear in what way the project

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complies with this goal. The project does not contemplate public access to the creek-side promenade. This goal would not apply unless it did. Recommendation is to allow public access. If not, this goal needs to be removed.

This could be one interpretation of the goal. This goal is also the legal basis for the collection of park impact fees which will be required from this development and represent a significant sum in excess of \$1 M. The project does not contemplate being exempt from paying park fees. If public access was allowed along the creek area would the project be exempt from paying park fees at the building permit stage?

21. P. 1-22: Goal HE-3 addresses "housing for lower income households." It does not seem that the project supports this goal. There are no affordable units proposed, or any other mechanism to suggest that the units provided would be housing for lower income households. The possibility of the student housing being affordable is conjectural, anecdotal, and unsupported. The Plan and EIR cannot reference provision of affordable housing unless there is a commitment of the project to provide restricted affordable housing. The recommendation is to include rent-restricted affordable housing in the project. If not, support for this goal needs to be removed.

At what level of affordability and how the project may be helping the City meet its regional housing obligations is subject to further discussion at this stage in the process. It is certainly expected that this will be part of the discussions to come from the KMA analysis which we have not seen yet.

The statement that the "student housing being affordable is conjectural, anecdotal, and unsupported" is also unsupported. This has been a topic of brief discussions in the past has not been established as a specific proposal in the Specific Plan. If use of the term "affordable" can only be legally used in direct connection to "rent restricted affordable housing units" please provide the reference to that specific code or regulation.

22. P. 11-5: Figure 12 is too detailed here; can save for figure 37 in the development standards chapter. Replace with current Figure 6.

This is an opinion and does not rise to the level of requiring changes to the plan unless this section is in conflict with a specific code or policy that you can reference.

23. P. 11-14: Make Figure 15c consistent in appearance with other Figures 15.

This exhibit was with the last update of the Specific Plan to add clarity and understanding which it accomplishes. There is no need or requirement to make all the exhibits match exactly how they were rendered.

24. P. 11-27 - 33: Add a note to all Figures 23 regarding design presented: BUILDING DESIGN FOR ILLUSTRATION PURPOSES ONLY.

This statement is clearly provided in the text that precedes these illustrations.

25. P. 11-34: Calculation of open space areas is to be consistent with Municipal Code requirements. The following need to be removed from open space calculation: driveways, parking areas, shared path area along street, street trees, and planting associated with the street.

The open space components are clearly described in the Specific Plan in several locations in the text, exhibits and standards. The Plan does not intend to use the multi-family zoning calculation method for the establishment of usable open spaces throughout the project. This concept is clearly stated in the Plan.

26. P. 11-54, 111-25: "Consideration" and "intent" of promoting and encouraging transit is not sufficient. The Plan needs to demonstrate a commitment to support lowered parking ratios and unbundled parking by providing clear and substantive support of transit use by the project, such as free or substantially reduced cost transit passes or similar.

This is an opinion and does not require the plan to be revised at this time. Lowered parking ratios and unbundled parking are proposed, along with the obvious proximity of the project to the adjoining MTS bus and trolley station, as a means of connecting housing with transportation facilities. It is anticipated that there will be other opportunities to implement other measures as projects are implemented, but which it is not feasible to define in detail or to place an exact dollar amount to at this stage. There is also no detailed standard, policy or regulation that the City has adopted that would define past for future terms to meet "consideration and intent" to promote and encourage transit use. Is it the City's position that the plan is prohibited from using this language if the details are not defined at this time?

27. P. 11-55 - 61: Figures should be ordered: 1) improvements site plan, 2) FEMA map, 3) floodchannel plan, 4) flood channel section. More discussion of this in the markup.

The order of these exhibits does not cause any confusion and will not alter the ability of anyone to evaluate the merits of the Specific Plan.

28. P. 11-63, IV-4: City nonconforming regulations do not allow improvements to be relocated as contemplated. If this is to be considered, "RV Resort facilities to be maintained and improved to the extent needed to provide the necessary operational facilities equivalent to their current conditions" needs to be specifically defined as to what is proposed to be relocated and what improvements are to be made.

As proposed the concept for a phased development plan that would allow the Phase 2 site to remain open as a remaining portion of the current land use would not be in conflict with the non-conforming regulations. The concept would allow for the continuation of the non-conforming use but not to expand or enlarge it.

29. P. 111-1:

- a. The introductory paragraph does not seem to serve any purpose and should be removed.
- b. It's contemplated that ministerial projects would be subject to a finding of substantial

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conformance with the Plan. Ministerial projects are those that require no discretion for approval but rather compliance with established standards. A finding requires a discretionary decision. This section should say that all ministerial permits must be consistent with the Plan and discretionary projects found to substantially conform.

