



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 10, 2008 **REPORT NO. PC-08-085**

ATTENTION: Planning Commission, Agenda of July 17, 2008

SUBJECT: OCEAN VIEW VILLAGE - PROJECT NO. 96580 - PROCESS 5

OWNER: Melvyn V. Ingalls

APPLICANT: Steve Silverman/M. W. Steele Group, Inc.

SUMMARY

Issue(s): Should the Planning Commission recommend City Council approval of a new mixed use development consisting of 143 residential units, 40,678 square feet of commercial, and 37,850 square feet of industrial uses on a 10.4 acre site located at 996 Otay Valley Road, within the Otay Mesa Community planning area?

Staff Recommendation:

1. Recommend that the City Council **Certify** Addendum No. 96580 to Environmental Impact Report No. 98-0189, and **Adopt** the Mitigation, Monitoring and Reporting Program; and
2. Recommend that the City Council **Approve** Site Development Permit No. 320732, Vesting Tentative Map No. 314829 and Rezone Ordinance No. 314830.

Community Planning Group Recommendation: The Otay Mesa Community Planning Board voted 13-1-1 on September 20, 2006 to recommend approval with recommendations (see Project-Related Issues).

Environmental Review: Addendum No. 96580 to Environmental Impact Report No. 98-0189 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: None. All staff costs associated with processing this project are recovered from a deposit account maintained by the applicant.

Code Enforcement Impact: The Neighborhood Code Compliance Division (NCCD) has issued ten Notices of Violation (NOV) to the various businesses (related to auto dismantling) located on APN 646-05-07-00. To date, the parcel continues to be in violation. NCCD will be forwarding the cases to the City Attorney's office for further code enforcement action based upon the continuation of business operations without the appropriate permits and development requirements of the zone. Approval and construction of this project would resolve the code violation. There is no direct impact to staffing at this time in the continued enforcement of the cases.

Housing Impact Statement: The proposed project would provide 143 dwelling units within the Otay Mesa Community Plan Area and the Robinhood Ridge Precise Plan Area. The residential portion of the proposed project site has a Medium Residential designation with a density range of 15 to 30 dwelling units per acre per the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan. The approximately five acres for the residential portion of the proposed project would allow the development of 75 to 150 dwelling units. The proposed project's 143 dwelling units are within the approved density range and would not adversely affect the residential density goals of the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan. The dwelling units would include 143 multifamily dwelling units. To meet the requirements of the Inclusionary Housing Ordinance, approximately 11% of the total number of units, fifteen, would be Affordable units for rent to households earning no more than 65% of Area Median Income (AMI) for a period of 55 years, or for sale at prices affordable to households making no more than 100% of the AMI.

BACKGROUND

The 10.4 acre site located at 996 Otay Valley Road in the AR-1-1 Zone, Airport Influence Area, and Airport Environs Overlay Zone, the Robinhood Ridge Precise Plan, and the Otay Mesa Community Plan area (Attachments 1, 2, 3, 4 and 5). The project area is square in shape and the western boundary fronts on the unimproved portion of Vista Santo Domingo road. Access to the site is currently from the terminus of Vista Santo Domingo road at the northwest, Exposition Way at the southwest, and Innovation Drive at the southeast. The site is relatively flat and ranges in elevation from approximately 460 feet above Mean Sea Level (MSL) at a northern swale to approximately 520 feet above MSL at the top of the mesa in the central and southern portion of the property. The site drains towards the north and southwest. A variety of land uses surround the site. Open space and multiple dwelling units exist to the north, light industrial to the south, open space and auto recycling yards to the east, and open space and undeveloped property to the west.

The existing zoning is agricultural (AR-1-1). The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density. Though the site is zoned agriculture, agricultural uses ceased approximately 30 years ago when the site use changed to an auto salvage yard. The property was then regulated by Conditional Use Permit (CUP) No. 88-0498 for a auto dismantling facility, which expired on January 19, 1994. Though the property owner submitted for an extension of

this use under CUP 94-0158, CUP 94-0158 was never granted. The existing use was allowed to operate as long as no additional improvements were granted or constructed, while the viability for long term operations for this use were assessed. The property is under a Notice of Violation for unpermitted activity. A Notice of Violation was issued on January 29, 1997 and the case remains open. Approval and construction of this project would eliminate the code enforcement violations. Should this project not be approved, the existing non compliant conditions will remain and the code enforcement case will remain active.

