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TO: City Council

FROM: Development Services Department

SUBJECT: Appeal of 6th and Olive - Project No. 591198

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Council District(s): 3

OVERVIEW:
An appeal of the Planning Commission's decision approving all actions necessary for the demolition of an existing 16-unit apartment complex, Cathedral office building and surface parking lot, and construction of a 20-story, mixed-use tower containing 204 residential condominiums (including 18 very low-income dwelling units) and 16,190 square feet of Cathedral office space within four commercial condominiums, above an underground parking structure, and associated site improvements, with three development incentives and two deviations. Environmental determinations as defined in San Diego Municipal Code (SDMC) Section 113.0103 are appealable to the City Council pursuant to SDMC Section 112.0520. An addendum is not an environmental determination, and not appealable to the City Council. Therefore, the scope of the subject hearing only includes the appeal of the project, and not the environmental document, Addendum No. 591198 to Environmental Impact Report (EIR) No. 96101.

PROPOSED ACTIONS:
A resolution to affirm or deny the appeal of the Planning Commission’s approval of Site Development Permit No. 2078814, Neighborhood Development Permit No. 2078816, and Vesting Tentative Map No. 2078817.

DISCUSSION OF ITEM:
The proposed 6th and Olive Project is a request for an amendment to the 1.76-acre St. Paul’s Cathedral and Residences project (Project No. 96101), which was approved by the City Council on November 8, 2011, to modify development on a 0.62-acre portion of the site, known as the Olive Site, and increase overall density to 249 dwelling units in accordance with the City’s Affordable Housing Regulations. The 1.76-acre project site includes one full block surrounded by Olive Street, Nutmeg Street, 5th Avenue and 6th Avenue, plus a 0.46-acre site located on the southeast corner of Nutmeg Street and 5th Avenue, within the Uptown Community Plan (UCP) area. The community plan designates the site for Residential- Very High at a density range between 74 to 109 du/ac and Community Commercial at a density range between 0 to 109 du/ac (Report to the Planning Commission No. PC-18-072 - Attachment 5). The western portion of the site is located within the CC-3-9 zone and the eastern portion is within the RM-4-10 zone (Report to the Planning Commission No. PC-18-072 - Attachment 4). In addition, the site is in the Community Plan Implementation Overlay Zone (CPIOZ Type A), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, the Transit Priority Area, the Airport Influence Area for San Diego International Airport (SDIA) - Review Area 2, the Federal Aviation Administration (FAA) Part 77 Notification Area for SDIA and North Island NAS and is partially within the St. Paul’s Cathedral and Residences Project.
Airport Approach Overlay Zone. The 0.62-acre Olive site is not within the Airport Approach Overlay Zone.

The Report to the Planning Commission No. PC-18-072 (Attachment 1) includes all project specific background and analysis of the 6th and Olive project, and necessary findings by which staff recommended approval of all required entitlements for the project, including: 1) a Vesting Tentative Map (VTM) to consolidate five lots into one parcel and establish a condominium project with 204 residential units and four commercial units on the 0.62-acre site; 2) a Site Development Permit (SDP) to allow an increase in residential density beyond existing entitlements (Olive Site, Cathedral Site, and Nutmeg Site) to the proposed 249 dwelling units on the 1.76-acre site in accordance with the City’s Affordable Housing Regulations and density bonus provisions, and to determine consistency with the applicable policies in the General Plan and Uptown Community Plan for developments greater than 65 feet within CPIOZ Type A; and a Neighborhood Development Permit (NDP) to allow the requested deviations from the required driveway width and refuse and recyclable materials storage area in accordance with SDMC Section 143.0920.

Project Description:
The project would demolish the 16-unit market rate apartment complex, Cathedral office building and surface parking lot, and construct a mixed-use condominium tower above five-level underground parking garage on the Olive Site. The 20-story tower would be approximately 223 feet tall and contain 204 dwelling units comprised of 30 studios, 93 one-bedroom, 79 two-bedroom, and 2 three-bedroom condominiums encompassing 262,500 square feet. Eighteen of the dwelling units would be income restricted units, which will be affordable to very low-income households with a combined annual gross income at or below 50 percent of the Area Median Income (AMI). The mixed-use tower would also include Cathedral office spaces within four commercial condominiums encompassing 16,190 square feet, and private recreational amenities including a fitness center and terrace on the fifth floor, and a pool, lounge area, indoor kitchen and terrace on the 20th floor.

