

DATE ISSUED: May 19, 2005 **REPORT NO. PC-03-187**

ATTENTION: Planning Commission, Agenda of May 26, 2005

SUBJECT: AUBURN PARK - PROJECT NO. 43239. PROCESS FIVE

OWNERS: Tong Le and Nga Hoang; Nam Nguyen and Binh Nguyen; the City of San Diego Redevelopment Agency; and Sedlack Development Company, LP

APPLICANT: Affirmed Housing Group, LLC (See Attachment 19)

SUMMARY

Issue: Should the Planning Commission approve a new 69-unit, Affordable Apartment Complex on the Southwest corner of University Avenue and 52nd Street within the City Heights Community of the Mid-City Communities Plan Area?

Staff Recommendation:

1. Recommend that the City Council **Certify** Mitigated Negative Declaration 43239, and **Adopt** the Mitigation Monitoring and Reporting Program;
2. Recommend that the City Council **Approve** amendments to the Progress Guide and General Plan, and Mid-City Communities Plan No. 125170;
3. Recommend that the City Council **Approve** Rezone No. 125169;
4. Recommend that the City Council **Approve** Site Development Permit No. 125168;
5. Recommend that the City Council **Approve** Planned Development Permit No. 215840;
6. Recommend that the City Council **Approve** Vesting Tentative Map No. 187264;

7. Recommend that the City Council **Approve** Public Right-of-Way Vacation No. 215839;
8. Recommend that the City Council **Approve** Easement Abandonment No. 194355.

Community Planning Group Recommendation: On April 4, 2005 the City Heights Area Planning Committee voted 10-4-0 to **Deny** the project as proposed (See the Discussion Section of the Report).

Environmental Review: Mitigated Negative Declaration Number 4329 was prepared, and finalized on April 20, 2005 in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Archaeology, Paleontology, and Waste Management.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement: The General/Community Plan Amendment associated with the proposed project proposes to redesignate approximately 1.95 acres from Industrial to Residential (21 to 25 dwelling units per acre) in conjunction with an affordable housing project consisting of 69 rental units. According to the Mid-City Communities Plan, the project site is currently designated Industrial with no recommendations for residential development. Based on the proposed General/Community Plan Amendment, 40 to 49 dwelling units would be allowed on-site. Additionally, the applicant is requesting a 22 percent density bonus based on the maximum dwelling units allowed by the proposed zone (~~RM- 5~~) in order to allow a total of 69 affordable housing units on the project site. With the removal of an existing 2-unit multi-family residential duplex within the project's boundaries, the project would result in a net gain of 67 residential units within the City Heights community.

The project is exceeding the requirements of the City's Inclusionary Housing Ordinance by setting aside 99 percent of the proposed for-rent units (68 affordable units, 1 three-bedroom unit is a Manager's unit) to low-income households earning no more than 60 percent of Area Median Income (AMI), and rents not exceeding 30 percent of 60 percent of AMI). The 68 affordable units would be comprised of 10 studio units, 26 one-bedroom units, 12 two bedroom units, and 20 three-bedroom units. Rents for all 68 units would be affordable for a period of at least 55 years.

The Redevelopment Agency is currently in the process of negotiating a Disposition and Development Agreement (DDA) with Affirmed Housing Group for the Auburn Park

project. The Auburn Park DDA is anticipated to be on the June 14 docket of the Redevelopment Agency for their decision.

It is proposed that the project be considered, and adequate Agency Low and Moderate Income Housing Funds be provided, to support either of the two alternative funding structures. One alternative would include Agency Notice of Funding Availability (NOFA) funding in addition to 4 percent tax credits, California Multiple Housing Program (MHP) funding, and private loans. The other alternative would include Agency NOFA funding with 9 percent tax credits and private loans.

BACKGROUND

The subject 1.95-acre property is located on the south side of University Avenue and the west side of 52nd Street, within the Central Urbanized Planned District, the City Heights Redevelopment Project Area, and the City Heights Community of the Mid-City Communities Plan area, with an existing land use designation of Industrial. The site is zoned CC-5-4 (Commercial Community), and is mostly vacant, other than the existence of a two-story residential duplex. The project is not located within the City of San Diego's Multi-Habitat Planning area.

