

DATE ISSUED: January 6, 2005

REPORT NO. PC-05-019

ATTENTION: **Planning Commission, Agenda of January 13, 2005**

SUBJECT: BEYER PROPERTY-PROJECT NO. 41718-PROCESS 5

**OWNER/
APPLICANT:** Marker Foothill, LLC; Benito and Sylvia Hernandez /
Marker Foothill, LLC

SUMMARY

Issue: Should the Planning Commission RECOMMEND to the City Council approval of a request to construct an 81 unit condominium project on a 6.80-acre site located north of Beyer Boulevard and west of Smythe Avenue within the San Ysidro Community Planning Area?

Staff Recommendation:

1. Recommend that the City Council **CERTIFY** Mitigated Negative Declaration No. 41718, and **ADOPT** Mitigation, Monitoring and Reporting Program (MMRP);
2. Recommend that the City Council **APPROVE** Public Right-of-Way Vacation No. 139967, Easement Abandonment No. 139970, and Tentative Map No. 119405; and
3. Recommend that the City Council **APPROVE** Planned Development Permit No. 119404 and Site Development Permit No. 139964.

Community Planning Group Recommendation: On August 17, 2004, the San Ysidro Planning and Development Group voted 11-1-0 to recommend approval of the project as proposed. The attached letter from the chairperson (Attachment 13) indicates a favorable response from the committee that the project will make available 10 percent of the units for affordable housing, a major concern for San Ysidro families.

Environmental Review: A Mitigated Negative Declaration has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines, which address potential impacts to Biological Resources, Noise, and Paleontological Resources. A Mitigation, Monitoring and Reporting Program would be implemented with this project to reduce the impacts to a level below significance.

Fiscal Impact: None with this action. 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 project proposes to demolish two single-family residences and consolidate seven parcels into one lot to construct an 81 unit multi-family condominium development consisting of 27 detached, two-story, residential triplex structures. The site is designated for residential development within the San Ysidro Community Plan at 5-10 dwelling units per acre (DU/AC) for one of the seven parcels and 10-15 DU/AC for the remaining six parcels, and could accommodate a total of 95 residential units. The project will result in a net gain of 79 units to the San Ysidro Community.

As a component of the application, the proposed project will conform to the Inclusionary Affordable Housing Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent of the total for-sale dwelling units on-site for households with an income at or below 100 percent Area Median Income (AMI), currently \$63,400 for a family of four. The proposal would help the City address its shortage of affordable housing during a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency.

BACKGROUND

The proposed project site is located at 3774 Beyer Boulevard, between Del Sur Boulevard and Smythe Avenue (Attachment 1). The disturbed, partially developed 6.80-acre irregular-shaped project site consists of seven parcels located along the north-side of Beyer Boulevard (Attachment 2). One of the seven parcels is designated Low Density Residential (5-10 DU/AC) and the other six parcels are designated Low-Medium Density Residential (10-15 DU/AC) within the San Ysidro Community Plan (Attachment 3). The proposed project site is located within the San Ysidro Redevelopment Project Area as identified on Exhibit 2 (Attachment 4) pursuant to Ordinance No. 18295, Adopted on April 16, 1996; however, the proposed project is not a City of San Diego Redevelopment Agency project.

One of the seven parcels currently contains an existing single-family residence, located at 345 Foothill Road, is zoned RS-1-7 (Residential – Single Unit; minimum 5,000 square-foot lot), and the other six parcels are zoned RM-1-1 (Residential – Multiple Unit; 1 dwelling per 3,000 square-feet of lot area) within the San Ysidro Planned District. The surrounding development consists of single-family residential properties, a church, daycare center, Smythe Elementary School, and the terminus of Foothill Road along the eastern site boundary; a public park and a low-rise commercial structure border the northern site boundary; a United States Border Patrol facility is to the west; and multi-family residential properties border the southwestern site boundary.

