



THE CITY OF SAN DIEGO

DATE ISSUED: January 6, 2010 **REPORT NO. PC-10-004**

ATTENTION: Planning Commission, Agenda of January 21, 2010

SUBJECT: 55TH & HARDY – PROJECT NO. 166781
PROCESS 5

**OWNER/
APPLICANT:** 55TH & HARDY, LLC (Attachment 11)

SUMMARY

Issue(s) - Should the Planning Commission recommend that the City Council approve the construction of 50 multi-family dwelling units with ground level commercial retail on a 0.68- acre site located at 5505 Hardy Avenue in the College Area Community Plan area?

Staff Recommendation:

1. Recommend City Council **Certify** Mitigated Negative Declaration 166781, and Adopt the Mitigation Monitoring and Reporting Program; and
2. Recommend City Council **Approve** Easement Abandonment No. 604350, Planned Development Permit No. 700701, Site Development Permit No. 598260, Variance No. 700706, and Neighborhood Development Permit No. 700705.

Community Planning Group Recommendation - The College Area Community Council voted on November 18, 2009 to unanimously recommend approval of the proposed project (Attachment 9), without recommendations.

Environmental Review - A Mitigated Negative Declaration No. 166781 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 would be implemented which would reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The project site is designated for High Residential with a density range of 45 to 75 dwelling units per acre. The proposed project, to construct 50 dwelling units, would provide a net gain of 50 dwelling units.

BACKGROUND

The 0.68-acre vacant urban infill project site is located at 5505 Hardy Avenue, on the corner of 55th Street and Hardy Avenue in the RM 3-9 Zone, the College Area Redevelopment Project Plan Area, and the Campus Parking Impact Overlay Zone, within the College Area Community Plan. Currently the site contains a private surface parking lot. The property to the north and west of the project site is developed with multi-family housing units; to the east is the San Diego State University (SDSU) campus; and single-family units to the south.

The site is zoned RM-3-9, which allows for multi-family development at a density of one unit per 600 square feet of lot area, or 50 units allowed on this 29,620-square-foot site. The College Area Community Plan designates the site for high-density residential development at a density of 45-75 dwelling units per acre, or 31 to 51 units allowed on this site.

The Community Plan also designates this site for multi-family uses which are convertible to sorority or fraternity use. In addition to the College Area Community Plan, applicable policy documents for this site include the College Community Redevelopment Master Project Plan and the Core Subarea Design Manual. The project site is also within the Core Sub-Area of the College Community Redevelopment Project Area, in an area designated for fraternities with residential development converted to fraternity use and some small scale commercial uses intended to serve the needs of area residents.

The College Area Community Plan (CACP) was last amended by the City Council on August 3, 2002, and reflects the long range goals of this site being devoted to fraternity use. The CACP references the College Community Redevelopment Project (CCRP), and requires the creation of a Master Project Plan to implement the College Area Community Plan and the College Community Redevelopment Project, as well as aid in the redevelopment of five subareas surrounding San Diego State University. The Master Project Plan (MPP) for the College Community Redevelopment Project was approved by the City Council on October 12, 1993. This project site is within the "Core Subarea" of the CCRP. The Core Subarea Design Manual was adopted by the City Council on August 12, 1997. Both the MPP and Core Subarea Design Manual contain guidelines and regulations regarding the development of this project site.

DISCUSSION

Project Description

The applicant proposes the construction of a 4-story apartment building with 50 dwelling units over a 2-level subterranean parking structure with approximately 800 square feet of commercial retail space at the ground level on a 0.68-acre vacant site. The project also proposes to vacate a sewer easement which runs east to west directly in the center of the proposed structure. The unit mix includes 42 four-bedroom units, 3 three-bedroom units, 1 one-bedroom (Manager's Unit), and 4 two-bedroom units. Other amenities located in the project include barbeque areas, trellis shading structures and built in seating and planters.

The required parking ratio for projects within the Parking Impact Overlay Zone (Campus Area) is based upon the number of bedrooms for each unit; 1.75 parking spaces for the one-bedroom, 2.25 for the 4 two-bedrooms, 2.5 for the 45 three- and four-bedroom units for a total of 124 parking spaces for the residential portion. The 800-square-foot retail space requires two parking spaces for a total on-site parking requirement of 126 spaces. The parking is provided within 2-levels of a subterranean parking garage accessed from 55th Street. This parking structure would include 118 tandem parking spaces, 5 standard spaces, 4 accessible spaces for a total of 127 parking spaces where 126 parking spaces are required.

