

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: February 24, 2005

TO: Chairman Schultz and Honorable Planning Commissioners

FROM: Robert Korch, Development Project Manager, Development Services

SUBJECT: HILLEL PROJECT NO. 6098, Continuance from Agenda of Feb. 10, 2005

The 'Hillel of San Diego' project application No. 6098, was considered by the Planning Commission on the Agenda of February 10, 2005, and continued to the Agenda of March 3, 2005. The Planning Commission requested (1) for additional information and clarification of parking issues and concerns by having a Transportation Demand Management Plan (TDPM) presented for consideration, (2) City staff responses to a 'Findings Book' submitted by Sheri Lightner, and (3) modified/corrected 'Findings' required for approval (Attachment No. 8).

Attached to this memorandum are items 1 and 3. The following are responses to the 'Findings Book' (item 2) which consists of a page with 16 questions and a number of tabbed sections:

1. **Question: Why no Environmental Impact Report?**

Answer: The entire project was analyzed in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. Per CEQA Section 15125, the environmental setting of the project is described as the physical condition of the site when the project is submitted for review. "The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." The project site is zoned Single Family (SF) in the La Jolla Shores Planned District (LJSPD) and is not considered open space or parkland. The potential environmental impacts were analyzed for the project and determined that there are no significant unmitigated impacts associated with this project. Therefore, an EIR is not required and the Mitigated Negative Declaration (MND) prepared for the project is adequate under CEQA. Per CEQA Section 15071, contents of an MND do not include alternatives. Therefore, a MND was prepared with mitigation for paleontological resources and parking.

2. **Question: Why is the illegal use allowed to continue?**

Answer: The application for development permits for the area known previously as Site 653 were submitted to the City of San Diego and were under review by City Staff. Then an application was submitted for a Site Development Permit for the house located at 8976 Cliffridge Avenue in response to a neighbor complaint to the Neighborhood Code

Compliance Department of the City of San Diego. The City of San Diego, in consultation with the City Attorney's Office determined that the 'use' is permitted by the La Jolla Shores Planned District Ordinance (PDO) but the change of use requires a Site Development Permit (SDP) for evaluation of the project for conformity to the PDO. The owner/applicant has options to remedy the situation by eliminating the situation and restoration of the site to its previous condition, by doing nothing and having the City pursue legal remedies or by applying for the applicable permits. In this case, Hillel applied for the SDP and until a final decision is rendered, the operation and use of the site may continue.

From the environmental side, when the second application was submitted, EAS staff had to look at the "whole of the action" within the administrative record for the entire project. The whole action is use of the house for administrative offices until the student center is constructed and then the administrative offices will be moved into the student center with the single family residence returning to its original use. The proposed student center for Hillel is being combined with the administrative offices and going forward as one project because it is the whole action of the entire project. The use at 8976 Cliffridge Avenue is allowed in the SF zone of the LJSPD. Per CEQA Section 15165, "segmenting or piecemealing" a project is not permitted.

3. How does the public benefit from the Planned Development Permit and Right-of-Way vacation?

Answer: The majority of the project site (Phase II/Site 653) is owned by the City of San Diego and is a relatively small lot area from which a much larger area was dedicated for public rights-of-way when La Jolla Scenic Drive North was anticipated to intersect with North Torrey Pines Road. The purpose for which this right-of-way was dedicated, is no longer necessary and whether Hillel is successful in obtaining their project approval or not, the City of San Diego Real Estate Assets Department would still seek the vacation of this right-of-way to enhance the developable capabilities of the site and enhance the monetary value of the site for the City.

While dedicated to the City of San Diego, the City is responsible for its maintenance and the property is not on the taxable property rolls maintained by the County Assessor's Office. With the vacation, the developable site is enlarged by approximately 20,000 square-feet, making a potential project more viable and the site taxable by the County Assessor. The City would no longer be required to maintain the right-of-way. Through requirements of the City Council for Hillel to develop the requested religious student facility on the site, a 10,000 square-foot landscaped area would be provided and an enhanced pedestrian/bicycle path would be improved from the Torrey Pines Road/La Jolla Village Drive intersection to La Jolla Scenic Drive North.

