

RESOLUTION NO. PC-2022-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA MESA APPROVING PROJECT 2021-40 (PALM STREET VENTURES LLC) -- A SITE DEVELOPMENT PLAN WITH A PARKING MODIFICATION TO REDUCE THE NUMBER OF PARKING SPACES REQUIRED FOR A PROPOSED MIXED-USE DEVELOPMENT AT 4757 PALM AVENUE, APN 494-410-24-00 IN THE CD-D (DOWNTOWN COMMERCIAL/ URBAN DESIGN OVERLAY) ZONE

WHEREAS, project applicant Palm Street Ventures LLC has submitted a site development plan application to construct a 64-unit mixed-use development on a vacant site addressed as 4757 Palm Avenue, APN 494-410-24-00, located in the CD-D (Downtown Commercial / Urban Design Overlay) zone;

WHEREAS, the Project utilizes State Density Bonus Law (California Government Code Section 65915) by providing 12.5 percent of the units as affordable to very low-income households with requested parking reduction, waivers, and concessions as detailed in the applicant's Affordable Homes Bonus Program for the project;

WHEREAS, on June 13, 2022, the Design Review Board considered and approved, with conditions, Project 2021-40;

WHEREAS, under State Density Bonus Law and the City's parking requirements, 40 parking spaces are required to serve the project;

WHEREAS, the project proposes 29 parking spaces;

WHEREAS, La Mesa Municipal Code Section 24.04.020G2 provides that the requirement for off-street parking for uses and structures within the Downtown Commercial (CD) zone may be modified when it can be demonstrated that no increased traffic congestion would result due to an overburden of the surrounding on- and off-street parking, subject to Planning Commission approval;

WHEREAS, as required by LMMC section 24.04.020G2, the applicant provided a study of surrounding parking space availability for current uses and of needed parking for the proposed use;

WHEREAS, the parking study concluded that the project would not increase traffic congestion because there is adequate parking supply to accommodate the project and the additional traffic generated by the project would not overburden the existing roadway infrastructure;

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

WHEREAS, on September 21, 2022, the Planning Commission of the City of La Mesa did hold a duly noticed public meeting and accepted public testimony in consideration of Project 2021-40.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

1. The project is exempt from environmental review in accordance with the California Environmental Quality Act Guidelines Section 15332, Infill Development. The project meets all of the conditions necessary to qualify for the exemption: (a) the project is consistent with the applicable general plan designation and policies, as well as with applicable zoning designation and regulations; (b) the project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) the project site has no value, as habitat for endangered, rare or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services. The project meets the criteria for the exemptions. None of the exceptions in Section 15300.2 apply.

2. Parking Modification Finding (LMMC Section 24.04.020.G):

The proposed modification will not increase traffic congestion due to an overburden of the surrounding on-and off-street parking.

The study of surrounding parking space availability for current uses and of needed parking for the proposed use provided by the applicant concluded that the additional parking demand of 11 parking spaces for the project would not overburden the surrounding parking availability of the combined City parking lots and on-street parking, and would not increase traffic congestion.

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 staff report, plans, and exhibits, all of which are herein incorporated by reference.
3. The Planning Commission approves Project 2021-40, subject to the conditions in Exhibit A.


PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of La Mesa, California, held the 21st day of September, 2022, by the following vote, to wit:

AYES: Chair Torpey and Commissioners Cooper and Jones

NOES: Commissioner Alvarado

ABSENT: Commissioner Coston

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-2022-11, duly passed and adopted by the Planning Commission.



Kerry Kusiak, Secretary
La Mesa Planning Commission

Exhibit A
Resolution PC-2022-11
Site Development Plan 2021-40
Conditions of Approval