The property was included in the 1991 Robinhood Ridge Precise Plan which was prepared in conformance with the community plan goals. The Otay Mesa Community Plan was amended to reflect the Precise Plan approvals. The adopted Precise Plan and its accompanying Environmental Impact Report provided the basis for review of subsequent subdivision maps, and development permits within the plan area. The Precise Plan stated that the plan area was undeveloped with the exception of an existing auto salvage yard at the southeast portion, which would be relocated once development commenced. The referenced auto salvage yard is the same area proposed with the Ocean View Village project. This project proposes to change the existing agriculture zone and auto dismantling use to the three land use zones approved with the adopted Robinhood Ridge Precise Plan and Community Plan. The Precise and Community Plan designate the site for residential uses in the north, commercial use in the southwest, and industrial use in the southeast. The proposed rezone would be in conformance with these plans.

DISCUSSION

Project Description:

The project proposes the subdivision of a 10.4 acre site for grading and construction of 143 residential units which includes 15 units designated as affordable housing, 40 commercial units and 24 industrial units. The subdivision would create 3 lots; Lot 1 as a 5.74 acre residential use, Lot 2 as a 2.21 acre commercial use, and Lot 3 as a 2.45 acre industrial use. The proposed Rezone would change the existing zone to residential (RM-2-4), commercial (CN-1-2) and industrial (IL-2-1) zone uses in accordance with the adopted Robinhood Ridge Precise Plan and Community Plan. The project was reviewed in the Affordable/In-Fill Housing & Sustainable Buildings Expedite Program per Council Policy 600-27 and will provide affordable housing in accordance with the City's Inclusionary Housing Ordinance (SDMC Section 142.1304). Fifteen of the residential units are designated as for rent or for sale affordable housing units per the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

The project would construct 143 residential units in twenty-three 3-story buildings totaling 224,381 square feet, 40 commercial units in one 2-story building totaling 40,678 square feet, and 24 industrial units in two one-story buildings totaling 37,850 square feet. The project would be built in two phases for construction. The first phase includes 107 multi-family residential units; the second phase includes 36 multi-family dwelling units, and the commercial and industrial buildings. The architectural design for the project is planned as a Mediterranean style. The residential, commercial and industrial buildings are planned to relate to one another through similarity of material, color, height, and detailing (Attachment 6 and 7). The exterior wall finish is planned to be stucco and painted with light neutral colors as appropriate for Mediterranean style buildings. To highlight architectural details and architectural massing elements, a vibrant contrasting color may be used. Detail elements such as windows, railings, doors, and trellises

may also be of a contrasting material or color. Some residential roofs will be sloped and clad with a clay tile or similar material, while others will be flat and surrounded by a parapet. Roofs for commercial and industrial buildings will be flat and surrounded by a parapet.

The property is designated for medium density at 15 to 30 dwelling units per acre for the northern half of the project. The 143 proposed residential units are within the density range for multi-residential dwelling units consistent with the Precise and Community Plan and the proposed RM 2-4 and CN 1-2 zone. Thirteen of the 143 units will be detached and located along the northern property boundary with views to the north. The attached residential structures are located south of the detached units and closer to the commercial services. The 143 multi-residential units include 56 one bedroom, 74 two bedroom and 13 three bedroom units. The residential units range from 826 to 2,215 square feet. The commercial use is located in the southwestern portion of the project and plans a mix of convenience and specialized shopping consistent with the proposed neighborhood commercial CN-1-2 zoning. The industrial use is sited in the southeastern portion of the project and would be designated IL-2-1. The industrial zone will provide a mix of light industrial and office uses with light manufacturing and business support services that would be consistent with the adjacent residential and commercial uses. Landscaping and parking areas are planned to create a transition zone to buffer the residential, commercial and light industrial.

The front, side and rear setbacks comply with all three proposed zones, other than the front yard and side yard setbacks in the RM-2-4 Zone. Two deviations from the development standards have been requested for the residential setbacks, and both are supported by staff (See Project-Related Issues). The building height complies with the residential and industrial zones which are under the 40 foot and 30 foot height limit, respectively. The commercial zone has a maximum 30 foot height limit, which will be exceeded by 1 foot 1 inch for a total structure height of 31 feet 1 inch. The commercial buildings are proposed to range from 29 feet 6 inches to 31 feet 1 inch. A deviation from the development standards has been requested and is supported by staff to exceed the commercial zone 30 foot height limit by 1 foot 1 inch. The project complies with the parking regulations by providing a total of 557 automobile spaces of which 18 spaces are accessible, 25 motorcycle spaces, and 39 bicycle spaces. The residential parking includes 202 enclosed spaces and 98 surface spaces; the commercial parking includes 162 spaces, and the industrial 95 spaces.

