

DATE ISSUED: April 15, 2005 **REPORT NO. PC-05-121**
ATTENTION: **Planning Commission, Agenda of April 21, 2005**
SUBJECT: CABRILLO POINT LOMA - PROJECT NO. 23708. PROCESS 5
OWNER: Loma Cabrillo LLC
APPLICANT: Loma Cabrillo LLC and Lennar-Greystone Homes, Inc.

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of an amendment to Conditional Use Permit No. 88-0252, and a new Planned Development Permit, Vesting Tentative Map and Public Right-of-way Vacation to allow demolition of two existing medical buildings and construction of a 170 residential condominium development?

Staff Recommendation:

1. RECOMMEND CERTIFICATION of Mitigated Negative Declaration No. 23708 and adoption of the Mitigation, Monitoring, and Reporting Program (MMRP);
2. RECOMMEND APPROVAL of Conditional Use Permit No. 211334 (Amendment to Conditional Use Permit No. 88-0252);
3. RECOMMEND APPROVAL of Planned Development Permit (PDP) No. 61679;
4. RECOMMEND APPROVAL of Vesting Tentative Map No. 211022; and
5. RECOMMEND APPROVAL of Right-of-Way Vacation No. 61681.

Community Planning Group Recommendation: The Midway Community Planning Advisory Committee considered the project at their meeting on July 14, 2004 and voted to approve the project 7-1-0 contingent on compliance with the project's conceptual plans regarding architecture and landscaping (Attachment 21).

Environmental Review: A Mitigated Negative Declaration No. 23708 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) will be implemented which will reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: paleontological resources, air quality, health and safety and utilities-construction waste.

Fiscal Impact: The cost of processing this application is paid for by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The Inclusionary Housing Ordinance requires all new residential development of two units or more to provide affordable housing. This project has opted to pay in-lieu fees instead of providing on-site affordable housing units. With the construction of 170 new residential condominium units, the proposed project will supplement the existing housing supply in San Diego and will not adversely impact housing supply or affordability.

BACKGROUND

The subject property is an approximately 14.3-acre site located along the southwestern edge of Kenyon Street, east of Kemper Street and west of Wing Street, within the CO-1-2 Zone, Coastal Height, Airport Environs and Airport Approach Overlay zones (Attachments 1, 2). The purpose of the CO zones is to provide areas for employment uses with limited, complementary retail uses and medium to high density residential development. The project is designated for Institutional land use in the Midway/Pacific Highway Corridor Community Plan, however the plan also states that absent an Institutional land use the site may be developed with residential dwelling units (Attachment 3). The site includes a short cul-de-sac known as Kenyon Court, which provides access to the subject property at the western portion of the project site, and is the subject of the project's proposed right-of-way vacation.

The site is currently developed with various hospital and medical office facilities which currently operate under Conditional Use Permit No. 88-0252, approved by the Planning Commission on May 6, 1988 (Attachment 13). The project site is located in a neighborhood comprised of commercial and institutional uses, single family homes and multi-family developments. Kaiser Permanente Hospital, as well as the San Diego Community College District offices, are located to the north and run the length of Kenyon Street directly across from the project site. Multi-story, multi-family buildings abut the project to the west. On the southern side, the project is overlooked by existing single family home neighborhood development.

The project requires a Process 4 Conditional Use Permit Amendment, Planned Development Permit (PDP), and Vesting Tentative Map (VTM), and a Process 5 Street Vacation, to be consolidated and considered as a Process 5 decision (City Council) in accordance with SDMC 125.0940. Development which does not comply with all base zone regulations or all development regulations may apply for deviations through a PDP. As stated in the Municipal Code, the purpose of the PDP regulations is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations. The intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.

On May 18, 1993, City Council established Policy 600-15 on street vacations. Council determined it acceptable to vacate in whole or part a public right-of-way when there is no present or prospective use

and when such action would serve the public interest. The California Streets and Highways Code at Section 8312 find that “a city legislative body may vacate, pursuant to this part, all or part of a street . . . within the city.” The legislative body shall consider the general plan prior to vacating the street. The City of San Diego regulates right-of-way vacations through the Municipal Code at §1250940 and through Council Policy 600 15. Findings for these requirements are substantiated in the Resolution (Attachment 20).