A. GENERAL CONDITIONS

1. The project is conditionally approved as set forth on the application stamped received by the City on September 13, 2022, consisting of 33 sheets numbered: A0-1, A0-2, A0-3, C1.0, C2.0, A1-1, A2-1, A2-2, A2-3, A2-4, A2-5, A3-0, A3-1, A3-2, A3-3, A3-4, A3-5, A4-1, A6-1, A6-2, A6-3, A6-4, L-1.00, L-2.00, L-2.01, L-2.03, L-3.00, L-3.01, L-3.02, L-4.00, L-4.01, L-4.02, L-5.00, four (4) lighting cut sheets, and two (2) material sample boards, designated as approved by the Planning Commission on September 21, 2022, and shall not be altered without express authorization by the Community Development Department.
2. This constitutes an approval of the discretionary entitlement only. Additional permits, including but not limited to building and grading permits, may be required by the Community Development Department or other City departments prior to commencement of construction and/or use. It is the property owner and applicant's responsibility to obtain all necessary permits required for the type of project proposed.
3. This approval shall not waive compliance with any section of the La Mesa Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
4. The applicant is responsible for coordinating civil, landscape, and architectural plans and supplemental materials at building permit submittal to ensure that all project plans and materials are internally consistent and consistent with each other. Inconsistent construction documents will not be accepted.
5. Prior to any use or issuance of final occupancy of the project site pursuant to this approval, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.
6. The applicant shall enter into an affordable housing agreement with the City to guarantee the affordability of eight (8) affordable units to very low-income tenants (50% Area Median Income) for a minimum of 55 years. The affordable housing agreement shall identify the type, size, and location of the affordable unit, and shall specify phasing of the affordable unit in relation to the market-rate units. The executed affordable housing agreement shall be recorded prior to issuance of building permits and shall include the following provisions that are required to be implemented at project construction:
 - a) Building permits shall not be issued for more than 50% of the market rate units until permits are issued for the affordable units.
 - b) Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor products may be of substandard or inferior quality as determined by the City.

- c) The number of bedrooms of the affordable units shall at least equal the minimum number of bedrooms of the market rate units.
7. All interior and exterior common areas, parking areas, and landscape areas shall remain in place in perpetuity except as expressly authorized by the City.

B. THE FOLLOWING CONDITIONS MUST BE SATISFIED PRIOR TO THE ISSUANCE OF BUILDING AND GRADING PERMITS:

Engineering

1. The applicant's engineer shall ensure that the design and construction of all improvements in the public right of way shall be in accordance with standard plans and specifications of the City of La Mesa, and subject to the approval of the City Engineer.
2. The applicant shall submit all plans and supporting documents concurrently for plan check and approval as required for all private storm drain, street, and any public sidewalk improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer. All street dedications, alignments, widths, and geometrics shall be as approved by the City Engineer.
3. A precise grading, drainage and erosion control plan shall be prepared by a Registered Civil Engineer in accordance with the City of La Mesa Grading Ordinance Title 14.05 showing all buildings, access roads, parking, driveways, landscaping, and drainage. The grading and erosion control plans shall be submitted for plan check and approval of the City Engineer and Planning Division prior to approval of the Grading and Building Permits. If proposed development does not increase the existing impervious area, this requirement may be removed.
4. Where off-site work or improvements are proposed to be constructed (including, but not limited to, slopes, public utility, and drainage facilities); the applicant shall obtain all necessary easements, letters of permission or other interest in real property, at their own expense and shall dedicate the same to the City as may be necessary.
5. Off-site improvements within the public right of way beyond the parcel boundary may be required to be installed as determined by the City Engineer to provide proper transition to the street and sidewalk, and to address drainage or traffic and pedestrian safety.
6. Street trees locations shall be referenced on the improvement plans for conflict check, located in the sidewalk equal to 1 tree for every 35 feet of property frontage along Palm Avenue and Allison Avenue.
7. The method of disposing of surface water from the site shall be submitted and approved to assure that the site will drain to the street or to a natural watercourse. New drainage facilities, and private maintenance agreements or covenants may be required.
8. A hydrology report prepared by a registered Civil Engineer shall be furnished to establish the adequacy of the drainage system and the base flood elevation of the 100-year storm. Report must support the design and sizing of any water quality BMPs to treat the 85th percentile storm in perpetuity.