The landscape design for the project would link the three separate zoned uses, maximize the views and transition the natural slopes to the new development landscaping. Materials are planned to include stone, rock, aggregate and natural plantings. Drought tolerant native and natural plants would minimize irrigation, and two shorter retaining walls are planned with plantings between the walls to ensure coverage and visual consistency with the native plants. A variety of tree themes are planned for parking lot areas, as screen and accent trees, with some palms. Vista Santo Domingo road will include Coast Live Oak street trees and shrubs, perimeter plants would be used to screen the commercial and industrial uses, and a small plaza for gathering would be located in the commercial area. A central court yard would be constructed in the residential area, with winding paths for views, seating for gathering, and a winding dry creek bed. A residential turf area would provide recreational space.

A Brush Management plan has been designed and will be implemented in accordance with the Precise Plan and SDMC. Brush Management Zones 1 and 2 were required at the northern and

northeastern portion of the project adjacent to the existing hillside which descends to the north and east. Where portions of the Brush Management plan extend off-site, a recorded easement from the adjacent property owner is a permit requirement to establish and maintain the off-site zone in perpetuity.

The project will improve circulation for pedestrian and vehicular access in the Otay Mesa area. Currently there is no improved road connection between the Robinhood Ridge development on the north and the Otay Corporate Center to the south. The project will dedicate 30 feet along the western property frontage for the eastern half the required Vista Santo Domingo right-of-way. This dedication will allow the full width construction for Vista Santo Domingo road per the Robinhood Ridge map to complete the north-south connection and access to the project. The project will improve their property frontage on Vista Santo Domingo with curb, gutter and sidewalk, and includes signage for a bike lane on Vista Santo Domingo road for connection to the bicycle system in accordance with the Precise Plan. In addition, as part of the first and second building Phases the project is required to construct off-site roadway improvements as summarized in the Environmental Analysis section below, the environmental document and the development permit.

Development of the site will require grading the entire site with the exception of the north central natural swale which contains Environmentally Sensitive Lands (ESL), to create a flat pad for structures. Since the site is fairly flat, grading would only be to depths of approximately 3 to 9 feet vertically. Grading includes remedial grading which is necessary to a depth of approximately 5 feet to mitigate for expansive and contaminated soils. Retaining walls would be constructed along the northeastern and eastern property boundaries, and would be screened by landscape and wall plantings.

Deviations are being requested for setbacks; street frontage, drive way aisle width, retaining wall height, residential off-street loading spaces, and structure height (see Project-Related Issues). The Affordable/In-Fill Housing regulations allow projects to request deviations from applicable development regulations through a Site Development Permit, provided the supplemental findings can be met. Staff is supporting the requested development deviations.

The site was previously regulated under CUP 88-0498 as an Auto Dismantling Center. The project proposes redevelopment from this auto dismantling use and the existing agricultural zone to the three approved land uses in the adopted Robinhood Ridge Precise Plan and Community Plan. The proposed redevelopment requires a Site Development Permit, Vesting Tentative Map and Rezone to construct the proposed 143 residential units, 40 commercial units and 24 industrial units (Attachments 8, 9, 10, 12 and 13). The Site Development Permit is Process 4 for development deviations as part of the Affordable/In-Fill Housing (MC 143.0920). A Site Development Permit Process 4 is necessary for subdivisions with Sensitive Biological Resources and Steep Hillides as part of Environmentally Sensitive Lands (ESL) regulations (MC 143.0110.a.1 & 2). The Vesting Tentative Map is Process 4 for a subdivision with condominium and commercial construction (MC 125.0440). The proposed Rezone to change AR1-1 to RM-2-4, CN-1-2 and IL-2-1, would be in accordance with the adopted Robinhood Ridge Precise Plan and Community Plan, and is a Process 5. The project requires a Discretionary Process with a Planning Commission noticed public hearing to provide a recommendation to City Council. Subsequent to a Planning Commission recommendation, a noticed public hearing for City Council will be held. The final decision maker is City Council.

Community Plan Analysis:

The proposed project would develop 143 dwelling units, one commercial building, and two industrial buildings on a site located in the Otay Mesa Community and Robinhood Ridge Precise Plan areas that has land use designations of Residential, Commercial, and Industrial. The proposed project would not adversely affect the goals and recommendations for land uses in the Residential, Commercial, and Industrial Elements of the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan.