The Planned Development Permit (PDP) is required for the City to consider the deviations to the Land Development Code for the projects design features and off-street parking requirements. The PDP and Transportation Demand and Parking Management

Plan (TDPM) outline the parking requirements and conditions for their availability, use and monitoring by the City.

4. Why narrow the street?

Answer: In order to provide non-contiguous sidewalk and more distance between the street and the building, Hillel is proposing to reduce the curb to curb width on La Jolla Scenic Drive North between La Jolla Scenic Way and Cliffridge Avenue from existing 36 feet width to 34 feet with a 12-foot parkway and non-contiguous sidewalk which is consistent with the Street Design Manual for local streets.

5. Why not improve the safety at the corner of LJ Scenic Way south bound and LJ Scenic Drive N?

Answer: This is not an unsafe intersection and the Hillel traffic study does not show a project significant impact at this intersection which would require mitigation.

6. Why eliminate all possibility of the Class II bike lane shown as part of the 2002 LJ Community Plan? Why not require the Class II bike lane?

Answer: Page 77 of the Community Plan identifies La Jolla Scenic Drive North between La Jolla Scenic Way and Cliffridge Avenue for a future Class II bike lane. However, page 78 of the same plan indicates a Class II bike lane is typical for major streets. This street is shown as a local street in the Community Plan. The City of San Diego Bicycle Master Plan does not identify it for a future Class II bike lane. The placement of a bike lane on this roadway segment would result in removal of on-street parking on both sides of the street. It seems showing this segment with a future Class II bike lane may be an error in the Community Plan, potentially based on the fact that originally this portion of La Jolla Scenic Drive North was planned to be a major roadway with a different roadway alignment.

7. Why vacate the cul-de-sac?

Answer: The vacation referred to is the northwest terminus of La Jolla Scenic Drive North. Hillel of San Diego and the owner of the residence at 8976 Cliffridge Avenue have requested that this right-of-way be vacated. The underlying 'fee title' to the right-of-way is owned by the owner of 8976 Cliffridge Avenue and the City of San Diego. The applicants have designed their project utilizing the right-of-way that the City Council may determine not required for the purpose to which it was dedicated to the City. If the project is approved and the subsequent Lot-line Adjustment Parcel Map recorded, the single-family residence will retain lot frontage on the dedicated and improved public street for access to required off-street parking, Site 653 will develop the City Council required 10,000 square-feet of landscaped area (with a pedestrian/bike path) in the area at the intersection of La Jolla Village Drive and Torrey Pines Road. The vacation of this cul-de-sac area enhances the developable area of the two adjacent properties, allows

greater flexibility of the design of the requested Hillel Student Center site and removes a right-of-way area determined to not be required for its dedicated purpose, from City maintenance and liability.

8. Why is a Planned Development Permit being used? (Phase I goes away after Phase II)

Answer: The Report to the Planning Commission, No. PC-05-004, dated February 3, 2005, details why the PDP is being used on pages 7 and 8. The PDP use is also responded to in Question No. 3 above.

9. What are the requested deviations and variances?

Answer: The requested deviations from the Land Development Code (LDC) are listed on pages 7 and 8 of the Report to the Planning Commission No. PC-05-004, dated February 3, 2005, and deviations from the City of San Diego Street Design Manual that the City Engineer may approve, are listed on page 8 of this same Report to the Planning Commission.

10. Is the application complete?

Answer: The Site 653, Hillel of San Diego application No. 6098, was deemed complete by City staff on May 2, 2003 while the subsequent application No. 20140, for the residence at 8976 Cliffridge Avenue, was deemed complete by City staff on December 16, 2003. These two applications were consolidated into one (No. 6098) at the direction of city staff and is the project before the Planning Commission.