The Mid-City Communities Plan designates the site and the area to the west for industrial development while the properties to the north are designated for multi-family residential (21 - 25 dwelling units/acre), and commercial and mixed-use. The properties to the south are largely designated for multi-family residential (21 – 25 dwelling units/acre), and the properties to the east are designated commercial and mixed-use along with areas designated for residential (6 - 10 dwelling units/acre).

The areas to the north are currently zoned RM-1-3 and CC-5-4, to the east CC-5-3 and RS-1-7, to the south RS-1-7, CC-5-4 and RM-1-3, and to the west CC-5-4. The applicant is requesting a rezone to RM-2-5. A Mid-City Communities Plan and a City Heights Redevelopment Plan amendment are also required to allow multi-family use at this site.

The subject property is surrounded by a variety of existing land uses, including a pattern of medium to high density residential land uses to the west, southwest and northwest. A ribbon of commercial office and retail uses abut University Avenue to the east. A few institutional and civic uses are located to the north (across University Avenue), and a small mix of industrial, residential, and community (temple) service facilities to the south.

The proposed project site is on 1.95 acres within the larger, 1,984-acre area encompassed by the City Heights Redevelopment Project Area (CHRP). The CHRP was adopted in 1992 and is bounded by Home and Euclid avenues and 54th Street on the east, Meade and Monroe Avenues on the north, Home Avenue and Interstate 805 on the south, and Interstate 805 on the west. The proposed Auburn Park project is located in the northeastern portion of the CHRP.

The project would receive police service from the Mid City Command where the 2003 average response time was 5.49 minutes (Fox Canyon). The site would be served by Fire Station No.17 located at Orange and Chamoune Avenues with a fire service response time of 2.4 minutes and Fire Station No. 14 located at 54th Street and College Grove with an average response time of 3.0 minutes.

On July 22, 2004 the Planning Commission voted (6-0-0) to initiate a request for an amendment to the Progress Guide and General Plan and the Mid-City Communities Plan to redesignate an approximately 2.3-acre site from Industrial to Residential (21 to 25 Dwelling Units per Acre). During that hearing the Planning Commission requested that staff analyze a number of issues. That analysis is provided below in the Discussion section of this report under “Community Plan Analysis,” and in Attachment 21, Land Use Issues identified by the Planning Commission on July 22, 2004.

Because the project proposes the development of 69 affordable for-rent units, at or below, 60% of the Area Median Income (AMI), the land use approvals have been processed through the “Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.”

DISCUSSION

Project Description:

The subject 1.95-acre property is located on the south side of University Avenue and the west side of 52nd Street, within the Central Urbanized Planned District, the City Heights Redevelopment Project Area, and the City Heights Community of the Mid-City Communities Plan area. The site is zoned CC-5-4 (Commercial Community), and is mostly vacant, other than the existence of a two-story residential duplex. The project is not located within the City of San Diego’s Multi-Habitat Planning area.

The project site is located within the Chollas Creek Enhancement Planning area, and the proposal would include the restoration and enhancement of the Auburn Creek Branch of Chollas Creek, consistent with the plan.

The development would consist of 68 affordable and one manager occupied, residential rental units; a community building, housing onsite management, a computer lab, and a trash/recycle room; two levels of underground parking, housing 108 off-street parking spaces, of which 5 spaces are accessible parking spaces, 7 motorcycle spaces, and 33 bicycle spaces; and an approximately 8,650 square-foot privately maintained open space area which would be accessible to the public. The project’s parking exceeds the required parking per the Municipal Code (by 4 automobile parking spaces) and does not include any tandem spaces. All proposed construction would comply with state and local codes and regulations for construction.

The proposed apartment complex would consist of two three-story and one four-story buildings containing a mix of studio, one, two, and three bedroom rental units with cantilevered balconies. The exterior treatment of the complex would consist of sand-finish stucco, cement-board siding, deep-set aluminum windows within the stucco areas, flush-mounted aluminum windows within

the siding areas, steel fencing and gates, and trellis-covered patios and balconies. The roofing material would consist of asphalt shingles. The interior courtyards would contain children's play areas including a tot lot area with a rubberized surface and benches while another courtyard area would be more adult-oriented with seating areas and landscaping. The courtyard landscaping would consist of palms, trees, shrubs and groundcovers within planters. All resident parking areas would be secure, and tubular steel or wrought iron fencing would be provided along the southern and western steep slope areas.

