

Fiscal Impact – None with this action. Project costs are paid by the applicant.

Code Enforcement Impact – None with this action.

Housing Impact Statement – The Uptown Community Plan designates the subject property for very high density residential development at 73-110 dwelling units per acre. Based on the acreage, the site could accommodate between 25 and 37 residential dwelling units. The underlying MR-400 Zone allows one unit per 400 square feet of lot area, or a maximum of 37 units on the subject site. No affordable units are proposed as part of this 37-unit project. However, the project is subject to the requirements of the Inclusionary Housing Ordinance, Chapter 14, Article 2, Division 13 of the Municipal Code.

BACKGROUND

The Biarritz project is located at 3102 Sixth Avenue on a 14,794-square-foot vacant parcel at the northwest corner of Sixth Avenue and Redwood Street within the Uptown Community Plan Area (Attachment 1). The 0.34-acre project site is located within the MR-400 Zone of the Mid-City Communities Planned District and the Transit Area Overlay Zone. The MR-400 Zone is a multi-family residential zone, which allows one unit per 400 square feet of lot area. The Community Plan designates the site for very high density residential development at 73 to 110 dwelling units per acre (Attachment 2). The site is bounded by the Park Manor Hotel to the north, a 3-story multi-unit residential structure to the west, a 10-story multi-unit structure to the south across Redwood Street and the Balboa Park to the east across Sixth Avenue. The Park Manor Hotel was built in 1925 and is both a locally and nationally designated historic building.

The project is requesting 1) a Tentative Map for the subdivision of a 0.34-acre site into one lot for 37 residential condominium units, and 2) a Site Development Permit for the proposed deviations from floor area ratio, front yard setback, street side setback, interior side setback, rear yard setback, street yard area, and diagonal plan dimension regulations of the of the Mid-City Communities Planned District Ordinance. The project requires a Process 4 Planning Commission decision due to the request for a Tentative Map to consolidate three lots into one lot for the development of 37 residential condominium units.

DISCUSSION

Project Description:

The project site is vacant and relatively flat. The project will consist of 37 residential condominiums in a combination of 35 two-bedroom units, and 2 three-bedroom units. The units range from approximately 1,400 square feet to 4,000 square feet and vary from one to two levels. The project provides a total of 83 parking spaces, which exceeds the 66 spaces required for the 37-unit residential project. A three-level subsurface garage is proposed, which provides 74 residential spaces. Nine guest surface parking spaces are proposed along the west property line.

Entrance to the underground parking garage and the guest parking spaces would be provided from Redwood Street with an exit onto Sixth Avenue. The proposed building would extend 11 levels up to 133 feet high above ground floor elevation, and up to a maximum of 137 feet at the top of the mechanical equipment and elevator shafts. In the MR-400 zone, the permitted height limit is 150 feet.

Other project features include private usable balconies; on site recreational amenities including pool, spa, and sauna area; hardscape and landscape improvements; water, sewer, and gas utility relocation/ improvements; and right-of-way improvements including the provision of new curb and gutter, street landscaping, and repair of sidewalk along the length of the site on Redwood Street and Sixth Avenue.

The project proposes a contemporary high rise building compatible with other high-rise developments along Sixth Avenue. The project incorporates several of the “contemporary” design features set forth in the Mid-City Communities Planned District Ordinance (PDO) including use of clerestory windows, transom windows, recessed windows, eaves with minimum 18-inch overhang, and an entry porch. The project proposes the use of building materials including limestone panels, brick, pre-cast concrete coping, metal clad canopy, metal railings, stone cladding and metal louver cladding, and frameless glass entry off of Sixth Avenue and in the rear of the building. The project is consistent with the goals and recommendations of the community plan envisioned for this area including high density residential development with appropriate setbacks, façade articulation and pedestrian-scale amenities to create a pedestrian boulevard atmosphere and minimize view obstructions to Balboa Park (Attachment 14). The proposed high density residential development incorporates multiple variable setbacks, building articulation, architectural detailing and extensive landscaping into project design.