Elevations on site vary from a high of approximately 187 feet above mean sea level (MSL) at the northern-most portion of the site to a low of approximately 99 feet MSL at the southeastern corner of the site near Beyer Boulevard. The ground surface is irregular due to dumped fill/soils. A relatively level graded pad exists in the northeastern quarter of the site which supports disturbed non-native grassland, disturbed herbaceous wetland, and herbaceous wetland vegetation types. The northwestern quarter of the site has been disked (the soil has been worked with a tracker pulled disk harrow) and contains disturbed non-native grassland and disturbed maritime succulent scrub vegetation types. Sheet metal and construction materials are present on the slopes in the northwestern portion of the site.

The partially developed southern half of project site, south of Foothill Road, contains two single-family dwellings and one detached garage constructed between 1953 and 1966, and supports non-native grassland vegetation. Another single-family residential structure, located at 399 Foothill Road, sits near the eastern property line that is accessed from Foothill Road by a private 20 foot right-of-way. The proposed project site is not within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan area.

The southern-most portion of the site fronts Beyer Boulevard and is not located within a Transit Overlay zone; however, it does have direct access to the Metropolitan Transit System (MTS) bus and trolley services. MTS Bus Route 932 that provides services from the International Boarder to Downtown San Diego runs in front of the project site on Beyer Boulevard with an established bus stop located approximately 1/2 block to the east of the project site on Beyer Boulevard. The San Diego Trolley System/tracks are located across the street on Beyer Boulevard and the Beyer Boulevard Trolley Station No. 14 is located approximately 1 1/2 block to the east of the project site.

DISCUSSION

Project Description:

The project proposes to demolish two single-family residences and one detached garage, and consolidate seven parcels into one lot to construct an 81 unit multi-family condominium development consisting of 27 detached, two-story, residential triplex structures on a consolidated 6.47-acre site; and create a 0.12-acre remnant lot (5,228 square feet) containing an existing single-family residence, located at 345 Foothill Road. The remaining 0.20-acres of the gross 6.80-acre project site shall be dedicated to the City of San Diego for a cul-de-sac at the westerly terminus of Foothill Road and for a private residential driveway for the existing single-family residential structure located at 399 Foothill Road.

The proposed condominium units would range in size from 1,033 to 1,446 square-feet. Each triplex structure would contain two, two-story units, each consisting of three-bedrooms and one, second floor unit consisting of two-bedrooms with attached garages. Exterior treatments would

include color cement plaster finish, vinyl window frames and sliding glass doors, and color concrete tile roofing.

The project site would be accessed through a gated entrance/exit driveway located on Beyer Boulevard and a gated emergency entrance/exit at the terminus of Foothill Road. The estimated overall trip generation for the 81 unit multi-family condominium use is 648 Average Daily Trips (ADT) with 10 inbound trips and 41 outbound trips during the AM peak hour and 45 inbound trips and 19 outbound trips during the PM peak hour. A total of 177 parking spaces would be provided where 176 are required (total includes guest parking). The proposed site development would include the construction of driveways, retaining walls, surface parking, a recreation area, a detention basin, and landscaping. The maximum length of any retaining wall would be 260 feet and would not exceed 8 feet in height. Site drainage would be directed through a detention basin located near Beyer Boulevard before discharging into the existing drainage system located within the public right-of-way. The landscaping would be in conformance with the City's *Landscape Technical Manual* and would include trees such as Bronze Loquat, Ornamental Pear, and London Plane Tree; shrubs such as Glossy Abelia, India Hawthorn, and Texas Privet; and a small area of turf. Grading would consist of 24,000 cubic-yards of balanced cut-fill. No brush management for fire protection is required.

Development of the proposed project requires the approval a Public Right-of-Way Vacation (Street Vacation) at the westerly terminus of Foothill Road; an Easement Abandonment (EA) for portions of a 10 foot sewer easement located on the eastern property line, and the sewer and water easement within the portion of Foothill Road that is proposed to be vacated; a Tentative Map (TM) for a condominium development and to create two lots from seven existing lots; a Planned Development Permit (PDP) to deviate from the development regulations (rear- and side-yard setbacks, public improvements, and driveways length); a Site Development Permit (SDP) to consolidate lots for the purpose of maximizing density within the San Ysidro Planned District and to deviate from the Environmentally Sensitive Lands Regulations for encroachment within sensitive biological resources.