The project construction would require 9,709 cubic yards of cut at a maximum depth of 22 feet, 4,995 cubic yards of fill at a maximum depth of 16 feet, and the export of 4,214 cubic yards of soil. Six retaining walls would be required for this project. Three of these retaining walls totaling 215 linear feet would be located on the northern side of the project site. One 129-foot-long wall would be located just north of the University Avenue turnaround and would be from three to nine feet high; a second 60-foot-long wall would be one to four feet high; while a third 26-foot-long wall adjacent to University Avenue would be 2 to 2.5 feet high. Three additional cement-block masonry retaining walls totaling 242 feet in length would be constructed between the housing complex and the adjacent lots to the south. One 175-foot-long wall would be from 1 to 5.5 feet high; another 41-foot-long wall would be 0.5 to 6 feet high; while a third 26-foot-long wall would be 2.5 to 5 feet high.

In addition to the common open space area between the buildings, the project proposes to include an approximately 8,650 square-foot privately owned and maintained open space area. The proposed open space area would be accessible from both the University Avenue sidewalk as well as old University Avenue frontage road right-of-way, from the proposed turn-a-round (cul-de-sac). The privately owned and maintained open space would be accessible to the public and would include an enhanced paving plaza, benches, picnic tables, a barbeque pit, a turf area for active recreational use, overhead structure/gazebo and interpretive signs that educate the community about the history and ecology of Chollas Creek.

The design of the privately owned and maintained open space area includes Americans with Disabilities Act (ADA) access from the upper plaza at University Avenue elevation to the lower park area at the cul-de-sac elevation. The design includes one ADA van parking space to allow ADA access to the park from the lower elevation. Grading at the cul-de-sac has been designed to provide a maximum 2 percent slope on the sidewalk in front of the park entrance and the proposed parking space.

The applicant has requested deviations to the San Diego Municipal Code (SDMC) requirements for height, setbacks, storage requirements, private, exterior open space, architectural projections, architectural features, and corner visibility areas. The SDMC allows projects to deviate from the regulations of the underlying zone, provided that the appropriate Site Development Permit and Planned Development Permit findings can be made. Staff believes that the decision maker can make the appropriate findings. Please see the Deviations Section below for additional information.

Slope easements along the southerly side of University Avenue and along the easterly side of 52nd Street along the project will be vacated as construction of the proposed project will

eliminate the need for the slope easements. An unnamed easement within the project boundaries will be eliminated as the easements are not necessary for service to the project and/or adjacent parcels. There is no other public purpose for these easements. Three sewer easements within the project are no longer necessary for public service. The existing facilities within those easements will be abandoned, removed from service or converted to private use.

The applicant proposes to vacate approximately 7,003 square feet of Old University Avenue granted per document recorded August 5th, 1918 lying southerly of New University Avenue. Any public utilities in the area proposed for vacation will be relocated or suitable utilities easements will be reserved. The new alignment of University Avenue will be improved per conditions placed on the project.

The proposed 69 multi-family units are expected to generate approximately 414 average daily trips (ADT) with 33 morning peak-hour trips and 41 afternoon peak-hour trips. A traffic study was not required. A total of 108 off-street parking spaces would be provided, meeting the San Diego Municipal Code requirement.

The project site would be accessed from University Avenue. Site development would include the closing of existing driveways fronting the property and construction of two new driveways leading into the partial subterranean parking garage; new sidewalks, curbs and gutters; hardscape and landscape.

Site drainage would be conveyed through a private storm drain system and pass through a hydrodynamic separation system before discharging into an existing public storm drain pipe which empties into the neighboring drainage channel.

Community Plan Analysis:

The 1.95-acre project site is located in the City Heights area of the Mid-City Communities Plan. The Mid-City Communities Plan designates the site for industrial development including light industrial and commercial uses. A General/Community Plan Amendment is proposed to redesignate the project site to Residential (21 to 25 dwelling units per acre) which would accommodate 40 to 49 dwelling units on the project site. Together with a requested density bonus for affordable housing, this designation would accommodate the 69 residential dwelling units proposed.