The project also proposes a 10,600-square-foot courtyard with landscaping and benches shared with St. Paul’s Cathedral, relocation of a transformer from the Olive Site to the adjacent Cathedral Site, and a new staircase would be installed at the Cathedral Site to replace one that is being demolished.

A maximum of 192 dwelling units is allowed on the 1.76-acre project site based on the UCP land use designations of Residential-Very High (74-109 du/ac) and Community Commercial (0-109 du/ac), and the underlying CC-3-9 and RM-4-10 Zones, which allow a density of one dwelling unit per 400 square feet. The Nutmeg Site has been developed with 45 multi-family dwelling units, allowing for a maximum of 147 dwelling units on the Olive and Cathedral sites. The project proposes on-site affordable housing equivalent to 12 percent of the remaining base density units on the Cathedral and Olive Sites. Pursuant to the City’s Affordable Housing Regulations, the inclusion of the 18 very low-income affordable units allows for a housing density bonus of 38.75 percent. The density bonus results in 57 additional units for a total of 204 residential units (including the affordable units) on the Olive Site, yielding residential density of 157 du/ac on the Cathedral and Olive Sites, and an overall total of 249 residential units on the 1.76-acre site.

By including 12 percent of the base units for very low-income households, the project is allowed three development incentives under the provisions of the Affordable Housing Regulations. The project requests the incentives for the following three deviations from the development regulations: to allow zero-foot setback on the portion of Olive Street (northy side) located within the RM-4-10 Zone, where a 15-foot setback is required; to allow one loading space off-site and within the public right-of-way, where two on-site loading spaces are required; and to allow for the provision of personal storage area for fifty percent of the residential units where one hundred percent is required.

Additionally, the project meets the criteria for Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations set forth in SDMC Section 143.0915, and in accordance with SDMC Section 143.0920, may request deviations from certain development standards with a NDP, in addition to the three incentives described above. The project requests two deviations to allow a 20.5-foot driveway width on Olive Street, where a minimum
width of 24 feet is required for a mixed-use development; and to allow for the provision of 470 square feet of exterior refuse and recyclable material storage area, where a total of 960 square feet (864 square feet for the residential component and 96 square feet for the non-residential component) is required. Staff’s analysis and support of the requested incentives and deviations are detailed in the Report to the Planning Commission No. PC-18-072.

Planning Commission Decision:
On November 8, 2018, the Planning Commission considered SDP No. 2078814, NDP No. 2078816, and VTM No. 2078817 pursuant to the Land Development Code and the Uptown Community Plan. The Planning Commission voted 4-0, with Commissioners Peerson, Otsuji, and Austin recusing, to approve the 6th and Olive project, with a modification to Permit Condition No. 46 to require the provision of trash compactors within the development (Attachment 2), and adopt Addendum No. 591198 to Environmental Impact Report No. 96101 and the associated Mitigation Monitoring and Reporting Program.

Appeal:
On November 21, 2018, the Uptown Planners submitted an appeal application to the City Clerk’s Office (Attachment 3) appealing the Planning Commission’s approval of the project, as well as the adoption and use of an addendum to a previous project’s EIR to comply with CEQA. The reasons for the appeal were cited as Factual Error, Conflict with Other Matters, Findings Not Supported, New Information, and City-wide Significance.

As previously stated, addendums are not environmental determinations as defined in SDMC Section 113.0103 and are not appealable to the City Council. The City previously prepared and certified the St. Paul's Cathedral and Residences EIR (Project No. 96101/SCH No. 2009101036) per Resolution No. R-307114 on November 8, 2011. The EIR identified potential environmental impacts in the areas of Traffic/Circulation, Historical Resources, Paleontological Resources and Noise. All potential impacts would be reduced below a level of significance with the implementation of the Mitigation, Monitoring and Reporting Program (MMRP) prepared for the St. Paul's and Residences project.

Section 15162 of the CEQA Guidelines states that, when an EIR has been certified for a project, no subsequent EIR shall be required for that project unless certain conditions are met. Based upon the environmental analysis prepared for the 6th and Olive project, none of the conditions described in Section 15162 apply here. The environmental impacts associated with the proposed project are consistent with or less than the impacts analyzed in the previously certified St. Paul's and Residences EIR. The modifications and refinements proposed for the project would not result in new or more severe significant impacts than those identified in the previously certified St. Paul's and Residences EIR, and no new information of substantial importance has developed that would result in new significant or substantially increased adverse impacts than those identified in the previously certified St. Paul's and Residences EIR.