Community Plan Analysis:

The proposed project site is located in the Sunset Neighborhood within the San Ysidro Community Planning area. A neighborhood in transition, it contains single-family residences on one-acre lots, a few with corrals and stables, and at the same time, medium to large scale multi-family development. The disturbed, partially developed 6.80-acre irregular-shaped project site consists of seven parcels located along the north-side of Beyer Boulevard. One of the seven parcels is designated Low Density Residential (5-10 DU/AC) and the other six parcels are designated Low-Medium Density Residential (10-15 DU/AC), and could accommodate a total of 95 residential units.

The community plans recommends that the proposed buildings and site design provide for a small-scale, single-family character to the development to ensure compatibility with the surrounding neighborhood. Massive, monolithic structures would be considered unacceptable. In

order to preserve and enhance the character, the proposed development consists of 27 detached, two-story, residential triplex structures. The project provides for more shade-producing street trees, and provides for pedestrian pathways throughout the project site by the continuation of the sidewalk element along the drives and the use of decorative pavers to mark crossings and pathways. To preserve the single-family neighborhood along Foothill Road and to mitigate possible traffic impacts, the project site would have restricted access for emergency entrance/exit at the terminus of Foothill Road.

Environmental Analysis:

Biological Resources- The project site is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA). However, the project implementation would result in the direct loss of all habitats onsite including: 0.59 acre of disturbed maritime succulent scrub (Tier I); 4.10 acres of disturbed non-native grassland (Tier IIIB); 0.06 acre of herbaceous wetland; 0.52 acre of disturbed herbaceous wetland (non-City wetland), and 1.54 acres of developed land (Tier IV).

No federally- or state-listed threatened, endangered, or rare plant species were observed on the property during the spring rare plant survey and none are expected to occur because of a lack of habitat and onsite disturbances. San Diego County Viguiera, a species designated as sensitive by the California Native Plant Society (CNPS), was detected in the project area. Because the plant has a relatively low sensitivity (CNPS List 4) and only a few individuals would be impacted, this impact is not considered significant.

The removal of disturbed maritime succulent scrub (Tier I) and non-native grassland (Tier IIIB) habitat is considered a significant environmental impact and mitigation would be required in accordance with the City's Land Development Code Biology Guidelines. The mitigation requirement, contained in Section V of the Mitigated Negative Declaration, requires the contribution of \$72,600.00 to the City's Habitat Acquisition Fund for acquisition of in-tier habitat within the MHPA for direct impacts to 0.59-acre of Tier I disturbed maritime succulent scrub habitat and 4.10-acres of Tier IIIB non-native grassland habitat.

Noise- Future year 2020 traffic volumes on Beyer Boulevard are projected to be 10,000 average daily trips and, when combined with intermittent trolley noise levels generated along the southern-side of Beyer Boulevard, would result in a composite exterior noise level of 61 dBA along the southwest facing building envelope of proposed Building No.1 sited nearest Beyer Boulevard. The maximum allowed noise level is 45 dBA for interior spaces. Prior to issuance of any building permit, an acoustical report shall be submitted to the Acoustical Plan Check Section (APCS) to include measures which ensure that interior noise levels for any unit facing Beyer Boulevard within Building No.1 is below 45 dBA CNEL.

Furthermore, in order to insure that demolition and construction noise levels would not exceed 75 dB(A) L_{eq} at the adjacent residences and daycare center, the duration of demolition activity by the backhoe shall be limited. Implementation of the Mitigation, Monitoring and Reporting program, contained in Section V of the Mitigated Negative Declaration, would mitigate

potentially significant noise impacts to below a level significance.