11. What is the ownership?

Answer: The Ownership Disclosure Statements for Phase I and Phase II, are Attachment No. 12 on the Report to the Planning Commission No. PC-05-004, dated February 3, 2005. Mr. Robert Marshall, Trustee of UDT dated June 1, 2002 and the City of San Diego are the owners of Phase I and Phase II properties respectfully and Hillel of San Diego is the applicant for both Phases.

12. What is the parking requirement? Does the FIXED seat requirement of the SDMC mean moveable seats, as applicant asserts? Why are office occupancies used to calculate the requirements, when "similar use requirements" should be used?

Answer: Minimum parking requirement for religious assemblies per Table 142-05F of LDC section 142.0530 is 30 spaces per 1000 square feet of assembly areas without fixed seats. Therefore, the parking requirement for Hillel's 3,541 square foot assembly area would be 106 parking spaces. Hillel is proposing to provide 106 spaces (40 on-site and 67 off-site) for Shabbat services and 115 parking spaces (40 on-site and 75 off-site) for

occasional special events.

Office use is the proposed use for the house located at 8976 Cliffridge Avenue. Parking requirement per Land Development Code is 6 parking spaces. Project proposes to provide 6 required parking spaces.

13. How can parking be provided for only 30% of the building's floor area?

Answer: Please refer to the response to question number 12.

14. This is a NEW development. All required parking should be on site. Why not?

Answer: LDC section 142.0545 (a) (2) allows required parking spaces to be provided at an off-site location within 600 feet of the project site. Hillel is requesting the possibility of providing off-site parking spaces outside the 600 foot required distance and proposes to provide shuttle services between the off-site location(s) and project site during Shabbat services and special events. Therefore, Hillel is requesting deviations for location of off-site parking requirement as required in LDC Section 142.0545(a) (2).

15. According to the UBC how many people can either of the project's phases accommodate?

Answer: Phase I, the use of the 1,792 square-foot single-family residence, would have an approximate occupancy load of 17 persons. The Phase II, 12,000 square-foot student center, would have an approximate occupancy load of 626 persons with 500 persons allocated for the multi-purpose/worship area.

Occupancy loads are used for types of floor area use, building construction types and is used to establish exiting requirements. Occupancy is established at the time of structural plan check and will be based on the final building design and allocation of floor area based on dimensions. Occupancy is not established for review of discretionary permits and is not used for calculation of parking requirements or traffic impacts.

Discussions with the City of San Diego structural plan check section, firmly establishes the purpose for the calculation of occupancy loads and in their opinion, these loads are seldom achieved or seen in real applications.

16. How are the findings for all the requested permits made?

Answer: City staff 'drafts' findings required for each of the required actions for the decision-makers to consider, first for the Planning Commission in forwarding a recommendation to the City Council and secondly, for the City Council to consider in making their final actions on the requested application. The 'findings' provided by City staff supports the recommendations of approval of the project application. The Planning

Commission may consider adopting these ‘findings’, modifying the ‘findings’ or adopting ‘findings’ for a recommendation of denial, as presented to the Planning Commission in the Report to the Planning Commission No. PC-05-004, under the heading of Alternatives on Page No. 11.

Under Ms. Lightner’s tabs entitled Vacation Findings, SDP Findings, and PDP Findings and Deviations, she provides ‘findings’ to support her recommendation of denial and opposition of the project that the project application does not conform to the Community Plan and Land Use documents, the Land Development Code and State of California requirements.

City staff is also adding the following draft condition to the draft PDP/SDP Permit, Attachment No. 7. The new condition is:

‘Any modification to the TDMP shall require a Process 4 application, appealable to the City Council.’

Attachments:

1. Traffic Demand Management Plan
2. Revised PDP/SDP Resolution (Attachment No. 8)