In light of the above, Addendum No. 591198 was prepared in accordance with Section 15164 of the CEQA Guidelines to document the fact that the modifications and refinements proposed for the 6th and Olive project do not trigger the need for new environmental review pursuant to Section 15162 of the CEQA Guidelines.

The following is a summary of the appeal issues and staff’s responses:

Appeal Issue 1 – Addendum – It is inappropriate and violation of CEQA to use an addendum to the EIR for the previously approved St. Paul’s Cathedral and Residences project as the environmental review document for the 6th and Olive project. The project approved by the Planning Commission is a new project and has environmental impacts that did not exist in the previously approved St. Paul’s Cathedral and Residences project; and were not addressed in past project’s EIR.

Staff Response – This is not an issue that can be appealed, as explained above.

Appeal Issue 2 – Shadow Impact - The 6th and Olive project will result in major shadowing of areas of Balboa Park which are extensively used by the public. The project is over 65 feet taller than adjacent buildings and not setback in a manner that limits shadowing of Balboa Park. The appellant further states “if the 6th & Olive project is approved, then cumulative impact of the shadowing that would be created by the proliferation of buildings 225 feet high on Sixth Avenue would be enormous.”
Staff Response - The UCP does not address shadowing. As part of the project’s environmental review, a project-specific shadow study was prepared by JWDA (June 2018) to simulate shadows that would be cast during the equinox (March 21 and September 21), summer solstice (June 21) and winter solstice (December 21) at 9 am, noon and 3 pm. According to the study, the project would only shade a portion of Balboa Park in the afternoon, with the greatest amount of afternoon shade occurring during the winter solstice. The portion of Balboa Park across from the project site includes an expansive lawn area, therefore, opportunities for park use would not be substantially reduced by project shadows because there are other lawn areas in the park that would be exposed to the sun at the same time.

Appeal Issue 3 – Height - All present tall buildings along Sixth Avenue adjacent to Balboa Park are approximately 150 feet in height and the project does not meet CPIOZ regulations that require height and massing conform to the predominate scale of the neighborhood and be sensitive to the scale of adjacent uses.

Staff Response – The project site is located within the CC-3-9 and RM-4-10 zones, which do not have a maximum height limit. The project is subject to the UCP CPIOZ-Type A – Building heights. The intent of the CPIOZ is to require community input through discretionary review of development that exceeds the building heights listed in Section 4.5 of the UCP. Projects that exceed the CPIOZ height may be approved to the maximum allowed floor area of the base zone for zones without a maximum height limit if they comply with the applicable regulations of the Municipal Code and are consistent with the applicable policies in the General Plan and UCP. The project proposes a 20-story residential tower approximately 223 feet in height within a zone that does not have a maximum height limit. The project’s proposed floor area of 311,730 square feet is less than the maximum 365,001 square-foot floor area allowed in the CC-3-9 and RM-4-10 zones on the combined Cathedral and Olive sites.

The UCP Height and Massing in Residential Neighborhoods policies are applied to development on land designated for higher density residential uses when that development is adjacent to areas designated for lower density residential use (with densities between 5-15 du/ac) in the UCP. As addressed in the Report to the Planning Commission, the proposed project is consistent with the goals and policies of the General Plan and UCP. The proposed project site has a land use designation of Residential Very High (74-109 Du/Ac) and Community Commercial (0-109 Du/Ac) in the UCP. The adjacent land uses to the north, south, and west of the project site allow for high density residential uses (up to 109 Du/AC). Furthermore, the proposed structure height is in conformance with the Land Development Code (LDC) and the policies of the UCP applicable to the site. The increase of five additional floors to the previously approved St. Paul’s and Residences project triples the number of units on the site and allows for the inclusion of 18 on-site affordable housing units that would be affordable to very low-income households with a combined annual gross income at or below 50 percent of the AMI. The original St. Paul's and Residences project did not include any on-site affordable units, nor did the recently completed Vue on 5th development (the Nutmeg Site).