The project also complies with the applicable development regulations of the Municipal Code, including the Mid-City Communities Planned District regulations except for the requested deviations to floor area ratio, front yard setback, street-side setback, interior-side setback, rear yard setback, street yard area, and diagonal plan dimension as discussed in this report.

Deviations:

Deviations from the regulations in the Mid-City Communities Planned District Ordinance are subject to approval of a Site Development Permit. The project proposes an increase in floor area ratio (FAR), a reduction in the front yard, street side, interior side, and rear yard setbacks, reduction in street yard area required along Redwood Street and Sixth Avenue frontages, and an increase in diagonal plan dimension (Attachment 4).

Floor Area Ratio: In the MR-400 Zone, the allowed base FAR is 3.75. An additional FAR bonus is allowed for any project that does not exceed the dwelling unit threshold as set forth in Municipal Code Section 103.1504(h)(1)(A) equivalent to the area of enclosed parking not exceeding 1.0 FAR. With the bonus FAR, the project is allowed a maximum FAR of 4.75 or 70,271.50 square feet of floor area. The project proposes a total of 81,082 square feet of floor area exceeding the maximum 70,271.50 allowed by 10,810.50 square feet resulting in an FAR of

5.48 and a 15% deviation. While the project FAR does not technically comply with the maximum allowed on the subject site, the amount of additional floor area would not significantly alter overall project bulk and scale, and would be compatible with other high rise developments abutting the property and along Sixth Avenue. The Uptown Community Plan designates the area as a high intensity node/corridor with high rise or mid rise buildings ranging 4 to 12 stories in height. Immediately north of the project site is the Park Manor Hotel, which is approximately 80,000 square feet on a 20,000 square-foot site and 8 stories tall. Immediately to the south is the Park West Condos built in 1990, which is approximately 66,761 square feet on an approximately 14,500 square-foot site and 10 stories tall. The project as designed meets the purpose and intent of providing a quality multi-unit residential structure that relates in scale and design to the surrounding neighborhood and is compatible with the pattern of existing development in the neighborhood.

Front Yard Setback: The project proposes a varying front yard setback of 0 to 14 feet whereas a minimum front yard setback of 5 feet is required in the MR-400 zone. The building observes a 5'-6" front yard setback except for approximately one-half of the first floor building frontage along Redwood Street, which observes a 2'-6" setback. The project also proposes an enclosed one-story staircase in the southwest corner of the property providing access from the underground parking garage to the upper levels, which observes a 1'-9" setback from the front property line. The upper building levels provide varying front yard setbacks ranging between 0 to 14 feet. Staff believes that the project as designed with multiple offsets, articulation, balconies, and setbacks meets the purpose and intent of the regulation of breaking up building bulk and scale, and providing adequate setback on the ground level to allow for pedestrian scale amenities including extensive hardscape and landscape improvements.

Street Side Setback: The project proposes a varying street side setback of 0 to 19 feet whereas a minimum setback of 10 feet is required in the MR-400 zone. The project faces Balboa Park to the east and is proposed as far to the east as possible on the property to allow for adequate light and air space between the structure and the existing three-story residential complex to the west. The siting of the building as such also allows for the provision of additional off-street parking spaces for guest use, thereby minimizing parking impacts on adjacent on-street parking areas. The project as designed provides balconies and multiple building offsets, articulation and variable setbacks to break up bulk and scale along the east building elevation. Additionally, the project provides a façade with adequate variable setback on the ground level to allow for a plaza area, extensive landscaping, and a good pedestrian orientation along Sixth Avenue.

Interior Side Setback: The project complies with the minimum 6-foot interior-yard setback with the exception of the staircase in the southwest corner of the property, which observes a 0-foot setback for 10 linear feet and a 4-foot setback for the remainder 15 linear feet of the structure. The remainder of the building façade provides an interior side setback ranging from 13 to 44 feet. Due to the small area of encroachment with the bulk of the structure observing a setback in excess of the minimum required, staff believes that impacts to the adjacent properties is minimized and adequate light and air space would be provided.