The building would feature a stucco finish with multiple offsetting planes, recessed windows, a clay tile roof, and wood trellises to provide visual interest and reduce the bulk of the structure. Complementary paint colors would be utilized for several of the offsetting planes along with wood and aluminum framed arched windows. Also incorporated into the building design is the landscaping which will help to define the future look of 55th Street, Lindo Paseo and Hardy Avenue by establishing a pattern of non-contiguous sidewalks and street trees located within the parkway, as envisioned in the Community Plan.

The maximum height of the 4-story structure would be 60 feet, which complies with the 60-foot maximum height allowance in the RM-3-9 Zone and is similar to the height of the three- to four-story multi-family development located just north and west of the project site. With the exception of the requested deviations and variance as discussed on Page 4 and 5 of this report, the project meets all of the applicable development and design standards for the RM-3-9 Zone, the Community Plan and the College Community Redevelopment Project Master Plan.

Required Permits

The proposed development project requires the following discretionary actions:

1. A Utility Easement Abandonment for an existing sewer easement;
2. A Planned Development Permit (PDP) for deviations from the applicable development regulations for front yard setback, side yard setback, private open space and use of tandem parking;
3. A Site Development Permit (SDP) is required for residential development that exceeds the unit threshold (20 dwelling units) in San Diego Municipal Code (SDMC)

Table 126-05A on lots which are consolidated or otherwise joined together for the purpose of accommodating the development;

4. A Variance is required since the proposed project exceeds the supplemental PDP regulations' lot coverage maximum of 60 percent;
5. A Neighborhood Development Permit (NDP) for underground utility connections to a public main.

When an applicant applies for more than one permit, map, or other approval for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority; in this case it would be the City Council. The findings required for approval of each permit shall be considered individually (Attachment 6 & 8).

Utility Easement Abandonment

The project proposes to vacate a portion of an approximately 960-square-foot City of San Diego sewer easement. The easement runs directly through the middle of this project from east to west as depicted on Drawing No. 21039-B (Attachment 5). All existing utilities within the easements will be relocated to the surrounding public rights-of-way through project implementation, and this easement will no longer be required. A decision on an application to abandon an easement shall be made in accordance with Process Five, with the City Council as the decision maker. An easement may be abandoned only if the decision maker makes the findings in San Diego Municipal Code (SDMC) Section 125.1040.

Planned Development Permit

In order to allow the requested deviations (as described below), the approval of a Planned Development Permit (PDP) is required as described in Section 143.0402 of the Municipal Code, *When Planned Development Permit Regulations Apply*. The project would also require the approval of a Phased Project Redevelopment Permit (PPRP), as described in the College Community Redevelopment Project Master Plan. Because the PPRP is not a defined permit within the Municipal Code, the Planned Development Permit (PDP) included with this project functions to implement this requirement. The deviations are summarized as follows all of which are supported by staff and the community:

- a. A deviation to allow a front yard setback of 0'-0" which is consistent with the Core Sub-Area Design Manual where the SDMC's minimum requirements are 10 feet and 20 feet respectively;
- b. A deviation to allow a interior side yard setback of 5'-0" which is consistent with the Core Sub-Area Design Manual where 16'-0" is the maximum required per the SDMC;

- c. A deviation to allow 1,069 square feet of private exterior open space (for 75% of the units) where 2,280 square feet is the minimum required;
- d. A deviation to allow tandem parking outside of the Tandem Parking Overlay Zone. Staff is supportive of this deviation as the project is in close proximity (less than ¼ mile) from a major trolley and bus transit center and with the close proximity of SDSU, it is expected that the trolley and other non-traditional methods (such as walking and biking) will be the preferred means of travel to and from school.

Site Development Permit

An SDP is required for residential development that exceeds the unit threshold in SDMC section 126.0502(b) (4), Table 126-05A on lots which are consolidated or otherwise joined together for the purpose of accommodating the development. The project is proposing 50 units where 20 units is the maximum threshold under SDMC Tale 126-05A.