Appeal Issue 4 – Impact on Flight Operations – The additional 65-foot height of the 6th and Olive project causes it to intrude into a small plane flight path that begins at approximately 167 feet above ground level.

Staff Response - The project is located with the Airport Influence Area for San Diego Internal Airport (SDIA) - Review Area 2, and Federal Aviation Administration (FAA) Part 77 Notification Area for SDIA and North Island NAS. The FAA determines, through an aeronautical study, if an object or condition compromise flight safety. On July 25, 2017, the FAA issued a determination of no hazard to air navigation (Aeronautical Studies No. 2017-AWP-3548-OE, 2017-AWP-3549-OE, 2017-AWP-3550-OE, 2017-AWP-3551-OE) for the structure with a condition that the structure be marked/lighted in accordance with FAA requirements. On August 22, 2018, the FAA issued a determination of no hazard to air navigation for the temporary crane structure required for construction (Aeronautical Study No. 2018-AWP-11003-OE) with a condition that the structure be marked/lighted in accordance with FAA requirements. The FAA has determined the proposed structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities, provided the applicant mark/light the proposed structure in accordance with FAA Advisory circular 70/7460-1 L Change 1, Obstruction Marking and Lighting, red lights – Chapter 4,5 (Red), & 12.

Additionally, the project has been reviewed for consistency with the Airport Land Use Compatibility Plan for SDIA by the San Diego County Regional Airport Authority acting as the Airport Land Use Commission (ALUC). On September 21, 2018, ALUC staff determined the proposed project is conditionally consistent with the SDIA ALUCP subject to the following conditions:

1. The proposed project would be compatible with the ALUCP airspace protection surface, provided that the
structure is marked and lighted in accordance with a Determination of No Hazard to Air Navigation issued by the FAA; and

2. An avigation easement for height is recorded with the County Recorder.

The project has been conditioned to require the building to be marked and lit according to FAA procedures and an avigation easement for height be recorded with the County Recorder (Attachment 2, Conditions 20-22). The avigation easement would also satisfy the overflight notification requirement.

**Appeal Issue 5 – Community Character Impacts** – The project will tower over the adjacent neighborhood and is in close proximity to many historic structures, including the historic St. Paul’s Cathedral. It will impact the height, scale, and character of the local community, and balboa park.

**Staff Response** - The 6th and Olive project is in the vicinity of several locally designated historic structures. St. Paul’s Cathedral was previously evaluated and determined to be eligible for listing on the California Register. St. Paul’s Cathedral was also determined to be eligible for local designation; however, it was not brought to the City’s Historic Resources Board because St. Paul’s applied for a religious exemption pursuant to Government Code 37361. Although there are many historical resources in the project vicinity, the area is not a designated historic district, and therefore, projects are reviewed by City staff at the parcel level for consistency with the Secretary of the Interior’s Standards and not in relation to structures on other parcels.

The project is located within a neighborhood that includes an eclectic mix of urban form, architectural styles, and materials. Adjacent and nearby buildings range from historic Victorian houses to mid-century bungalows/complexes to modern high-rises, all of which add to the varied architectural fabric of the neighborhood. In the immediate vicinity to the north includes the historic Abbey with detailed façade treatments, glass dome, and classic architectural style, and a 14-story high rise, known as the Park/Bankers Hill, which consists of a modern architectural design. Development to the south consists of historic two-story bungalows and duplexes, and a seven-story mixed use building known as the “Vue on 5th”. To the east is Balboa Park, and to the west are commercial buildings, some of which were previously residential homes, with various architectural styles from the 1920s to the 1970s. In many cases, the original facades have changed to include the use of original brick or more modern-day use of stucco and window wall systems. As illustrated in Attachment 4, Sixth Avenue Building Profiles, redevelopment in the neighborhood has become taller and denser in recent years including the nearby developments such as Park Laurel (two 14-story towers), the Vue on 5th (a seven-story building), the Park/Bankers Hill (a 14-story building), and the under-construction 41 West (a 10-story building).