There is nothing in the Specific Plan that implies that the future development projects would be "ministerial." The implementation chapter of the plan spells this out. This a Specific Plan and not intended to be a site development plan approval with the next step being the building permit stage.

30. P. 111-2: The Plan development standards do not address the mix of uses or open spaces, but they are listed as addressed and they must be. Nonresidential uses are not addressed in the standards. The Plan needs to include clear standards for provision of open space and limits on size and location of nonresidential uses.

This is an opinion. The Specific Plan has been updated to make the development concept, land uses, and development standards as detailed as appropriate for a specific plan. In the past when this issue was raised it was requested that the City (staff person making the comment) provide some direction or detail on what is needed or necessary. Nothing has been provided other than comments to the affect that this was not staff's responsibility. If staff cannot express or provide direction on these vague "needs" then the Specific Plan will stand as written for now. There an inference in this type of request that somehow the Specific Plan (that is the developer and property owner) is trying to get away with something or obfuscating what is planned. The Specific Plan has gone into great detail to outline what is proposed using the tools allowed within a specific plan. If there is a glaring problem or flaw in the Plan at this stage in the process it needs be explained.

31. P. 111-7 - 15: Figures 39 need to address open space and clear area between buildings.

What isn't clear that needs to be explained? Building 2 on the west side will have landscaping, and Building 3 on the east side of this area will have landscaping and patio areas for those units opening onto the podium deck level.

32. Figure 40 shows a schematic view of the buildings but references it as a "view of the development envelopes." The building schematic is useful and could remain in the Plan, but should be moved to be with building renderings and images. Provide a schematic of the area defined by the building envelopes.

This isn't necessary. This was added because comments from the City in the prior version indicated staff could not understand what was being proposed so added exhibit was provided for clarification which it provided in correlation to the other related exhibits.

33. P. 111-24: Unbundled parking needs to be well defined. Revise to include detail and definition, including the following provisions:
- a. Lessees must be associated with residential units or commercial uses on site.

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- b. No subletting.
- c. No leasing for transit parking.
- d. Stipulations and/or lease agreement about not utilizing a vehicle if a unit is leased without parking.
- e. Limit the number of vehicles for any one lessee to the number of spaces leased.
- f. Limit to number of spaces any one individual can lease.

These seem to be regulations in search of a problem. Is there evidence that these types of problems exist (provide some references). These could addressed at the site development stage as well.

34. P. 111-26: Reference to sky decks is limited - language would easily allow dismissal of the amenity by future developers. Language should be strengthened to make the provision of sky decks required in future projects.

The intent of the Specific Plan was to see the sky-deck concept this as an opportunity that could be a site amenity for the projects and not as a requirement that may not be feasible or desirable in a final design concept. The Plan should allow for this level of flexibility in the final architectural solutions.

35. P. 111-41 -42: The design guidelines in the Plan are not sufficient to replace the Urban Design Program (UDP) and the project as proposed likely does not comply with the UDP. The Plan needs to include standalone design recommendations that supersede the UDP. Alternatively, the Plan needs to include language that states design recommendations therein supersede the UDP where there is conflict, and that consistency the design recommendations of the Plan and remaining UDP provisions constitutes consistency with the UDP.

It is not intended for the Specific Plan to replace or supersede the UDP. Implementation steps clearly state that project developed would be subject to completing the City's site development plan and design review processes.

There have been repeated comments that the Plan needs "more development standards" and "more design guidelines" which were a focus of the current updated version of the Plan. When asked to provide more from the City in terms what is still missing there has been little or no direction other than, and I am paraphrasing, "that is not my job," "that should be your architects job," and "you need to make this easy for staff to implement without having to go back and understand what is in the whole Plan." To be clear, it is still the intent of the Specific Plan to allow for flexibility within the development standards and guidelines to create the final building and site design solutions that are consistent with the Plan that is approved by the City Council.

36. P. IV-1 - 6: The implementation chapter is to be about implementing the Plan, not adopting it. Remove discussion that is about adoption or pre-adoption issues.

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This editing "requirement" is not needed. There is nothing in the implementation chapter that is inappropriate or impact the ability to understand the steps that will be needed to implement the Plan.

37. P. IV-3: Last sentence of first paragraph is too open-ended and leaves too much to interpretation and discretion. Replace with:

"Existing City policies, standards, and regulations, including but not limited to the La Mesa General Plan and Zoning Ordinance, apply to the Specific Plan Area. In situations where there is conflict between the policies, standards, and/or regulations of the Specific Plan and other City policies, standards, and/or regulations, the provisions of the Specific Plan shall prevail."