For the residential portion of the proposed project, the site has a Medium Residential designation with a density range of 15 to 30 dwelling units per acre per the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan. The approximately five acres for the residential lot would allow the development of 75 to 150 dwelling units. The proposed project's 143 dwelling units are within the approved density range and would not adversely affect the residential density goals of the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan. The applicant is willing to provide 15 units of Affordable housing to meet the requirements of the Inclusionary Housing Ordinance. The provision of on-site affordable housing units would also help implement the goal of the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan to provide for a balanced community in terms of housing needs and economic appeal.

With respect to the commercial component of the proposed project, the site has a Neighborhood Commercial designation intended to have a variety of retail and service uses to serve the adjacent residential areas. The Robinhood Ridge Precise Plan further states that residential uses are not intended to be established within the commercial site without a precise plan amendment and rezone application. The proposed commercial development with commercial only and no mix of uses, would not adversely affect the commercial goals of the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan.

For the industrial component of the proposed project, the site has an Industrial designation and is located within the Industrial Subdistrict of the Otay Mesa Development District and would develop in accordance with the standards of the Ordinance. The placement of the industrial development on the rear lot would allow for residential and commercial uses to interact with pedestrians on the street frontage lots at the street level. The industrial development would occur on the rear lot with secondary access for trucks provided on the south side of the project area, helping to separate the use and associated activities from the commercial and residential uses. The proposed project's industrial development would not adversely affect the goals and objectives of the Otay Mesa Community Plan. The recently adopted General Plan provides collocation criteria for siting industrial and residential uses adjacent to one another, and City Planning & Community Investment anticipates that the criteria would be considered when determining the actual industrial uses for the site.

The Robinhood Ridge Precise Plan Design Element recommends the use of unifying design elements to create a sense of visual continuity throughout the entire plan, to provide consistent streetscape design, and to establish a harmonious design treatment of buildings. The proposed project's use of similar building materials, window treatments, awnings and trellises help to create visual continuity and harmony throughout the project site. The dwelling units along Vista Santo Domingo would provide eyes on the street and help to enhance the established

neighborhood character. The landscaping plan links the mesa site's residential, commercial, and industrial land uses while incorporating the views and adjacent canyons into the project. The plant palette includes species that would frame the views, drought tolerant planting materials that would minimize irrigation upon plant establishment, and street trees and shrubs along Vista Santo Domingo that coordinate with the adjacent existing streetscape from previous development.

With respect to urban design, pedestrian connections would include a view trail on the northwestern portion of the project, a walkway through the canyon-themed central courtyard, and enhanced paving to connect the residential with the industrial and commercial uses. Walls, a line of trees, and residential parking would help to create a buffer/transition between the residential area and the industrial/commercial areas. As recommended in the Robinhood Ridge Precise Plan Design Element, access to the commercial center from Otay Corporate Center, including pedestrian and bicycle linkages would be provided.

The project proposes seven deviations from the Land Development Code, several of which could affect the Robinhood Ridge Precise Plan and the Otay Mesa Community Plan. The proposed front and side yard setbacks reductions within the residentially designated and zoned area would allow for buildings to frame the street and provide eyes on the street, providing a better sense of security while enhancing the pedestrian experience. Siting the buildings closer to the street helps implement pedestrian-oriented development and provide a more pleasing aesthetic experience, goals found in the Precise Plan, the Community Plan, and the recently adopted General Plan.

The industrially designated lot is an interior lot that does not front a public street, and the applicant's proposed street frontage deviation for the industrially designated and zoned property would allow for treatment of the industrial area as an extension of the adjacent commercial uses and separate access, goals of the Precise Plan. As stated above, the placement of the industrial development on the rear lot would allow for residential and commercial uses to interact with pedestrians at the street level, with industrial activity occurring behind the commercial uses and with separate access to minimize interaction with residential and commercial activity. The setback deviation would allow for better integration of the industrial use into the project as a whole, while providing separate access for support activities and would not adversely affect the goals and objectives of the Robinhood Ridge Precise Plan and the Otay Mesa Community Plan.