DISCUSSION

Project Description:

The project consists of four discretionary actions: (1) an amendment to Conditional Use Permit No. 88-0252 pursuant to §125.0301 ; (2) a Planned Development Permit (PDP) pursuant to §126.0707 (3) a vesting tentative Map pursuant to §125.0401 and (4) a Right-of-Way Vacation pursuant to §1250940 of the Municipal Code and Section 8300 of the California Streets and Highways Code, and in conformance with Council Policy 600-15.

Amendment to Conditional Use Permit No. 88-0252 – The existing 14.3-acre site is developed with various medical offices and a 178,885 square-foot hospital building, and operates under existing CUP 88-0252 approved by the Planning Commission on May 6, 1988. The proposed amendment is to reduce the property area comprising the CUP by eliminating a 7.02-acre portion of an existing medical facility from the scope of the CUP (Attachment 6). As a result of demolition of two (2) existing medical office buildings located in the southwestern project area, the new CUP will incorporate the remaining structures, to include:

- an existing 178,885 square-foot hospital building containing 200 beds;
- an existing 47,880 square-foot medical office building;
- an existing 5,070 square-foot office building.

The operational provisions of the previous CUP have been maintained in the amendment, including parking parameters. A lot line adjustment between existing Parcel 1 and Parcel 2 of PM 19321 will result in the CUP site area totaling 7.27 acres. A new parking lot meeting current landscape standards will be constructed along the hospital’s adjusted westerly property line. With the provision of 483 on site parking spaces, the CUP site will fully accommodate all necessary on site parking to serve all related hospital, medical and office facilities comprising the newly amended CUP.

Planned Development Permit – The PDP (Attachment 11) allows for the comprehensive planning and development of a 170 unit multi-family condominium development, and incorporates a deviation to retaining wall standards, allowing a series of two 16-foot high retaining walls proposed, where the fence regulations would typically limit each wall height to 12-feet. The new residential development would include fourteen 3-story structures comprised of flats and townhomes, with tuck-under private garages. Five unit designs are proposed as part of 2 product lines, ranging from 2BR/2BA (1,141-square-feet) to 4BR/4BA (1793 square-feet) (Attachments 9/10). Pedestrian circulation through the site would be enhanced through decorative paving linkages. Landscaped parkway corridors and courtyards are planned along the buildings’ front elevations and entryway stoops (Attachment 8). From a neighborhood standpoint, the vacated area of Kenyon Court will not be highly noticeable, as this area will provide access into the project site via a private drive and will remain in the same

general location. A second vehicular access driveway will be located off Kenyon Street at the intersection of Fordham Street.

Vesting Tentative Map – The project is comprised of three parcels of land which total 14.3-acres. The project proposes the reconfiguration of the existing lots through a subdivision map, which will distinguish and provide legal separation between the new residential and revised CUP facility, and will allow 170 residential condominium interests on the 7.02-acre Parcel 1. The map will also serve as the mechanism for the vacation of the Kenyon Court public Right-of-way, and reorganization of various utility easements throughout the site (Attachment 5).

Right-of-Way Vacation – The street vacation would remove from public use an existing cul-de-sac right-of-way approximately 300-feet in length known as Kenyon Court. The City of San Diego Municipal Code allows that a public right-of-way vacation may be initiated at the request of any person and may be summarily vacated if it does not contain public utility facilities, does not contain active public utility facilities, or contains public utility facilities that would not be affected by the vacation. As part of the project review, city staff has determined that the vacation of Kenyon Court would not adversely impact existing utilities in the street, as a new 30-foot wide easement will be reserved to protect realigned sewer utilities. The following utility companies have also determined that the proposed vacation would have no adverse impact on their utilities: SBC (formerly Pacific Bell) and Cox Cable. The portion of the public right-of-way to be vacated is not required for street or highway purposes.