The proposed project would not adversely affect the Mid-City Communities Plan in that it would implement several policies and recommendations of the plan. The project would implement the recommendations of the Land Use Element of the community plan by creating more opportunities for residential housing and encouraging housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. The project would also implement recommendations within the Natural and Cultural Resources Element of the community plan for improving and enhancing riparian habitat in Chollas Creek. The project would be removing trash, debris, and non-native plant species from the creek as well as revegetating the creek with native plant species within a 20 to 65 foot landscape buffer as called for in the Chollas Creek Enhancement Program. The project would also provide access to

a 0.70-acre pocket park from University Avenue and would meet the recommendation in the Urban Design Element for encouraging acquisition of vacant or under-used land for park or recreation development along the street. Furthermore, the project would implement recommendations in the Transportation Element of the community plan for improving pedestrian orientation along University Avenue through the provision of a 9-foot sidewalk, the incorporation of street trees, and by providing direct access to the proposed park and residential units from University Avenue.

On July 22, 2004, the Planning Commission initiated the plan amendment by a vote of 6 to 0 and requested a comprehensive analysis of land use issues and project impacts identified by staff and the Planning Commission as provided in Attachment 21. The analysis includes an evaluation of such issues as the project's compatibility with the goals and objectives of the Progress Guide and General Plan's Strategic Framework Element and the Transit-Oriented Development Design Guidelines; a comparison of current land use and zoning designations with proposed land use and zoning designations and the potential for redesignating all industrial-designated properties adjacent to the subject site. The analysis also addresses impacts related to the community circulation system; housing availability and affordability; pedestrian amenities, streetscape improvements and park and open space resources.

Environmental Analysis:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Archaeology, Paleontology, and Waste Management. Each of these impact areas are summarized below and further discussed in the Mitigated Negative Declaration and Initial Study documents.

Subsequent revisions in the project proposal created specific mitigation which is identified in Section V of the Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report was not required.

Mitigated Negative Declaration Number 4329 was finalized for the project on April 20, 2005 in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas listed above and as summarized below.

Archaeology

A "Cultural Resource Survey for the City Heights Residential Development Project" (April 2004) was prepared for this project by Kyle Consulting. According to the report, a literature review, record search, and a field survey were conducted for this project; and no on-site prehistoric resources were identified. However, since it was possible that the existing duplex could have been an old farmhouse it was determined that subsurface deposits such as privies and trash dumps may be present. Therefore, the report recommended that the areas around the

building be monitored during construction grading. The remaining areas on the site appeared to have been previously disturbed by grading so monitoring of those areas was not recommended.

Since there is a potential for project construction to impact cultural resources, a Mitigation Monitoring and Reporting Program (MMRP) would be implemented. The MMRP requires that a qualified archaeologist monitor the initial excavation activities to inspect for in-situ cultural resources. In the event that such resources are discovered, excavation would be halted or diverted to allow recovery, evaluation, and recordation of materials. The MMRP is detailed in Section V of the Mitigated Negative Declaration and completion would avoid or reduce project-related impacts to below a level of significance.

Paleontology

According to the Geology of the San Diego Metropolitan Area, California, 1975, published by the California Division of Mines and Geology, the project area is underlain by the Linda Vista, Mission Valley, and San Diego formations which are of a medium to high sensitivity rating for paleontological resources. These formations have yielded important remains of marine invertebrates, vertebrates, terrestrial mammals, and fossil wood and leaves. The project would require trenching at a maximum depth of 16 feet with 9709 cubic yards of cut potentially impacting paleontological resources. Disturbance or loss of fossils without adequate documentation and research would be considered a significant environmental impact. Therefore, a Mitigation, Monitoring, and Reporting Program as detailed in Section V of the Mitigated Negative Declaration would be implemented. The program requires that a qualified Paleontologist or Paleontological Monitor be present during excavations that could impact previously undisturbed formations. If significant paleontological resources are discovered, a recovery and documentation program would be implemented. With implementation of the Mitigation, Monitoring and Reporting Program, impacts to paleontological resources would be avoided or reduced to below a level of significance.

Waste Management

According to Assembly Bill 939, the City of San Diego is required to divert at least 50 percent of its solid waste from landfill disposal through source reduction, recycling, and composting by 2000. Since the project proposes an increase in density, would construct over 50 multi-family units, and requires a community plan amendment, the applicant is required to prepare a solid waste generation/disposal plan which addresses demolition, construction and the occupancy phases of the project. As mitigation for cumulative impacts to the landfill, a waste management plan must be prepared by the applicant and approved by the Environmental Services Department. Compliance with this mitigation condition would reduce the project's contribution to cumulative waste management impacts to less than considerable.