Environmental Analysis:

The property was included in the amended 1991 and the final 1998 Environmental Impact Report (FEIR) No. 98-0189 for the Robinhood Ridge Precise Plan. This environmental document was intended to provide a comprehensive single environmental document that would implement the Robinhood Ridge plan. A new environmental analysis was required to be completed for the Ocean View Village project in accordance with California Environmental Quality Act (CEQA) guidelines. Staff concluded there were no new significant environmental impacts not considered in the previous FEIR, no substantial changes occurred, and there was no new information of importance. Therefore, an addendum to the FEIR was prepared in accordance with Section 15164 of the State CEQA Guidelines. Addendum No. 96580 (AEIR) to Environmental Impact Report No. 98-0189 was prepared and finalized for the project in accordance with CEQA Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) will be implemented which would reduce, to below a level of significance, the potential environmental impacts

identified from the environmental review process (Attachment 11) The projects proposed mitigation now avoids or mitigates the following potential significant environmental effects: Transportation/Circulation, Biological Resources, Historical Resources (Archaeology), Landform Alteration/Visual Quality, Human Health and Public Safety (Hazardous Materials) and Noise.

Transportation/Circulation – The Robinhood Ridge FEIR found that the Precise Plan could result in trip generation volumes in excess of the existing adopted Precise Plan and could potentially result in significant impacts to the surrounding roadway network. This impact was mitigated with incorporation of fair share contributions towards transportation improvements and project specific mitigation measures. No new impacts to traffic/circulation were identified therefore the Ocean View Village project would implement the specific traffic and circulation improvements as required by the Robinhood Ridge FEIR MMRP.

The Ocean View Village AEIR/MMRP No. 96580 requires as part of the first and second building Phases that the project construct off-site roadway improvements. Phase 1 requires that State Route 905 be open between Otay Mesa Road and the Otay Mesa border crossing, with all interchanges open except the Heritage Road interchange. Phase 1 also requires the construction of a traffic signal at the intersection of Avenida De Las Vistas/Otay Valley Road. Phase 2 requires the Heritage Road/State Route 905 interchange to be open, Otay Valley Road to be widened to a six lane prime arterial, and that the Otay Mesa Road/Heritage Road interchange provide a 12% fair share contribution toward one additional southbound left turn lane, re-stripe one southbound right turn lane to provide an exclusive through lane, and provide one additional northbound through lane.

Biological Resources – The Robinhood Ridge FEIR identified potential impacts to biological resources within the Vested Tentative Map area to be less than significant. The project is within the Multiple Species Conservation Plan (MSCP), but not within though adjacent to the Multiple Habitat Planning Area (MHPA). No plant or wildlife species listed as threatened or endangered were observed within the project limits. No vernal pools were found. The project biology report mapped 0.22 acres of disturbed coastal sage scrub (Tier II upland vegetation) within the boundaries. The project would impact approximately 0.06 acres of disturbed coastal sage scrub. Impacts to less than 0.10 acres would not be considered significant and therefore no mitigation would be required. However, the potential exists for the presence of raptors and the coastal California gnatcatcher. Potential impacts to MHPA land use adjacency guidelines, raptors and/or the gnatcatcher would be mitigated to below a level of significance by implementation of the MMRP. The MMRP mitigation requires a preconstruction survey to avoid impacts to raptors and the gnatcatcher.

Historical/Cultural Resources (Archaeology) – The Robinhood Ridge FEIR concluded no impacts to any significant cultural resources would occur. Although no significant cultural resources were identified within the project site, due to the presence of a recorded archaeological resource within a one mile radius, a qualified archaeologist is required to monitor the site during grading in accordance with the MMRP.

Landform Alteration/Visual Quality – The Robinhood Ridge FEIR concluded that impacts to Landform Alteration/Visual Quality to be significant at a project level of analysis due to the modification of steep, natural canyons and hillsides. The project was designed to avoid steep hillside impacts or creating large manufactured slopes. Since the site is fairly flat, grading would

only be to depths of approximately 3 to 9 feet vertically. Grading includes remedial grading which is necessary to mitigate for expansive and contaminated soils and create a flat pad for structures. The project includes two retaining walls along the northern and eastern property boundaries to limit grading into steep slopes. Visual impacts of the retaining walls would not be significant as the walls would be screened with the use of landscaping, and colors to blend into the landscape. The final project design was not identified to have any significant impacts, and no additional mitigation was necessary.