- a) Hydrologic and Hydraulic analyses shall be based on the County of San Diego Hydrology and Drainage Design Manuals, most current editions.
 - b) Report must clearly address pre-development and post development offsite discharge, and erosion potential. Any post-development increases in offsite discharge, and erosion potential must be minimized, justified and mitigated to the satisfaction of the City Engineer.
9. Site operations shall comply with City of La Mesa Municipal Code Chapter 7.18 Storm Water Management and Discharge Control Program. A completed City of La Mesa storm water management permit application shall accompany the grading plan submittal.
10. The applicant shall comply with Storm Water Pollution Control Ordinance (City of La Mesa Municipal Code Chapter 7.18) and the State's current General NPDES Storm Water Permit. If required, the applicant shall show evidence that a Notice of Intent (NOI) has been applied for and fees paid to the State Water Resources Control board prior to issuance of a grading permit. A Water Quality Technical Report (WQTR) shall accompany the grading plan submittal.
11. This project shall comply with the City of La Mesa hydromodification management requirements. For more information please refer to the City of La Mesa website at <http://www.cityoflamesa.com/stormwater>, on the Development Requirements tab.
12. The development plan(s) shall clearly show compliance with the criteria of the City of La Mesa Storm Water Standards Manual for Priority Development Projects. Each component requiring maintenance shall be perpetually maintained by the property owner and located on private property. These include the following:
- a) A post-construction Water Quality Technical Report and recorded maintenance agreement pursuant to Title 7.18 of the La Mesa Municipal Code shall be required. Compliance requires post-development BMPs. Each (BMP) component requiring maintenance shall be, perpetually maintained by the property owner and located on the private property.
 - b) Drain impermeable rooftops, sidewalks, walkways, and patios through adjacent landscaping or other pervious surfaces to maximize infiltration and provide vegetative filtration.
13. Post Construction BMPs
- a) Tree box/modular wetlands are only allowed if bio-retention style IMPs are proved to be infeasible. Vault/Separator style units are not allowed.
 - b) Each drainage management area that discharges into the public system outlet or street shall have storm water quality controls, and shall be maintained by the property owner and located on the private property
 - c) A post-construction Water Quality Management Plan and recorded maintenance agreement pursuant to section 7.18 of the La Mesa Municipal Code shall be required. Perpetual maintenance requirements should be considered when selecting appropriate BMPs.

- d) Trash enclosures shall be covered to prevent rainwater intrusion or otherwise designed to prevent offsite migration of contaminants.
14. Prior to grading of any part of the project, a comprehensive soils and geologic investigation shall be conducted of the geologic formations, soils, and slopes of the site. A soils investigation report verifying that the site is suitable for the proposed development shall be prepared by a licensed civil or geotechnical engineer. All necessary measures shall be taken and implemented to ensure slope stability, erosion control, and soil integrity.
15. The applicant/developer shall provide adequate erosion control devices at the completion of each phase of grading. This shall include landscaping and temporary irrigation systems on exposed slopes. Such temporary measures shall be subject to the approval of the City Engineer.
16. Prior to permit issuance, provide CCTV of the sewer lines acceptable to the City Engineer and abandon all unused laterals at the main.
17. The applicant shall show the following information on the site plan and/or add a note to the plans:
 - a) The sanitary sewer main, sewer service lateral and property line clean out shall be identified. A clean out shall be installed if one does not exist.
 - b) The rim elevation of the nearest upstream sewer manhole on the sewer main and the lowest finish floor or lowest waste water fixture unit shall be identified. If the lowest finish floor elevation or lowest waste water fixture unit is less than or equal to the top of the manhole elevation PLUS two feet, then a backwater valve shall be installed.
18. The applicant shall pay the current Sanitary Sewer Connection Fee as determined by the City's current fee structure.
19. The applicant shall obtain an Encroachment Permit and Traffic Control Permit prior to beginning any proposed work within the City right of way. Traffic control plans for streets which will be opened to public travel during construction shall be in accordance with construction signing, marking and other protection as required by the State Department of Transportation (CalTrans) Traffic Manual.
20. Surety (security) for improvements and/or grading shall be posted with the City of La Mesa prior to improvement and/or grading permit approval to guarantee the construction of all the required street improvements, drainage, grading, erosion control, landscaping, irrigation, sewer and monumentation. The security shall include all onsite and offsite grading and improvements. The amount of security shall be determined by the City Engineer based upon an estimate furnished to the City taken from approved plans submitted by the engineer of work. The engineer's cost estimate should include an estimate of utility relocation, if applicable.
21. Water improvements are separately approved by and bonded with the Helix Water District prior to approval of the grading plan. Please submit with Helix Water District concurrently to avoid project delays.