Community Plan Analysis:

The proposed development will not adversely affect the adopted Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area plan, which designate the area for Institutional land use and state that absent an Institutional land use the site may be developed with residential dwelling units. This development and CUP amendment proposal conforms to policies in the Midway/Pacific Highway Corridor Community Plan including: "...new uses on previously designated institutional sites will be compatible with the surrounding neighborhood (p. 71)", "Should the hospital relocate, the site should be used for commercial office or residential development at a maximum of 29 dwelling units per net acre (p. 75)." The proposal is adjacent to other residential uses. Proposal also conforms to other policies such as: "Require Planned Development projects to follow the development and urban design guidelines of this element." The proposal does adhere to Urban Design Guidelines for residential development in the community plan including: "Incorporate defensible space techniques into the design of multifamily projects by providing architectural detailing and individual unit features which will promote pride of ownership and delineate public, semiprivate, and private space. The visual and spatial orientation of recreational and open space areas should be linked to specific residential units within the project." The proposal features a five foot tubular steel fence around project perimeter, enhanced pedestrian crossings throughout the site area, courtyards, and entry monumentation. The Guidelines also call for playgrounds, pools, passive recreational areas, all of which are provided on project plans (e.g. courtyard for light or passive activities, a pool, tot lot, etc.) The proposal is well articulated with ample fenestration, balconies and vertical off-sets and will retain and improve community character. The proposal conforms to other policies related to residential land use including: "Require new residential projects to provide adequate recreational opportunities for residents (p. 79)."

Environmental Analysis:

A Mitigated Negative Declaration was prepared for project Number 23708 in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) will be implemented which will reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: paleontological resources, air quality, health and safety and utilities-construction waste. Each of these impact areas are summarized below and further discussed in the Mitigated Negative Declaration and Initial Study documents.

Paleontological Resources - According to the Geology of the San Diego Metropolitan Area, California (1975) published by the California Division of Mines and Geology, the project site is underlain by the Bay Point Formation. With respect to fossil resource potential, the Bay Point Formation has a high sensitivity level. Construction of the project requires approximately 25,000 cubic yards of cut at depths greater than 10 feet. According to the City of San Diego's Paleontological Guidelines (Revised April 2004) over 1,000 cubic yards of grading at depths greater than 10 feet into formations with a high resource sensitivity rating would constitute a potentially significant impact to paleontological resources and require mitigation. As a requirement of the MMRP, an onsite paleontologist will monitor all grading activities in areas of previously undisturbed formations with high and moderate resource sensitivity, and document any discoveries in accordance with standard procedures, including preparation of a Final Results Report.

Air Quality - The project includes demolition of existing medical office structures and removal of several acres of asphalt in order to grade the site in preparation for the project. Construction and demolition dust could exceed the Air Pollution Control District's threshold of 100 pounds of particulate matter (PM10) per day. With an APCD grading standard of approximately 26.4 pounds of dust generated per graded acre, the 7.1 graded acres are expected to generate approximately 187 pounds of dust. Since grading and demolition are anticipated to occur over the course of several days, it is not anticipated that 100 pounds of particulate matter would be generated in a single day. Therefore, watering of graded areas, covering of graded materials and reduced grading during days of high winds will be incorporated into the grading plans and construction operations to ensure potential air quality impacts are below a level of significance.

Health And Safety – The project includes demolition of two (2) buildings constructed in the late 1960's which have a potential for asbestos containing material (ACM) and lead based paint (LBP). Prior to the issuance of any demolition permits for the project, the applicant will be required to coordinate with the Air Pollution Control District (APCD) and incorporate any measures into the demolition program determined to be necessary relative to the demolition of the buildings.

Utilities-Construction Waste – For new residential development of 50 units or more, a Waste Management Plan for construction debris must be completed, which details which waste will be recycled and what will be sent to landfills. The purpose of the plan is to reduce the use of existing landfills and increase the use of recyclable materials, and will reduce potential impacts to the City's landfills to below a level of significance.