Human Health and Public Safety (Hazardous Materials) – The Robinhood Ridge FEIR acknowledged the potential presence of contaminated soils with the Precise Plan area. The FEIR summarized that potential soil contamination impacts would be adequately addressed in future discretionary actions and environmental review prior to development. Since agricultural uses ceased on site approximately 30 years ago when the site use changed to an auto salvage yard, a Phase 1 and 2 Environmental Site Assessment were necessary. The reports were prepared for the Ocean View Village project to determine the presence of soil contamination. The reports found some soil contamination and were submitted as part of the Voluntary Assistance Program (VAP) for review by the County of San Diego Department of Environmental Health (DEH). DEH concurred with the consultants recommendations. The project is required to implement the mitigation measures identified in the reports to reduce the impacts from hazardous materials to below a level of significance. Site grading includes remedial grading which is necessary to a depth of approximately 5 feet to mitigate for expansive and contaminated soils. The MMRP requires coordination with the County VAP to confirm implement and mitigation to reduce the impacts from hazardous materials to below a level of significance to protect human health and the environment.

Noise – The Robinhood Ridge FEIR found that construction activities and proposed land uses were not anticipated to result in significant increase in existing ambient noise levels, or exposure to significant future traffic noise levels. The project is within the Brown Field Airport Influence Area (AIA), and the Brown Field 60 decibel (dB) community noise equivalent level (CNEL) airport noise contour. Title 24 noise standards and the Building Permit process require construction documents fully illustrate the incorporation of building materials in the residential units to attenuate sound due to aircraft noise to the 45 dB CNEL interior noise level. A Noise Report was prepared to determine whether future traffic generated from the development would create a noise impact to land uses adjacent to the proposed Vista Santo Domingo road. The report concluded traffic noise generated from this road would be consistent with the City's exterior noise standards and no mitigation is required. The MMRP requires an interior noise analysis to ensure the project incorporated building materials to meet the Title 24 noise standards.

Project-Related Issues:

Deviations for Affordable/In-Fill Housing & Sustainable Buildings - Deviations are being requested as part of the affordable/in-fill housing and sustainable building regulations in accordance with SDMC 143.0915 and 143.0920, pursuant to a Site Development Permit. Deviations are being requested for setbacks, street frontage, drive aisle driveway width, retaining wall height, off-street loading spaces, and structure height. Staff support the requested seven deviations listed below:

1. Front Yard - Deviation from SDMC Table 131-04G to reduce the front yard setback in the RM-2-4 Zone. Up to 50% of the width of the building envelope may observe the minimum 15 foot front setback, provided the remaining percentage of the building envelope width observes the standard 20 foot setback. Fifty percent or approximately 159 feet of the building envelope may observe 15 feet, and 50% or approximately 159 feet of the building envelope is required to observe 20 feet. The request provides a variable front setback ranging from 5 inches to 11 feet 8 inches for 70% of the building envelope. The proposed front yard setback would deviate 8 feet 4 inches to 19 feet 7 inches.

The western residential front yard setback deviation was supported by staff to create a more developable area for the residential affordable housing. The deviation would allow 143 residential units to be constructed in the designated multi-family residential area, provide room to create 13 units with a detached single family appearance in the multi-family zone, provide more area for building variation, and improve the residential layout with a pedestrian environment.

2. Side Yard - Deviation from SDMC Table 131-04G to reduce the side yard setback in the RM-2-4 Zone. The minimum side yard setback allowed is 5 feet or 10% of the premises width, whichever is greater. The premises width is 390 feet, therefore the minimum side yard setback is 39 feet. The request provides a variable side yard setback ranging from 8-inches to 37 feet 3 inches. The proposed side yard setback would deviate 1 foot 9 inches to 38 feet 4 inches.

The northern and southern residential side yard setback deviation was supported by staff along with the above front setback deviation to create a more developable and pedestrian friendly area for the residential housing and affordable housing. The northern side yard setback deviation allows for the residential structures to be integrated with a trail system and recreational area while maintaining a buffer between the steep slopes and coastal sage scrub ESL in the northern central area. The southern side yard setback allows for a pedestrian theme with landscaping blending with the adjacent commercial and industrial uses.

3. Street Frontage - Deviation from SDMC Table 131-06C for Industrial Zones to reduce the minimum street frontage in the IL-2-1 Zone. The minimum street frontage allowed is 75 feet. The request provides a 0 street frontage. The proposed street frontage would deviate 75 feet.

The industrial street frontage deviation in the southeastern portion of the site was supported by staff to allow the private internal streets versus public streets. The project dedicates one public right-of-way along the western project boundary, along the residential and commercial zones. No public streets border the industrial area. Street frontage requirements are at the development property line along a dedicated public right-of-way. However, the project proposes all private streets, not public streets adjacent to the industrial area; therefore this code requirement can not be met.