Variance

A PDP may not be used to deviate from the applicable supplemental PDP regulations outlined in SDMC section 143.0420, however a Variance is required if the project exceeds the supplemental PDP regulations' lot coverage maximum of 60 percent. The project is proposing 67% lot coverage.

Neighborhood Development Permit

The project requires a Neighborhood Development Permit (NDP) for underground utility connections to a public main as outlined in SDMC 129.0710(b)(2). The sewer relocation which is part of the easement abandonment would require the relocated sewer lateral to connect to the sewer main within the Hardy Avenue right-of-way.

Community Plan Analysis

The 0.68-acre project site, located on 55th Street between Hardy Avenue and Lindo Paseo, is designated as High Residential (45-75 Dwelling units per acre) in the College Area Community Plan, and could accommodate between 31 and 51 dwelling units. The proposed project would provide 50 residential units and would implement the recommended density range of the plan. Although the project is not specifically constructed for fraternity use, the applicant has demonstrated, should the need arise, that the project has the ability to be converted to fraternity uses by changing apartments into multi-purpose rooms, and dividing community rooms into chapter and multi-purpose rooms. The project's ability to be converted to fraternity use will implement the recommendations of the College Area Community Plan.

The project would provide strong pedestrian links to the SDSU campus by providing sidewalks up to 10 feet wide along Hardy Avenue, 12 feet wide along 55th Street and up

to 17 feet long Lindo Paseo. Non-contiguous sidewalks would be provided along Hardy Avenue, Lindo Paseo and 55th Street. Pedestrian linkages would also be provided by improved street corner crosswalks and pedestrian ramps. The pedestrian orientation would also be reinforced by street level commercial retail space. The project would provide off-street parking, motorcycle and bicycle parking, and bicycle storage which would implement the recommendations of the College Area Community Plan.

Environmental Analysis

A Mitigated Negative Declaration (Project No. 166781) was prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the area of paleontology.

Project construction would require 13,000 cubic yards of excavation at a maximum depth of 18 feet. According to the City's Paleontological Guidelines, excavation of 1,000 cubic yards of matter at a depth of 10 feet or greater could result in a significant impact to fossil resources. According to the geologic map prepared by Kennedy (1975), the project site is underlain by the Lindavista Formation and therefore, based on the sensitivity of the affected formation and the proposed excavation depths, the project could result in significant impacts to paleontological resources. To reduce this impact to below a level of significance, a Mitigation Monitoring and Reporting Program would be required.

Other than a few comments received during the public review period in response to the draft Mitigated Negative Declaration, there have been no communications received regarding this project and no project concerns identified by the surrounding community.

Community Planning Group Recommendations:

At their November 18, 2009, meeting the College Area Community Council voted to unanimously recommend approval of the proposed project with no recommendations.

CONCLUSION

Staff has reviewed the request for a Utility Easement Abandonment, Planned Development Permit, Site Development Permit, Variance, and Neighborhood Development Permit to allow the construction of fifty rental dwelling units with ground level commercial retail located at 5505 Hardy Avenue. All issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the easement vacation and development permits (Attachment 6 & 8) and draft conditions of approval (Attachment 7). Staff recommends the Planning Commission recommend approval to the City Council for the project as proposed.

ALTERNATIVES

1. Recommend City Council **Approve** Utility Easement Abandonment No. 604350, Planned

Development Permit No. 700701, Site Development Permit No. 598260, Variance No. 700706, and Neighborhood Development Permit No. 700705, **with modifications.**

2. Recommend Council **Deny** Easement Utility Abandonment No. 604350, Planned Development Permit No. 700701, Site Development Permit No. 598260, Variance No. 700706, and Neighborhood Development Permit No. 700705, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Renee Mezo
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Plans (Site, Landscape, Elevations)
5. Easement Vacation B Sheets
6. Draft Easement Vacation Findings and Resolution
7. Draft Permit and Conditions
8. Draft Permit Findings and Resolution
9. Community Planning Group Recommendation (The minutes of this meeting were unavailable at the time this report was distributed. The minutes will be passed out at the Planning Commission hearing of January 21, 2010)
10. Project Data Sheet
11. Ownership Disclosure Statement
12. Site Photo