Project-Related Issues:

Municipal Code Conformance

The project requires an amendment to Conditional Use Permit (CUP) No. 88-0252 [SDMC Section 126.030] , a Planned Development Permit (PDP) [SDMC Section 126.0707], a Vesting Tentative Map (VTM) [SDMC Section 125.0401] and a Street Vacation to be consolidated and considered as a Process 5 decision (City Council) in accordance with SDMC 125.0940. A public right-of-way may be vacated only if the decision maker makes the findings referenced under SDMC 125.0941. An application for a Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the findings in SDMC 126.0604 The findings for the CUP,PDP , VTM and Right-of-Way Vacation are substantiated in the resolutions (Attachments 16-19). The proposed project demonstrates conformance to the regulations and requirements of the CO-1-2 zone and the Midway Pacific Highway Corridor Community Plan, the North Bay Redevelopment Project Area plan, and the Land Development Code, excepting deviations to the design standards of the project's proposed retaining walls as described following.

Deviation to Retaining Walls Design Standards

The proposed development complies with the SDMC with the exception of retaining walls which exceed the allowable height limit by approximately 2 feet. The walls are located along a steeply sloped portion of the project area at the southwestern property boundary. In this area, the existing slope ranges from 30' to 54' in elevation. Due to the existing steep topography, a series of two 11-foot high retaining walls are proposed, where the fence regulations would limit each wall height to 9-feet (SDMC Section 142.0301 - "Fence Regulations"). These walls serve to limit the effect of project grading on the abutting properties and are screened from the public right-of-way by the intervening residential buildings, as well as the existing 200 bed hospital which is to remain. Additionally, heavy plantings are proposed within the 5-foot horizontal off-set between the walls as a further visual buffer and screening element (Attachment 8).

Community Planning Group Recommendation

The Midway Community Planning Advisory Committee considered the project at their meeting on July 14, 2004 and voted to approve the project 7-1-0 contingent upon compliance with the project's conceptual plans regarding architecture and landscaping (Attachment 21). As standard conditions of the Conditional Use Permit and Planned Development Permit, the project is required to substantially conform to the project's conceptual "Exhibit A" plans, including architecture and landscaping. Compliance in these areas is checked as part of staff's review prior to issuance of any future engineering and building permits.

Conclusion:

Staff finds that the project as proposed would be in accordance with the provisions of the Council Policy, the City's Municipal Code; the State Streets and Highways Code; the California Environmental Quality Act; the City's Progress Guide and General Plan; and the Midway Pacific Highway Corridor Community Plan. Staff therefore recommends approval of the project as proposed.

ALTERNATIVES

1. Recommend approval of Conditional Use Permit No. 211334 (Amendment to Conditional Use Permit No. 88-0252), Planned Development Permit (PDP) No. 61679, Vesting Tentative Map No. 211022 and Right-of-Way Vacation No. 61681, with modifications.
2. Recommend denial of Conditional Use Permit No. 211334 (Amendment to Conditional Use Permit No. 88-0252), Planned Development Permit (PDP) No. 61679, Vesting Tentative Map No. 211022 and Right-of-Way Vacation No. 61681, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

Patricia J. FitzGerald
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Existing Conditions
5. Vesting Tentative Map
6. Project Site Plan – CUP
7. Project Site Plan – 170 Unit Residential Development
8. Landscape Plans & Details
9. Floor Plans (Product A - Plan Types 1, 2, & 3)
10. Floor Plans (Product B - Plan Types 1, 2, 3 & 4)
11. Building Composite Plans (Building Types A, B, C, D)
12. Building Elevations (Building Types A, B, C, D)
13. Conditional Use Permit No. 88-0252
14. Draft Conditional Use Permit
15. Draft Conditional Use Permit Resolution
16. Draft Planned Development Permit
17. Draft Permit Resolution
18. Draft VTM Resolution
19. Draft Right-of-way Vacation Resolution
20. Project Data Sheet
21. Community Planning Group Recommendation
22. Ownership Disclosure Statement
23. Pool Building Plans & Elevations