4. Drive Aisle Width - Deviation from SDMC Table 142-05L to increase residential drive aisle driveway width. The minimum allowed and maximum permitted are 20 and 25 feet, respectively. The request provides a variable drive-aisle width ranging from 26 to 30 feet 3 inches. The proposed increased drive-aisle width would deviate 1 to 5 feet 3 inches.

The residential drive aisle width deviation was supported by staff to accommodate fire truck turning radii based on driveway and access regulations. The increased width was necessary to meet fire and life safety access through the northern residential area.

5. Retaining Wall Height - Deviation from SDMC 142.0340(d)(1) for all Zones to exceed the retaining wall height in the required side and rear yard. Two retaining walls with a maximum height of 6 feet each are permitted in the required side and rear yard if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall. The request provides a variable upper retaining wall height between 6 and 12 feet with the horizontal distance between the two walls at 5 feet. The proposed height will exceed the maximum by 0 to 6 feet, and the horizontal distance separation will exceed the minimum permitted by 1 to 7 feet.

The northern and eastern retaining wall height deviation was supported by staff to create a more developable area so that the residential affordable housing adjacent would not impact steep hillsides and coastal sage scrub ESL. Allowing the taller walls with less separation creates a flatter pad area for the residential units and the recreation area. The retaining walls would be landscaped to minimize visual impacts and blend with the natural hillside and the new residential landscaping.

6. Off-Street Loading Spaces - Deviation from SDMC Table 142-10B to provide residential off-street loading spaces. The minimum allowed off-street loading spaces for residential development is 2 spaces. The request provides 0 off-street loading spaces. The proposed residential off-street loading spaces would deviate by 2 spaces.

The off street loading space deviation was supported by staff since an increased residential drive aisle width deviation (above) was provided to accommodate fire truck turning radii. The increased drive aisle width would provide adequate room for loading and unloading for the northern residential development, while accommodating 143 residential units and pedestrian and recreational areas.

7. Structure Height - Deviation from SDMC Table 131-05C to exceed the maximum commercial structure height in the CN Zone. The maximum structure height allowed is 30 feet. The request provides a maximum building height of 31 feet 1 inch. The proposed building height would deviate 1 foot 1 inch.

The maximum 1 foot 1 inch commercial structure height deviation was supported by staff to allow the applicants design for functional commercial space in a two level structure. The industrial and commercial zone height limit is 30 feet, while the residential zone is 40 feet. Staff also supported the deviation as the Federal Aviation Administration (FAA) issued a no hazard to air navigation for the project, and the San Diego County Regional Airport Authority (SDCRAA) issued a consistency determination (See Brown Field Airport below).

The proposed development would provide 143 residential units, 40 commercial units and 24 industrial units. The development will provide additional housing for San Diego, and 15 affordable housing opportunities. Each of the requested deviations would be necessary to allow the proposed development given the site size and zoning constraints. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code.

Environmentally Sensitive Lands (ESL) – The project premises were identified as containing ESL. The northern and northeastern slope was found to meet the definition for Steep Hillside, and the north central swale the definition for Sensitive Biological Resources pursuant to the City’s Land Development Code and Manual. In addition, ESL regulations require a setback to be established to buffer each resource. The project grading will encroach into a small portion of each resource and the established ESL buffers, thereby requiring a Site Development Permit for ESL.

The northern and northeastern slope was identified as a Steep Hillside. The project would grade within the required 40 foot buffer and within a small portion of the resource at the northeast corner of the property. Grading within this buffer and resource would be required for the project to grade small slopes and build retaining walls to create a flat pad to support the residential units and parking areas above the designated Steep Hillside area.

The north central area covered by Steep Hillside includes coastal sage scrub which is ranked a Tier II habitat and thus is considered to be sensitive, as discussed in the environmental biology section above and in the environmental document. Approximately 0.06 acres of disturbed coastal sage scrub would be disturbed by the project construction, and the project would grade within the 100 foot buffer above the Sensitive Biological Resource. Resource impacts were less than the 0.10 acre criteria therefore were not considered significant and no mitigation was required. Grading within this resource and buffer would be required for the project to grade slopes and build retaining walls to support the residential units and parking areas above the designated Steep Hillside and Sensitive Biological Resource area. In accordance with the requirements of San Diego Municipal Code, Sections 143.0140(a) and 143.0152(a), SDP Condition No. 42 has been added which requires the applicant execute a covenant of easement to preserve the remaining Steep Slopes and Sensitive Biological Resources in the north central portion of the site. The project VTM shows this area as “area to remain un-disturbed.”