The proposed project site is located within the Community Plan’s Mixed-Use Corridor, which promotes very-high residential densities along major commercial transit corridors, including 5th and 6th Avenues. The Project as designed concentrates development in the northern portion of the site, resulting in an overall slimmer mass with an east-west orientation, and incorporates façade articulation using balconies and upper-story setbacks along Sixth Avenue to minimize view obstructions to Balboa Park and provide a transition in scale from St. Paul’s Cathedral. The project is located in a portion of the Uptown community that includes a wide range of building styles with respect to density, height, architecture, and material, and has been designed in conformance with the goals and policies of the General Plan and UCP, and the LDC. Based on the above, the project will not adversely impact the nearby historic structures, the height, scale, and character of the local community, or balboa park.

**Appeal Issue 6 – View Corridor Impacts** – Balconies of units on Olive Street will protrude over the Olive Street right-of-way. This will significantly impair the east-west view corridor of Balboa Park on Olive Street.

**Staff Response** - The project site is not located in a public viewshed or public view corridor as shown on Figure 4-3, Canyons and Views, in the UCP. Olive Street is not identified as a public view corridor in the UCP. The project is requesting an incentive to allow a reduced setback of zero feet on the portion of Olive Street (northly side) located within the RM-4-10 Zone, where a setback of 15 feet is required. As detailed in the Report to the Planning Commission, the requested incentive would allow the project to maximize site efficiency and accommodate a courtyard between the mixed-use tower and St. Paul’s Cathedral. Furthermore, strict compliance with underlying zones’ setback requirements would result in a building that is partially on the north property line and partially 15 feet in from the north property line affecting overall design, unit layout, interior circulation and density potential. The Project's balconies, which have been included to help minimize the bulk of the structure, do slightly encroach.
into the Olive Street right-of-way. However, the minimal 4-foot intrusion will not impair any established viewshed or view corridor, nor will it have any demonstrated effect on views of Balboa Park.

**Appeal Issue 7 – Net Gain of Two Affordable Units** – The project is utilizing an affordable housing density bonus to increase its size, demolishing the park Chateau Apartments, an older building that has 16 affordable units. The project will include 18 new affordable housing units, for a net gain of only two affordable units.

**Staff Response** - The Park Chateau apartments that occupy the site today offer market-rate housing without any income-based qualification for eligibility. The existing units do not qualify as affordable units pursuant to state or local law. The project would demolish the existing 16-unit market rate apartment complex and construct a new mixed-use building containing 204 dwelling units, including 18 on-site income restricted units. These units will be affordable to very low-income households with a combined annual gross income at or below 50 percent of the AMI, subject to a written agreement with the San Diego Housing Commission.

**Appeal Issue 8 – EIR Required** – The appellant asserts that the proposed project is a new project, changed conditions, changed circumstances, and new information and impacts to land use and planning, visual quality and community character, traffic, circulation, parking, air quality, noise, paleontological resources, light, glare, shading, public services and facilities, solid waste, energy, greenhouse gas emissions, the Climate Action Plan, and a new EIR for the 6th and Olive project is required.

**Staff Response** - The City previously prepared and certified the St. Paul’s Cathedral and Residences EIR (Project No. 96101/CH No. 2009101036), per Resolution No. R-307114 on November 8, 2011. The EIR identified potential environmental impacts in the areas of Traffic/Circulation, Historical Resources, Paleontological Resources, and Noise, which would be reduced to below a level of significance with implementation of the Mitigation, Monitoring, and Reporting Program. An environmental analysis of the 6th and Olive project concluded the environmental impacts associated with the proposed project are consistent with or not greater than the impacts disclosed in the previously certified St. Paul’s Cathedral and Residences EIR. The project’s proposed modification and/or refinements would not cause new or more severe significant impacts than those identified in the St. Paul’s Cathedral and Residences EIR. Based upon a review of the proposed project, none of the conditions described in Sections 15162 and 15164 of the State CEQA Guidelines apply. No changes in circumstance have occurred, and no new information of substantial importance has manifested which would result in new significant or substantially increased adverse impacts as a result of the project. Therefore, Addendum No. 591198 was prepared in accordance with Sections 15164 of the CEQA State Guidelines and adopted by the Planning Commission on November 8, 2018. Although the Addendum is not an environmental determination, and not appealable to City Council, staff is providing the following responses to the “new information and impacts” as identified by the appellant:

**Land Use and Planning** – Please see responses to Appeal Issues 2, 3, 5, and 6. The project site has a land use designation of Residential Very High (74-109 Du/Ac) and Community Commercial (0-109 Du/Ac) in the UCP. The proposed project incorporates ground floor office uses along 5th Avenue and Olive Street consistent with the uses allowed in the Community Commercial land use designation, and residential uses along 6th Avenue and Olive Street consistent with the Residential land use designation. The Addendum included a detailed analysis of the project's potential land use impacts and concluded that the project will not result in a new significant impact, nor would a substantial increase in the severity of impacts from those described in the previously certified St. Paul’s Cathedral and Residences EIR occur.