Paleontological Resources- The project area is underlain by the Bay Point Formation which has a high paleontological resource potential. Because more than 1,000 cubic-yards of excavation at a depth of ten feet or greater would be required to construct the project, the potential exists for significant adverse impacts to paleontological resources. Therefore, implementation of the Mitigation, Monitoring and Reporting program, contained in Section V of the Mitigated Negative Declaration, would mitigate potentially significant paleontological resource impacts to below a level significance.

Project-Related Issues:

Deviations from the San Diego Municipal Codes (SDMC)- The applicant has requested a Planned Development Permit to reduce the required rear- and side-yard setbacks. The proposed project site fronts on Beyer Boulevard and the north property line would be considered the rear yard setback which requires a 15-foot setback. Building No. 8 proposes a 14-foot setback (deviation of 1-foot) and Building No. 7 proposes a 5-foot setback (deviation of 10-feet). The property line located south of Building No. 3 would be considered a side yard which requires a 14-foot setback, and the applicant is proposing a 5-foot setback (deviation of 9-feet). The RM-1-1 zone does allow for exemptions to the rear- and side-yard setbacks but requires in both instances a minimum of a 5-foot setback. Staff has analyzed the request based on the irregular shaped lot, site constraints, surrounding sloped development, existing surrounding uses, and is able to support the rear- and side-yard setbacks deviation requests.

The applicant has requested a deviation to SDMC Section 142.0525 (d), which requires a multiple dwelling unit with a garage that does not provide a driveway that is at least 20-feet long, to provide one additional parking space. A total of 177 parking spaces would be provided where 176 are required (total includes guest parking) based on the number of bedrooms and units. Staff has analyzed the request based on the irregular shaped lot, site constraints, use of common area parking, reduced driveway length of 10-feet or less (to discourage parking in the driveway), length of the aisle, access to the MTS bus and trolley services, and is able to support the deviation requests.

The applicant has requested a deviation for the design and construction of the cul-de-sac at the westerly terminus of Foothill Road for a 40-foot radius curb/ 50-foot radius right-of-way, where the City standards requires a 50-foot radius curb/ 60-foot radius right-of-way. Staff has analyzed and can support the request based on the existing traffic volumes for AM/PM hours on Foothill Road (approximately 145 totals). In addition, the project site would have restricted access from the terminus of Foothill Road for emergency entrance/exit only.

The applicant has requested a deviation to allow a maximum cut slope of 42-feet in height without a terrace drain, where the City standards requires a terrace drain on slopes in excess of 30-feet. Staff has analyzed the request based on the Drainage Study and Water Quality Technical Reports prepared for the project, the location and sizing of site Best Management Practices

(BMPs), which includes a permanent flow-based treatment unit, and is able to support the deviation request.

Public Right-of-Way Vacation and Easement Abandonment- The SDMC Section 125.0910 (a) and Section 125.1010 (b) allows that a public right-of-way vacation and easement abandonment may be initiated by resolution of the City Council or by petition or request of any person. The westerly terminus of Foothill Road is an unpaved portion of the street that has been impassable for vehicular travel and public funds have not been expended for maintenance. The portion of the public right-of-way being requested to be vacated lies within the boundary of the proposed development. The applicant shall be required as condition of approval to construct a 40-foot radius curb/ 50-foot radius right-of-way cul-de-sac at the westerly terminus of Foothill Road; and portions of the existing two 8-inch sewer mains and one 8-inch water main which lie within the boundary of the proposed development shall be removed. The proposed development shall provide a new 8-inch private sewer and dual 12-inch public water lines (with an easement reservation) off of Beyer Boulevard. Therefore, staff is able to support the public right-of-way vacation and easements abandonment requests.