Brown Field Airport - The project is located outside of the Flight Activity Zone (FAZ) for Brown Field. The project is located within the Brown Field Land Use Compatibility Plan (ALUCP) and the Airport Influence Area (AIA). The Brown Field ALUCP was adopted in 1981 and amended in 2004. The project is located in the 60 to 65 dB CNEL noise contours for Brown Field. The FAA conducted an aeronautical study and stated that the structure does exceed obstruction standards but would not be a hazard to air navigation. The FAA issued a “Determination of No Hazard to Air Navigation” for the project on October 3, 2006. The SDCRAA acting in capacity for the Airport Land Use Commission (ALUC) determined that the proposed project was conditionally consistent with the airport plan. The ALUC approved the consistency determination on September 6, 2007 by Resolution 2007-0057 (Attachment 14). The ALUC approval conditioned the project to require residential noise attenuated to the 45 dB CNEL interior noise level, require an aviation easement for aircraft noise to be provided to the Brown

Field airport operator for new residential construction. SDP Conditions 38 through 41 has been added for conformance with the FAA and ALUC requirements.

Community Planning Group - The Otay Mesa Community Planning Board voted 13-1-1 on September 20, 2006 to recommend approval of the project, with recommendations (Attachment 15). The Board requested the applicant reexamine the on site landscape plans and further define recreational space within the development. Based upon the Board's recommendations the applicant added landscaping to the proposed plans beyond that required by the City Municipal Code. The following four changes were added to the Landscape Plans:

1. Additional child-recreation area - the plan now consists of two youth oriented recreation areas, one area nearer to the lawn for smaller children, and another area with an innovative active jungle gym system intended for older children.
2. Added outdoor seating and picnic areas - the plan enhanced landscaping, added a viewing area just north of the residential parking area on the east side of the project, and increased the size of the picnic area near the central court lawn.
3. Additional shaded picnic area – the plan added a shaded picnic area in the Industrial Zone at the northeast corner of the parking area.
4. Grasscrete and enhanced paving – the plan added grasscrete and enhanced paving between the residential flats, and additional vine plantings in front of the residential units and vertical walls.

Conclusion:

In summary, staff finds that the project is in conformance with the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan. Other than seven deviations to the Municipal Code development standards, the project is in accordance with the design guidelines and development standards per the proposed zones, the Subdivision Map Act, the California Environmental Quality Act, and the City of San Diego Progress Guide and General Plan. In addition, this project will meet the minimum requirements for Affordable Housing by providing 15 units for both the Community and the City. Staff recommends that the Planning Commission recommend City Council approval of the Ocean View Village project.

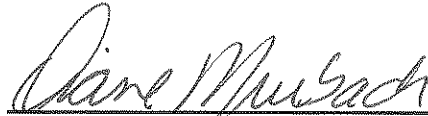
ALTERNATIVES

1. **Recommend** that the City Council **Certify** Addendum No. 96580 to Environmental Impact Report No. 98-0189, and Adopt the Mitigation, Monitoring and Reporting Program, and **Approve** Site Development Permit No. 320732, Vesting Tentative Map No. 314829 and Rezone Ordinance No. 314830, **with modifications**.
2. **Recommend** that the City Council **Does Not Certify** Addendum No. 96580 to Environmental Impact Report No. 98-0189, and Adopt the Mitigation, Monitoring and Reporting Program, and **Deny** Site Development Permit No. 320732, Vesting Tentative Map No. 314829 and Rezone Ordinance No. 314830, **if the findings required to approve the project cannot be affirmed**.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Diane Murbach
Project Manager
Development Services Department

MW/DM

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Precise Plan Land Use Map
5. Project Data Sheet
6. Project Rendering
7. Project Site Plans and Vesting Tentative Map
8. Draft Vesting Tentative Map Conditions and Resolution
9. Draft Site Development Permit with Conditions
10. Draft Site Development Permit Resolution with Findings
11. MMRP Resolution
12. Draft Rezone Ordinance
13. Rezone - B Sheet
14. ALUC Letter and Resolution 2007-0057
15. Community Planning Group Recommendation
16. Ownership Disclosure Statement
17. Project Chronology