Project-Related Issues:

Deviations – The project proposes to deviate from the San Diego Municipal Code (SDMC) requirements for height, setbacks, storage requirements, private, exterior open space, architectural projections, architectural features, and corner visibility areas. The SDMC allows applicants proposing affordable/in-fill housing projects to request deviations from the regulations of the underlying zone pursuant to a Site Development Permit, provided that the required findings can be made. Staff believes that the City Council can make the appropriate findings based on the following information.

Height - The Maximum height allowed in the proposed RM-2-5 Zone is 40 feet. The project is designed with a maximum building height of 52 feet. The applicant is requesting the deviation due to the challenging onsite topography, with grades ranging from approximately 284 feet to 330 feet. Of the four buildings proposed, only Building C would exceed the 40 foot height limit. The applicant is requesting the deviation to maximize development on the project site while minimizing the impact to the Chollas Creek and proposed onsite open space. The requested deviation would be beneficial to the community by: allowing for more intense development on a smaller portion of the site, which would help provide the open space, the required buffer, and revitalized areas of Chollas Creek; allowing for a strong urban design edge at an active intersection in the community; ensuring the development of 68 affordable and one manager occupied rental housing units; and assisting in the overall feasibility of the project on a constrained site. Therefore, staff supports the requested height deviations.

Setbacks - The project is designed with deviations to the required setbacks along University Avenue, 52nd Street, and the side yard setback, on the south side of the project. The San Diego Municipal Code requires the following:

1. A front setback (52nd Street) of 20 feet (applicant requesting a 0 foot setback);
2. A street side setback (University Avenue) of 13 feet (applicant requesting a 0 foot setback);
3. A side setback (south side of project) of 13 feet (applicant requesting a 5 foot setback);
and
4. A rear setback of 15 feet (applicant requesting a 0 foot setback at Cul-de-sac only; otherwise the project would meet the side setback requirement).

The project proposes the setback deviations to maximize the site's available and usable land. The project site is constrained by extreme topographic changes (grades range from approximately 284 feet to 330 feet) which limit the buildable area of the site; a required buffer from, and proposed revitalization of, the Auburn Branch of the Chollas Creek; and the proposal for approximately 16,300 square feet of usable open space.

The requested setback deviations would be beneficial to the community by: allowing for location of the building mass toward University Avenue and 52 Street, which would help

provide the open space, the required buffer, and revitalized areas of Chollas Creek; allowing for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building; allow for the development of 68 affordable and one manager occupied rental housing units when the City is experiencing an extreme shortage of both for-sale and for-rent affordable housing. Therefore, staff supports the requested setback deviations.

Storage Requirements

The San Diego Municipal Code requires that each dwelling unit in all RM zones shall have a fully enclosed personal storage area outside of the unit that is at least 240 cubic feet (CF), with a minimum of seven-foot horizontal dimension in one plane. The applicant is proposing that 62% of the units have 60 CF to 128 CF of storage while the remaining 38% of the units have 48 to 50 CF of storage; and that the seven-foot horizontal dimension not be met. As designed, each unit has either an interior (half of the units) or exterior storage area (half of the units), and that the distribution of storage sizes is provided given the size of the unit.

As proposed, the three-bedroom units would have 104 to 128 CF of storage while the studios, one- and two-bedroom units would have 48 to 104 CF of storage. The applicant is requesting the deviation due to the limited buildable area of the site area. The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of 68 affordable and one manager occupied rental housing units when the City is experiencing an extreme shortage of both for-sale and for-rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested storage area deviations.

Private, Exterior Open Space

The San Diego Municipal Code requires that, in the RM-2-5 Zone, at least 75 percent of the dwelling units shall be provided with have at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet. The applicant is proposing that only 62 percent of units have the required 60 square feet, and the remaining 38 percent of units would have 40 - 50 square feet. All of the proposed 69 units would have private exterior open space; however due to site constraints, the applicant is proposing that not all units have the same proportion of exterior space.

The requested deviation would be beneficial to the community by: providing for larger living areas within the units, ensuring the development of 68 affordable and one manager occupied rental housing units when the City is experiencing an extreme shortage of both for-sale and for-rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested private, exterior open space deviations.