**Visual Quality/Community Character** – Please see response to Appeal Issues 2, 3, 5, and 6. The Addendum included a detailed analysis of the project's potential visual quality and community character impacts and concluded that the project will not result in a new significant impact, nor would a substantial increase in the severity of impacts from those described in the previously certified St. Paul’s Cathedral and Residences EIR occur.

**Traffic/Circulation/Parking** – A Transportation Impact Analysis (TIA) was prepared by Kimley-Horn Associates (September 2018) to evaluate the potential traffic impacts associated with the proposed 6th and Olive project. The study evaluated the proposed construction of 204 multi-family residential dwelling units and 16,910 square feet of cathedral office space, and the demolition of the existing 16 dwelling units (Park Chateau Apartments) and 4,973 square feet of cathedral administrative services. The study determined that the 6th and Olive project would be considered to have a cumulative significant impact at the intersection of Fifth Avenue and Maple Street in the horizon year. This is not a new impact, or an increase in the severity
of the previously identified impact. This finding is consistent with the findings of the previous St. Paul’s Cathedral and Residences EIR, which recommended implementation of Mitigation Measure TRF-1 and required a 22.4 percent fair share payment towards installation of a traffic signal at the intersection of Fifth Avenue and Nutmeg Street. The project would be subject to the same mitigation. The 6th and Olive project would not have any significant impacts to roadway segments which is consistent with the findings of the previous St. Paul’s Cathedral and Residences EIR. No additional impacts or mitigations beyond those identified in the original St. Paul’s Cathedral and Residences EIR were found as a result of the proposed 6th and Olive project. The Addendum determined that the project would not result in a new significant impact, nor would a substantial increase in the severity of impacts occur as compared to those described in the previously certified St. Paul’s Cathedral and Residences EIR.

**Air Quality** – The Air Quality Technical Report prepared by Scientific Resources Associated (September 17, 2018) for the project determined that emissions of criteria pollutants during construction of the project would be below the thresholds of significance for all construction phases for all pollutants. Project criteria pollutant emissions during construction would be temporary and are less than significant. Similarly, the emissions of all criteria pollutants associated with project operations are below the significance thresholds, and therefore, impacts would be less than significant. As explained further in the Addendum, the project would not result in a new significant impact, nor would a substantial increase occur in the severity of impacts above that described in the previously certified St. Paul’s Cathedral and Residences EIR.

**Noise** – Based on the Noise Study prepared by Birdseye Consulting Group (August 2018), the Addendum concluded the average noise level from the Project's demolition phase over an 8-hour period would be approximately 70 A-weighted decibels (dBA). This is within the City's acceptable noise limits. Construction noise would attenuate below the City's 75-dBA threshold at 100 feet or more from the project site. The Project would not result in vibration levels that could cause structural damage, and any temporary vibration impacts would occur during the daytime, thereby minimizing any potential sleep disturbance impacts. Nevertheless, the project would be required to implement Mitigation Measures NOI-1a and NOI-1b from the previously certified St. Paul's EIR and would be required as part of the project, would ensure that the project's stationary noise sources comply with the City's Noise Ordinance.

As to operational noise impacts, the Project would not cause a significant increase in exterior or Interior traffic noise, and HVAC noise would be less than the City's significance threshold at the project's property line. Moreover, implementation of Mitigation Measure NOI-2, which was included in the previously certified St. Paul's EIR and would be required as part of the project, would ensure that the project's stationary noise sources comply with the City's Noise Ordinance.

Therefore, the Addendum determined that the project would not result in a new significant impact, nor would a substantial increase occur in the severity of impacts above that described in the previously certified St. Paul’s Cathedral and Residences EIR.

**Paleontological Resources** – The Addendum evaluated the project's potential impact on paleontological resources and concluded that implementation of Mitigation Measure PR-1 from the previously certified St. Paul’s Cathedral and Residences EIR as a requirement of the project would reduce any potential impacts below a level of significance. As a result, the Addendum determined that the project would not result in a new significant impact, nor would a substantial increase in the severity of impacts from those described in the previously certified St. Paul’s Cathedral and Residences EIR occur.