Rear Yard Setback: The project proposes a varying rear yard setback of 0 to 21'-5" whereas a minimum setback of 15 feet is required in the MR-400 zone. The building observes a 4'-2" setback at the first level, with the upper levels observing a setback range of 0 to 21'-5". On all levels, the building is setback at least 2 feet from the property line with a planter area encroaching and observing a 0-foot setback from the rear property line. Staff supports the deviation as the project, which incorporates multiple setbacks, offsets, articulation, balconies, and planters into the design, meets the purpose and intent of the regulation of breaking up building bulk and scale. Furthermore, the use of the property to the north directly adjacent to the site is used as an open parking lot for the Park Manor Hotel. Therefore, there is considerable distance provided between the two structures to allow for adequate light and air space.

Street Yard Area: The project does not meet the minimum street yard area along Redwood Street and Sixth Avenue. The project provides a Street Yard area of 568 square feet along the Redwood frontage where a minimum of 990 square feet is required, and a 1,132-square-foot area along Sixth Avenue where a minimum of 1,500 square feet is required. While the project street yard area does not technically comply with the minimum area required, staff believes that the project as designed with multiple offsets and building articulation, the quality and amount of landscaping proposed, the intent of the regulation of providing adequate landscaping along street frontages, softening the streetscape and providing an appealing and usable pedestrian environment is met.

Diagonal Plan Dimension: The project provides a diagonal plan dimension of 148 feet where a maximum diagonal plan dimension of 98 feet is allowed. Given the size, lineal dimensions and orientation of the parcel, complying with the 98-foot maximum diagonal plan while providing for the intensity of development envisioned in the Uptown Community Plan, would result in a project that consists of a single or multiple tall square-shape building(s). The proposed 11-story single structure as designed exceeds the maximum diagonal plan dimension. However, the project incorporates multiple offsets, articulation, balconies, curvilinear building corners and facades, and variations in building materials, colors, and textures resulting in an aesthetically and pedestrian friendly high rise complex meeting the intent and purpose of the Mid-City PDO and the Uptown Community Plan. The project provides a high quality multi-unit residential development which relates in scale and design to the surrounding neighborhood and offers extensive landscaping, a plaza area, and an attractive street environment.

Community Plan Analysis:

The Uptown Community Plan designates the subject site for very high density residential development at 73 to 110 dwelling units per acre. The proposed project, occupying 0.34 acres, could accommodate between 25 and 37 dwelling units.

According to the Plan, very high density residential development with appropriate setbacks, façade articulation and pedestrian-scale amenities should be permitted along Sixth Avenue from Laurel to Upas Streets. As a part of this, the plan suggests the creation of a pedestrian boulevard atmosphere and minimization of view obstructions to Balboa Park from the west side of Sixth Avenue by requiring façade articulation through the use of balconies, terraces and/or upper story

setbacks on high-rise buildings. The project incorporates numerous setbacks at the mid- to upper stories as well as balconies and articulation throughout the project.

Recommendations of the Uptown Community Plan applicable to the site promote an atmosphere conducive to enhancing the pedestrian experience through wider sidewalks, uniform setbacks, enhanced landscaping within the public right-of-way, architectural detailing, usable plazas and tree plantings. The project as proposed incorporates a plaza along Sixth Avenue, a uniform street tree theme as well as non-contiguous sidewalks with landscaping. Therefore, the proposed project does not adversely affect the recommendations embodied in the Uptown Community Plan.

Environmental Analysis:

A Mitigated Negative Declaration (Project No. 34029) has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of historical resources (archaeological), and paleontology:

Historical Resources (Archaeological): The project site is located within an area identified as sensitive on the City's Historical Resources Sensitivity Map and several previously recorded historic and prehistoric sites have been identified in the project vicinity. Based upon this information, excavation may encounter subsurface historic cultural resources. Subsurface soil disturbance associated with the proposed excavation would require monitoring for archaeological resources by a qualified archaeologist in accordance with the City's Historical Resource Guidelines. With implementation of a monitoring program, impacts to archaeological resources would be reduced to below a level of significance.