Architectural Projections

The San Diego Municipal Code requires that, in the RM-2-5 Zone, various architectural encroachments are permitted, as long as a minimum of three feet be provided between the encroachment and the property line. The applicant is requesting that roof overhangs and cantilevered balconies be allowed to encroach up to four feet beyond the property line and into the public right-of-way. Urban development in downtown San Diego commonly extends balconies and roof overhangs across the Property Line, as long as they are 8 feet or more above the sidewalk. The applicant proposes the encroachment, beginning at the second story and continuing above. Due to site constraints and in an effort to provide resident defensible space through eyes on the street, private patios and balconies have been designed to project from the face of the building and break up the façade.

Coupled with the zero foot setbacks on University Avenue, the requested deviation would be beneficial to the community by: creating a more urban feel to the street; incorporating defensible space design elements and therefore greater security; adding depth to the façade with shade and shadow elements of the roof overhangs; ensuring the development of 68 affordable and one manager occupied rental housing units when the City is experiencing an extreme shortage of both for-sale and for-rent affordable housing, and ensuring the feasibility of the project. Therefore, staff supports the requested architectural projections deviations.

Architectural Features

The San Diego Municipal Code (Central Urbanized Planned District Ordinance) requires all residential buildings to include at least five architectural features from a list of features in the Central Urbanized Planned District Ordinance (Section 151.0232). The applicant is proposing to clearly meet four of the five required features, and to meet the purpose and intent of one or more of other listed features.

For example, instead of pitched roofs with large overhangs, the applicant is proposing to use varying parapet and flat eyebrow roof overhangs with simple details in an effort to minimize visual competition with the highly detailed and intricate Buddhist temple and monastery nearby.

The applicant will also use roof-top light and air monitors on all town-home units in buildings A and B instead of providing a chimney for every three dwelling units. Not only will the light and air monitors provide the rooftop variation in height that meets the intent of this part of the code, they will also provide natural light to the town-house unit hallway and stairs. An operable north-facing window at the top of these monitors will help circulate warm air up from the lower level of the unit and out to reduce the need for artificial cooling.

The applicant has designed tall windows with head heights at 8'-0", well above the normal 6'-8" in typical residential construction to meet the intent of having at least one clerestory window for each 50 feet of street elevation and having one transom window. By moving the head height up and adjusting the proportion of the glass, a more interesting and unexpected street façade is created while allowing more natural light and air into living spaces.

Although the applicant initially designed units at level one with front porch entries off the sidewalk along University Avenue, a public right-of-way increase was discovered mid-way thru the review process and entry patio spaces on University Ave were redesigned without stairs from the sidewalk. However these patios, although not directly accessible from the street, are still looking out over the sidewalk and will provide added security with eyes on the street and allow interaction between resident and public space users. Therefore, staff supports the requested architectural features deviations.

Corner Visibility Area

The San Diego Municipal Code requires the visibility area at intersection of streets to be 25 feet along each of the streets. Given the site constraints and need for zero-foot setbacks along University Ave and 52nd Street and the need to maximize the buildable footprint, the applicant is proposing to provide a 15 foot triangle at the corner of University Avenue and 52nd Street. The project's building mass has been designed to allow more visibility at the corner by stepping back the structure at the corner. A line of sight study for this intersection, in accordance with the *CALTRANS Intersectional Site Distance Guidelines* was completed, which resulted in adequate visibility being proposed. Therefore, staff supports the requested visibility area deviation.

Density - The proposed RM-2-5 Zones allows for the development of one unit per every 1,500 square feet of land area. With a project site of approximately 1.95 acres (85,060 square feet), the project site would allow for the development of 57 dwelling units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission. The agreement would ensure that at least 20 percent of the pre-bonus units (11 units) in the development shall be affordable to low-income households (households with income at or below 80 percent of AMI as adjusted for household size) at rents not to exceed 30 percent of 60 percent of AMI as adjusted for household size.

The applicant has elected to exceed the 20 percent requirement by renting 99 percent of the units (68 affordable units, 1 three-bedroom unit is a Manager's unit) to low-income households. The 68 affordable units would be comprised of 10 studio units, 26 one-bedroom units, 12 two-bedroom units, and 20 three-bedroom units. Rents for all 68 units would be affordable for a period of at least 55 years.

The 35 percent density bonus would permit the development of 20 additional units beyond the underlying zoning of 57 units, for a total of 77 units, as shown below; however, the applicant is only requesting a density bonus of 22 percent of the units allowed by the RM-2-5 Zone, as shown below.