Planning

22. The applicant shall pay Park Improvement Impact fees in accordance with Chapter 9.20 of the La Mesa Municipal Code.
23. The applicant shall submit landscape and irrigation plans with application fee or deposit prepared by a registered landscape architect in accordance with City standards and the State of California Model Water Efficient Landscape Ordinance, for review and approval prior to issuance of building permits.
24. The applicant shall prepare and submit plans in conformance with the approved exhibits and conditions of approval. A note shall be placed on the building plans stating that prior to final inspection sign off and release of electrical service, the site and buildings shall be inspected for substantial conformance to the approved exhibits and conditions. The exact materials and colors of all proposed structures shall be prominently noted on all plans and exhibits.
25. To protect and avoid impacts to potential nesting birds, site brushing, grading and/or removal of vegetation within 300 feet of any potential migratory bird nesting location shall not be permitted during the migratory bird nesting season of February 1 – September 15 unless nesting bird surveys have first been completed and provided to the Community Development Department to ensure compliance with the Migratory Bird Treaty Act and California Department of Fish and Game Code Section 3503, which protect nesting birds. Nesting bird surveys shall be conducted within 72 hours of commencement of site brushing, grading, and/or removal of vegetation. A note shall be added to the grading plans documenting this requirement.

Building

26. Plans must be complete and stamped by a licensed professional before the Building Division will accept them into the plan review and permitting process
27. The design shall be all requirements for California Building Codes for Accessibility 11B, Green Codes and Energy Efficiency Standards.

Fire

28. A Class I automatic wet standpipe system (in accordance with 2019 CFC and NFPA 14) is required. Please list all as deferred submittals on title sheet.

C. THE FOLLOWING CONDITIONS MUST BE SATISFIED PRIOR TO THE ISSUANCE OF THE FINAL OCCUPANCY PERMIT FOR THE FIRST DWELLING UNIT TO BE CONSTRUCTED:

Engineering

1. The applicant shall pay the Regional Transportation Congestion Improvement Program (RTCIP) development impact fee, as determined by the City's current fee structure, for each newly constructed residential unit.
2. The applicant shall remove and replace existing curb and sidewalk if it is found to be cracked, broken, displaced or not in compliance with current ADA standards. Existing driveways to be removed shall be replaced with full height curb and gutter. The city

Inspector will identify the limits of removal and replacement. Any existing pedestrian ramps along your frontage will be brought up to current ADA requirements, as necessary.

3. The applicant shall install street trees with pedestrian friendly tree grates in the sidewalk and contiguous with the curb, equal to 1 tree for every 35 feet of property frontage along Palm Avenue and Allison Avenue. Silva Cells are required for all trees in public right of way or as approved by the City Engineer. (Refer to San Diego Regional Standard Drawing L4 and La Mesa Standard Drawings LS1 through LS3 and WQ4.)
4. All street and drainage improvements shall be completed and accepted by the engineering inspector prior to occupancy.

Planning

5. Upon removal of the meter stand pipe at the USPS parking space, the applicant shall completely fill in the hole level with the sidewalk to prevent a trip hazard.

Building

6. The applicant shall obtain approvals from all departments for all issued permits: building, fire, planning, grading, SD County ACPD, SD County HazMat, Encroachment, or other permits for the proposed improvements prior to the issuance of a certificate of occupancy.

D. THE FOLLOWING CONDITIONS MUST BE SATISFIED PRIOR TO THE ACCEPTANCE OF IMPROVEMENTS AND FILING OF THE NOTICE OF COMPLETION:

Engineering

1. Landscaping for trees, shrubs, walls, fences, cut/fill slopes or other structures at or near driveway and street intersections shall conform to the intersectional sight distance criteria as provided by the California Department of Transportation (CalTrans) Highway Design Manual. Any obstructions which exceed a height of thirty-six (36) inches shall not be permitted within a distance of five (5) feet from the property line at the street.
2. Street name signs, street lighting, and traffic control devices shall be built to City standards and as required and approved by the City Engineer and the Traffic Engineer. The applicant shall pay all applicable fees, energy charges, and/or assessments and shall privately maintain said lights.
3. Certification of the as-built elevations of the structures shall be furnished to the City Engineer prior to release of bonds.
4. The exact limits of pavement and sidewalks shall be approved by the City Engineer. Street structural sections shall have a gravel equivalent of a minimum of 4-inch AC over 8-inch CL-2AB with a T.I. of 6.0. Geotechnical tests of the existing pavement are subject to approval of the City Engineer in the field during project inspection. Existing public improvements will be repaired to good condition and proper alignment, as may be required for proper tie-in.
5. The applicant shall complete grading in one operation. All Best BMPs and improvements shown on grading and site development plans shall be installed.