Paleontology: The project site is located in an area underlain by the Lindavista Formation, which is designated as "moderate" potential for paleontological (fossil) resources. Construction of the project requires approximately 17,800 cubic yards of soil cut material to depths in excess of 35 feet below the surface. As such, monitoring for fossil resource would be required during site excavation. With implementation of this monitoring program, impacts to archaeological resources would be reduced to below a level of significance.

Uptown Planners Recommendation: On November 2, 2004, the Uptown Planners voted 10-4-1 in favor of the project with the following recommendations: 1) not grant a waiver or exemption from undergrounding utilities; 2) preserve or recreate historic sidewalk stamps and scoring; 3) existing landscaping be brought into compliance with current requirements; 4) place new utilities and back flow preventers outside of the public right-of-way and shielded from view; 5) replace adjacent sidewalk, curb, and gutter and provide street trees per current standards; 6) repair drainage problem while reducing curb cuts; 7) provide a double row of palms with minimum 12-foot trunk height along Sixth Avenue; 8) maintain high quality of materials on the exterior of the building; 9) the applicant continue to work with the Uptown Partnership to install off-site

sidewalk improvements consistent to the 4th, 5th, 6th Avenue Traffic Calming Project including a sidewalk pop-out at the northwest corner of 6th Avenue and Redwood Street and a small pedestrian refuge island on 6th Avenue; and 10) the applicant meet with the Home Owners Association at 3060 Sixth Avenue. The applicant is satisfying these recommendations with the exception of the undergrounding waiver as explained below.

The project has been designed to comply with current landscape regulations and the Street Design Manual and will provide a double row of Queen Palms along Sixth Avenue. The project will replace and reconstruct the existing curb, gutter, and sidewalk with the new sidewalk matching existing scoring, color, texture and contractor or date stamps. The backflow preventers will be on the property and shielded from view. The applicant will coordinate with Uptown Partnership to ensure sidewalk improvements are consistent with the Traffic Calming Project. The applicant has also been in contact with the Home Owners Association of the Park West Condominiums across Redwood Street.

With respect to the undergrounding waiver request, San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting rights of way. The neighborhood currently contains one power pole located on the south side of Redwood Street, not contiguous to the project site. There are overhead lines that connect from this power pole to a second power pole located on the property west of the project site. The existing overhead lines provide service to the adjacent properties. There is an existing SDG&E transformer on the site that will be relocated by SDG&E to accommodate the proposed project driveway. Service to the project site will be underground and connected to the transformer. The City's Underground Master Plan for Fiscal Year 2004 designates the site within Block 2-B, which has not been scheduled for undergrounding at this time and is to be determined in the future by District 2 Council Office (Attachment 13). Based on current District 2 prioritization, undergrounding in this area is not expected to occur until after FY 2013. City staff has determined that the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developer's Expense, in that the conversion involves a short span of overhead facility (less than 600 feet in length).

Inclusionary Housing: The project has been conditioned to require the applicant pay an Inclusionary Affordable Housing In-Lieu Fee in the amount of \$81,082.00 based on \$1.00 fee per square foot of floor area prior to issuance of building permit pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Municipal Code.)

Conclusion:

In summary, staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Uptown Community Plan, and the MR-400 Zone with the exception to the FAR, front yard setback, street side setback, rear yard setback, street yard area, and diagonal plan dimension deviations requested. Draft conditions of approval have been prepared for the project (Attachments 7 and 9); and Findings required to

approve the project are included in the draft resolutions (Attachments 8 and 9).

ALTERNATIVES

1. **Approve** Tentative Map No. 175875 and Site Development Permit No. 93999 with modifications;
2. **Deny** Tentative Map No. 175875 and Site Development Permit No. 93999 if it is determined that the required findings to approve the project cannot be affirmed.

Respectfully submitted,

Marcela Escobar-Eck
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ESCOBAR-ECK/FZT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Project Plans
7. Draft Site Development Permit with Conditions
8. Draft Site Development Permit Resolution with Findings
9. Draft Tentative Map Resolution with Conditions
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology
13. City's Underground Master Plan – Map 2-B
14. Uptown Community Plan - Land Use Recommendations