**Light, Glare, and Shading** – Sources of light in the form of internal and external building illumination, street lights, safety lighting in parking areas and along walkways and vehicle lights are present on-site, and in the area, today so the project will not introduce new light sources into the area. The Addendum explained that the project would comply with SDMC Section 142.0730, which mandates that no more than "50% of the exterior of a building may be comprised of reflective material that has a light reflectivity factor greater than 30%," since the Project's glazing would be composed of architectural glass products with a reflectivity factor of 19 percent.

As explained in the Addendum, a project-specific shadow study was prepared by JWDA (June 2018) to simulate shadows that would be cast during the equinox (March 21 and September 21), summer solstice (June 21) and winter solstice (December 21) at 9 am, noon and 3 pm. Shadows cast on December 21
would result in the longest shadows, directed primarily to the businesses and residences on the west side of Fifth Avenue and north side of Olive Street at 9 am, and to the northeast across Balboa Park at 3 pm. A portion of the 3 pm shadows during the equinox and winter solstice would also land on the apartment building at the northwest corner of Olive Street and Sixth Avenue. None of the adjacent structures would be shaded for more than six hours when the shadows would be the longest. The Project would only shade a portion of Balboa Park in the afternoon. The greatest amount of afternoon shade would occur during the winter solstice. Because the portion of Balboa Park across from the project site includes an expansive lawn area, opportunities for park use would not be substantially reduced by project shadows during winter afternoons because there are other lawn areas in the park that would be exposed to the sun at the same time. The shadow study showed that, while there is a potential for some shading of other properties, the timing and duration of shading would not preclude solar use on nearby properties. Therefore, the Addendum concluded that the project would not result in a new significant impact, nor would a substantial increase occur in the severity of impacts above that described in the previously certified St. Paul’s Cathedral and Residences EIR.

Public Services and Facilities – As outlined in the Addendum, no new facilities or improvements to existing police, fire, school, library or park and recreation facilities would be required because of project implementation. Moreover, development impact fees and school fees, which would be paid by the applicant prior to building permit issuance, would be used to maintain and fund future facilities. Thus, the Addendum determined that the project would not result in a new significant impact, nor would a substantial increase in the severity of impacts from those described in the previously certified St. Paul’s Cathedral and Residences EIR occur.

Solid Waste – A Waste Management Plan (WMP) was prepared by KLR Planning (March 2018) for the project. The WMP identified waste anticipated to be generated; material/type and amount of waste anticipated to be diverted; project features that would reduce the amount of waste generated; project features that would divert or limit the generation of waste; source separation techniques for waste generated; how materials would be reused on-site; and the name and location of recycling, reuse, or landfill facilities where waste would be taken.

With implementation of the strategies outlined in the WMP, as well as compliance with all applicable City ordinances and all allowable deviations, solid waste impacts related to collection, diversion, and disposal of waste generated from construction and demolition, grading, and occupancy would be less than significant. During occupancy, an ongoing WMP would include provisions to provide adequate exterior storage space for refuse, recyclable, and landscape/green waste materials. Therefore, the Addendum concluded that the project would not result in a new significant impact, nor would a substantial increase occur in the severity of impacts above that described in the previously certified St. Paul’s Cathedral and Residences EIR. Furthermore, as required by the Planning Commission, and agreed to by the applicant, the permit has been conditioned to require trash compactor on-site to further reduce potential solid waste impacts (Attachment 2, Condition No. 46).

Energy – The Addendum concluded that the energy consumption associated with project construction would not result in local energy demand exceeding the capacity of SDG&E and gasoline/diesel fuel suppliers. Although operation would result in the consumption of energy, several project features would help manage the amount and efficiency of energy consumption to ensure that energy consumption is not inefficient, wasteful or unnecessary, and to confirm that the project would not place a significant demand on regional energy supplies. Consistent with Title 24 building standards, a number of energy reduction and efficiency measures are being incorporated into the project to reduce energy consumption, and to use many of the best energy reduction and efficiency measures available. As a result, the Addendum determined that the project would not result in a new significant impact, nor would a substantial increase occur in the severity of impacts above that described in the previously certified St. Paul’s Cathedral and Residences EIR.