Total Units Allowed = 57 X 35% = 77 Units

Proposed Units = 57 X 22% = 69 Units

Community Planning Group Recommendation – On April 4, 2005 the City Heights Area Planning Committee (CHAPC) voted 10-4-0 to **Deny** the project as proposed. After the applicant's presentation and much discussion from members of the Committee and the community, the CHAPC raised three motions:

1. To postpone the vote until after the next staff issues report was distributed. The motion Failed by a vote of 4-7-2;
2. To approve the project and all its components. The motion failed by a vote of 3-10-1; and
3. To disapprove (Deny) the project. The motion passed by a vote of 10-4-0.

In the discussion leading to the vote, the CHAPC expressed concerns with the following:

1. Visual impact on outdoor areas of the monastery to the south;
2. Density and height of proposed project;
3. Small area and the design of the proposed park;
4. Traffic and parking impact on the neighborhood; and
5. Access to and from the site.

Critical Project Features to Consider Should a Substantial Conformance Review Be Requested

- Intensity of Development: The site shall be limited to no more than 125 percent of the density (with Density Bonus) allowed by the underlying zone.
- Site Design: The project design should not increase the amount of deviation from the regulations of the development regulations of the underlying zone, unless the Site Development Permit and Planned Development findings could still be made with those additional deviations.
- Environmental Documents: The project design should remain within the parameters of the scope of the Mitigated Negative Declaration.
- Affordable Housing: The affordable housing units must meet the requirements of the Housing Commission agreement.

Conclusion

Other than the requested deviations, for which staff believes that findings can be made, staff finds the proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Central Urbanized Planned District Ordinance, the City Heights Redevelopment Plan, and would not have an adverse effect on the adopted Mid-City Communities Plan, and City of San Diego Progress Guide and General Plan.

The proposed development would provide 69 for-rent residential units, 68 of which would be affordable to low-income families, at a time when the City of San Diego has declared a Housing State of Emergency. The mix of studios, one-, two-, and three-bedroom units would house individuals, small and large families earning no more than 60 percent of the area median income.

ALTERNATIVES

1. Recommend that the City Council **Certify** Mitigate Negative Declaration 43239, and **Adopt** the Mitigation Monitoring and Reporting Program; **Approve** Amendments to the Progress Guide and General Plan, and the Mid-City Communities Plan, No. 125170; **Approve** Rezone No. 125169; **Approve** Site Development Permit No. 125168; **Approve** Planned Development Permit No. 215840; **Approve** Vesting Tentative Map No. 187264; **Approve** Public Right-of-Way Vacation No. 215839, and **Approve** Easement Abandonment No. 194355 with modifications.
2. Recommend that the City Council **Not Certify** Mitigate Negative Declaration 43239, and **Not Adopt** the Mitigation Monitoring and Reporting Program; **Deny** Amendments to the Progress Guide and General Plan, and the Mid-City Communities Plan, No. 125170; **Deny** Rezone No. 125169; **Deny** Site Development Permit No. 125168; **Deny** Planned Development Permit No. 215840; **Deny** Vesting Tentative Map No. 187264; **Deny** Public Right-of-Way Vacation No. 215839, and **Deny** Easement Abandonment No. 194355, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department

Daniel Stricker
Customer Support and
Information Division
Development Services Department

Betsy McCullough
Deputy Director
Planning Department

HALBERT/DES

Attachments:

1. Aerial Photograph/Location Map
2. Community Plan Land Use Maps
3. Project Data Sheet
4. Title Sheet & Site Plan
5. Floor and Roof Plans
6. Elevations and Site Sections
7. Landscape Development Plans
8. Civil Grading and Drainage Plan
9. Vesting Tentative Map
10. Draft Vesting Tentative Map Conditions and Subdivision Resolution
11. Draft Permit with Conditions
12. Draft Permit Resolution with Findings
13. Draft Rezone Ordinance with B Sheet
14. Planning Commission Community Plan Amendment Initiation Resolution (July 22, 2004)
15. Draft Community Plan Amendment Text and Graphics Documents
16. Draft Community Plan Amendment Resolution
17. Community Planning Group Recommendation (Minutes)
18. Draft Planning Commission Recommendation to City Council Resolution
19. Ownership Disclosure Statement
20. Project Chronology
21. Land Use Issues identified by the Planning Commission on July 22, 2004