Emergency Response Times- The proposed project site is located within the San Diego Police Department Southern Division. The Southern Division, located at 1120 27th Street, serves the neighborhoods of Border, Egger Highlands, Nestor, Ocean Crest, Otay Mesa, Otay Mesa West, Palm City and San Ysidro with an area population of approximately 92,168 people and encompasses 31.3 square miles. The average response times for police emergency priority calls in this Southern Division of the City of San Diego in 2001 was 7.6 minutes (as compared to a city-wide average of 7.5 minutes) and 7.2 minutes in 2002 (with a city-wide average of 7.4 minutes). The City of San Diego Fire Department has three stations in the project area: Station Number 29 at 179 W. San Ysidro Boulevard (approximately one mile away) has a response time for this location of 2.5 minutes, Station Number 6 at 693 Twining Avenue (approximately 2.4 miles away) has a response time of 4.8 minutes, and Station 30 at 2265 Coronado Avenue (approximately 2.6 miles away) has a response time for this location of 5.0 minutes. The emergency response times are anticipated to be maintained for the proposed development.

Undergrounding of Overhead Utility Lines- The proposed project site is located at 3774 Beyer Boulevard, between Del Sur Boulevard and Smythe Avenue, in the Sunset Neighborhood within the San Ysidro Community Planning area, and Council District Eight. The project site currently contains overhead utility lines and one pole at the terminus of Foothill Road. The proposed development DOES NOT request a waiver of the undergrounding of overhead utility lines. All overhead utility lines within the project boundary and the pole at the terminus of Foothill Road shall be undergrounded. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 8V and the surrounding community is proposed to be undergrounded in Fiscal Year 2023 (Attachment 9).

Critical Project Features to Consider During Substantial Conformance Review:

- Buildings and Site Design- The building design and/or site design should be fully

analyzed to ensure that changes would not impact the single-family character of the surrounding neighborhood.

- Gated Emergency Entrance/Exit- The opening of the gated emergency entrance/exit at the terminus of Foothill Road for a secondary access to the project site should be fully analyzed to ensure that traffic would not impact the single-family character of the surrounding neighborhood along Foothill Road.

Conclusion:

The proposed project site is located in the Sunset Neighborhood within the San Ysidro Community Planning area and the San Ysidro Redevelopment Project Area. In order to preserve and enhance the small-scale, single-family character of the surrounding neighborhood, the proposed development consists of 27 detached, two-story, residential triplex structures, and provides for many pedestrian design elements throughout the project site. The proposed development shall eliminate physical blight and provide for a more livable neighborhood that would result in a net gain of 79 units to the San Ysidro Community, which meets the goals of the San Ysidro Community Plan and the San Ysidro Redevelopment Project.

As a component of the application, the proposed project will conform to the Inclusionary Affordable Housing Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent of the total for-sale dwelling units on-site for households with an income at or below 100 percent AMI, currently \$63,400 for a family of four. The proposal would help the City address its shortage of affordable housing during a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency.

ALTERNATIVE

1. Recommend that the City Council **CERTIFY** Mitigated Negative Declaration No. 41718, and **ADOPT** Mitigation, Monitoring and Reporting Program (MMRP); **APPROVE** Public Right-of-Way Vacation No. 139967 and Easement Abandonment No. 139970; **APPROVE** Planned Development Permit No. 119404, Tentative Map No. 119405, and Site Development Permit No. 139964, **with modifications.**
2. Recommend that the City Council **Not CERTIFY** Mitigated Negative Declaration No. 41718, and **Not ADOPT** Mitigation, Monitoring and Reporting Program (MMRP); **Not APPROVE** Public Right-of-Way Vacation No. 139967 and Easement Abandonment No. 139970; **Not APPROVE** Planned Development Permit No. 119404, Tentative Map No. 119405, and Site Development Permit No. 139964, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department

Jeffrey A. Peterson
Development Project Manager
Development Services Department

ESCOBAR-ECK/JAP

Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Exhibit 2 - San Ysidro Redevelopment Project Area-Ordinance No. 18295
5. Project Data Sheet
6. Project Site (TM/PDP/SDP/Grading/ Street Vacation /EA)Plans
7. Project Landscape Plans
8. Project Floor Plan/Elevations Plans
9. City's Undergrounding Master Plan for Fiscal Year 2004, Block 8V
10. Draft PDP/SDP Permit with Conditions
11. Draft PDP/SDP Resolution with Findings
12. Draft Street Vacation /EA/ TM Resolution with Findings
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Chronology