Greenhouse Gas Emissions/CAP – Since the St. Paul’s Cathedral and Residences EIR was certified in 2011, the City adopted a CAP in December 2015, which outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions. The City's CAP Consistency Checklist, adopted July 12, 2016, ensures project-by-project consistency with the underlying assumptions in the CAP to confirm that the City would achieve the emission reduction targets identified therein.
The CAP Consistency Checklist includes a three-step process to determine if a project would result in a GHG impact. Step 1 consists of an evaluation to determine a project's consistency with the existing General Plan, Community Plan, and zoning designations for a site. Step 2 consists of an evaluation of a project's design features compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use designation or the applicable zone, but the site is in a transit priority area.

Under Step 1 of the CAP Consistency Checklist, the project is consistent with the existing General Plan and Community Plan designations, as well as site's zoning. Therefore, the Project is consistent with the growth projections and land use assumptions used in the CAP. Furthermore, completion of Step 2 of the CAP Consistency Checklist demonstrates that the project, which has been designed to include energy and water efficient building strategies, as well as bicycling, walking, transit, and land use strategies, would be consistent with the City's efforts to reduce GHG emissions. Thus, the Project is consistent with the CAP. Step 3 of the CAP consistency Checklist is not applicable to the Project.

The project is conditioned to comply with the provisions of the CAP Consistency Checklist (Attachment 2, Condition 16). Therefore, the Project would not result in a new significant impact, nor would a substantial increase occur in the severity of impacts above that described in the previously certified St. Paul's Cathedral and Residences EIR.

Conclusion:
In conclusion, with the approved incentives and deviations, the project is in conformance with all applicable development regulations and policies as set forth in the LDC and UCP. The requested incentives and deviations are consistent with the intent of the State’s Density Bonus Law, the City’s Affordable Housing Regulations and the Affordable Housing, In-fill Projects, and Sustainable Buildings Development Regulations. Furthermore, the project would benefit the community by providing 186 additional market rate units and 18 additional very low-income affordable units within an area of the Uptown Community designated for high density residential development and in close proximity to transit opportunities. Therefore, staff recommends the City Council deny the appeal and uphold the Planning Commission’s approval of SDP No. 2078814, NDP No. 2078816, and VTM No. 2078817.

City Strategic Plan Goal(s)/Objective(s):
Goal #3: Create and sustain a resilient and economically prosperous City.
Objectives #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability.

Fiscal Considerations:
None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Environmental Impact:
Addendum No. 591198 to Environmental Impact Report (EIR) 96101/SCH No. 2009101036 has been prepared for the project in accordance with California Environmental Quality Act (CEQA) Guidelines. Based upon a review of the current project, it has been determined that there are no new significant environmental impacts not considered in the previous EIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation, Monitoring and Reporting Program for Traffic/Circulation, Historical Resources, Paleontological Resources, and Noise would be implemented with this project, which will reduce the potential impacts to below a level of significance.

Equal Opportunity Contracting Information (if applicable):
None with this action.

Previous Council and/or Committee Actions:
None with this action.

Key Stakeholders and Community Outreach Efforts:
Nutmeg and Olive, LLC, The Cathedral Church of St. Paul, Vue on 5th Owners Association, and CR Fifth & Nutmeg, LLC - Owners
Greystar GP II, LLC - Applicant
Uptown Planners - Appellant
On November 8, 2018, the Planning Commission voted 4-0, with Commissioners Peerson, Otsuji, and Austin recusing, to approve the 6th and Olive project with a modification to Permit Condition No. 46 to require the provision of trash compactors, and adopt Addendum No. 591198 to Environmental Impact Report No. 96101, and the associated Mitigation Monitoring and Reporting Program.

On August 7, 2018, the Uptown Planners considered the project and approved two motions. The Uptown Planners voted 11-1-2 to recommend approval of the project at a maximum height of approximately 170 feet and encourage as much affordable housing as possible. The Uptown Planners also voted 11-1-1 to “recommend applicant modify the project design to activate public space at the base of the project with the community.” Additional information is provided in the Uptown Planners Meeting Minutes of August 7, 2018.

On November 6, 2018, the Uptown Planners voted 8-1-1 to authorize the submittal of the subject appeal.