This revised statement can be provided in the version that goes to public hearing.

38. P. IV-4: Portions of the nonconforming RV park could only remain on the easterly portion of the site while the westerly portion is developed in full compliance with the City's nonconforming use regulations. Nonconforming amenities currently on the westerly portion may not be moved to the easterly portion. The Plan needs to specify how the use would remain in existence and how public improvements would be accomplished in that case.

This was explained above for comment No. 28.

EXHIBIT C

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 25, 2022

Greg Humora, City Manager
City of La Mesa
8130 Allison Avenue
La Mesa, CA 91942

Dear Greg Humora:

**RE: City of La Mesa Failure to Adopt a Compliant 6th Cycle Housing Element –
Letter of Inquiry**

The purpose of this letter is to inquire about the status of the City of La Mesa's (City) 6th cycle planning period housing element pursuant to Government Code section 65588, subdivision (e). As you are aware, the 6th cycle update was due April 15, 2021, and the City is out of compliance with State Housing Element Law (Article 10.6 (commencing with section 65580) of Chapter 3 of the Government Code). The Department of Housing and Community Development (HCD) is requesting the City provide a specific timeline for (1) submitting an updated draft housing element and (2) obtaining compliance with State Housing Element Law no later than September 25, 2022.

6th Cycle Housing Element Submission and Review History

The 6th cycle planning period for the City is April 15, 2021, through April 15, 2029. The City failed to submit a compliant adopted housing element by its 6th cycle due date of April 15, 2021, pursuant to Government Code section 65588. HCD records are as follows:

- On February 17, 2021, the City submitted a draft housing element to HCD for HCD review.
- On April 16, 2021, HCD issued a findings letter to the City noting multiple revisions necessary for the housing element to be compliant with State Housing Element Law.
- On June 24, 2021, the City submitted a draft housing element to HCD for review. However, that draft review was replaced by a submittal of the element, adopted on July 27, 2021, and received for a review on August 2, 2021.
- On October 29, 2021, HCD issued a second findings letter to the City noting revisions were still necessary for the housing element to be compliant with State Housing Element Law.

- On May 9th, 2022, the City submitted a subsequent housing element to HCD for HCD review. The City voluntarily rescinded the May 9 submission on June 5, 2022.

AB 1398, Statutes of 2021

Please note, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until any rezones necessary to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c)(1)(A), and Government Code section 65583.2, subdivision (c) are completed.

Consequences of Noncompliance

There are various consequences that may apply if the City does not have a housing element in compliance with State Housing Element Law. First, noncompliance will result in ineligibility or delay in receiving state funds that require a compliant housing element as a prerequisite, including, but not limited to the following:

- Permanent Local Housing Allocation Program
- Local Housing Trust Fund Program
- Infill Infrastructure Grant Program
- SB 1 Caltrans Sustainable Communities Grants
- Affordable Housing and Sustainable Communities Program

Second, jurisdictions that do not meet their housing element requirements may face additional financial and legal ramifications. HCD may notify the California Office of the Attorney General, which may bring suit for violations of State Housing Element Law. Further, statute provides for court-imposed penalties for persistent noncompliance, including financial penalties. Government Code section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month, up to \$100,000 per month. If a jurisdiction continues to remain noncompliant, a court can multiply the penalties up to a factor of six. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

In addition to these legal remedies available in the courts, under the Housing Accountability Act (Gov. Code § 65589.5, subd. (d)), jurisdictions without a substantially compliant housing element cannot rely on inconsistency with zoning and general plan standards as a basis for denial of a housing project for very low-, low-, or moderate-income households.¹

¹ For purposes of the Housing Accountability Act, housing for very low-, low-, or moderate-income households is defined as having at least 20 percent of units set aside for low-income residents or 100 percent of units set aside for middle-income residents. (Gov. Code § 65589.5, subd. (h)(3).)

Conclusion

As a reminder, housing elements are essential to developing a blueprint for growth and are a vital tool to address California's prolonged housing crisis. Accordingly, state law has established clear disincentives for local jurisdictions that fail to comply with State Housing Element Law. To meet the 6th cycle update requirements for a substantially compliant housing element, the City must consider HCD's written findings from previous drafts, adopt the housing element, and submit it to HCD for review and certification before it can be considered compliant. (Gov. Code § 65585.)

HCD will consider any written response before taking further action authorized by Government Code section 65585, subdivision (j), including referral to the California Office of the Attorney General. If you have any questions or would like to discuss the content of this letter, please contact Kevin Hefner of our staff at Kevin.Hefner@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief