

DATE ISSUED: June 23, 2005 **REPORT NO.** PC-05-188

ATTENTION: Planning Commission, Agenda of June 30, 2005

SUBJECT: PROMONTORY POINT CONDOMINIUMS,
PROJECT NO. 1612. PROCESS 5

**OWNER/
APPLICANT:** Windmill Construction Co., Owner/Clifford LaMonte, Applicant
(Attachment 15)

SUMMARY

Issue(s) – Should the Planning Commission recommend to the City Council approval of the Promontory Point Condominiums project; a Street Vacation, Tentative Map and Site Development Permit for a twelve unit condominium project located at northerly terminus of Sixth Avenue in the Mid-City Planned District within the Uptown Community Plan area?

Staff Recommendation

1. Recommend to the City Council Certification Mitigated Negative Declaration No. 1612 and Adopt the Mitigation Monitoring and Reporting Program; and
2. Recommend to the City Council Approval of Street Vacation No. 123434, Tentative Map No. 123433 and Site Development Permit No. 123430.

Community Planning Group Recommendation - The Uptown Community Planning Group voted unanimously, 14:0:0, to recommend approval of the project at their October 5, 2004 meeting. No specific concerns or requested conditions were identified.

Environmental Review - A Mitigated Negative Declaration No. 1612 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared

and will be implemented and reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact - All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The Uptown Community Plan designates the subject property for high density residential development at 44-73 dwelling units per acre. Due to site constraints, the project proposes to construct 12 residential units where 15 to 26 dwelling units are called for by the Land Use Element of the Plan. No affordable units are proposed as part of this 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 project site is located within the Uptown Community Plan area in the MR800B zone of the Mid-City Planned District at the northerly terminus of Sixth Avenue. The Uptown Community Plan designates the subject property for high density residential development (Attachment 1). The existing topographic condition of the site is very steeply sloping in a northeasterly direction from Sixth Avenue down to State Route 163. The site was previously graded by Caltrans for StateRoute 163 and the steep slope is not natural (Attachment 2). The Environmentally Sensitive Lands regulations do not apply to the site. The sloping site supports mostly a non-native plant *Carprobrotus edulis*, Hottentot Fig or Iceplant, with some minor stands of *Rhus integrifolia*, Lemonadeberry and other native shrubs (Attachment 3). The 15,246 square foot site is currently vacant yet was disturbed by the previous grading. No sensitive species occur on the site. Elevations on the site range from approximately 270 mean sea level (MSL) at the westerly property line to approximately 183 MSL at the easterly property line. Within the State Route 163 right-of-way an existing headwall and concrete storm drain system intercepts runoff from this and other adjacent sites. No other improvements exist on the site (Attachment 2).

The adjacent land uses include single and multi-family developments and the State Route 163 freeway. The Site Development Permit is required to authorize development of the site with deviations to the regulations of the Mid-City Planned District. The Tentative Map is required to create a condominium ownership of the project after construction. The Street Vacation is requested by the applicant to redeem right-of-way not utilized for public purposes. A similar street vacation was processed and approved by the City Council at the adjacent Canyon Woods project site to the immediately adjacent to the west (Attachment 3).

The application was submitted in February 2000 for a ten unit project. The early design of the project was reviewed by the Uptown Community Planning Group and City staff. After several reviews and minor revisions of the original design, the applicant initiated a significant redesign of the proposed structure and site development. The redesign required several months effort by

the consultant team culminating in the current design proposal. Several retaining walls were removed, the number of units was increased by two, a subterranean two level parking deck was incorporated into the mid levels of the structure and a contemporary architectural design was presented to the planning group and City staff.

DISCUSSION

Land Use Plan Analysis

The Uptown Community Plan designates the subject property for high density residential development at 44-73 dwelling units per acre (Attachment 1). According to the plan, the proposed project, occupying 0.35 acres, could accommodate between 15 and 26 dwelling units. Three additional residential units would be necessary to achieve compliance with the recommendations of the community plan's Land Use element as illustrated in Figure 35. However, due to irregular lot shape and existing steeply graded topographic conditions, staff support the project as proposed and has determined the project will not adversely affect the Land Use Element of the Plan.

The proposed Promontory Point Condominiums project is consistent with the land use designation of the Uptown Community Plan. The community plan designates the site for residential development. The MR800B zone of the Mid-City Planned District is the current land use zone on the site and implements the land use plan. In addition to being consistent with the community plan land use designation and zoning, the proposed project provides design features in conformance with the community plan's recommendations.

The Open Space Element of the Plan recommends that canyon rim and hillside development complement the natural character of the land, be unobtrusive, as well as minimize disturbance to the topography. Further, the Urban Design Element of the Plan recommends new construction be compatible with the existing architectural detail and overall appearance or the quality of development in the surrounding neighborhood. In support of these goals, the project has been designed to minimize impacts to the hillside, compliment the steep site and be in character with the existing multi-family developments within the surrounding neighborhood.

According to the Plan, unimproved street right-of-ways should be vacated only when it is determined the right-of-way will not be needed in the future for public access to individual parcels or to public open space, to provide public parking, to provide open space for public use, or to maintain views of open space from the public right-of-way. Due to the steep topography and the fact that half of the unimproved right-of-way has been previously vacated, the area where the street vacation is proposed would not lend itself to the provision of public open space or public parking. Further, as part of the design, the project incorporates a public access view corridor to the north.

Project Description

The project site is located at the northerly terminus of Sixth Avenue in the Mid-City Planned District within the Uptown Community Plan area (Attachment 4). The vacant 15,225 square foot site is zoned MR800B which allows for multi-family residential development. The project requires a Site Development Permit to be issued due to deviations the project proposes from the regulations of the Mid-City Planned District, a tentative map to create a condominium property for twelve condominiums to be offered for sale (Attachment 5), and a street vacation to vacate excess right-of-way not utilized by the City of San Diego for public right-of-way purposes.

The project proposes to develop twelve dwelling units with a two level parking garage within an seven story building (Attachment 6). The building would provide four single bedroom units and eight, two bedroom units (Attachment 7). The proposed building would total 20,912 square feet where 23,434 square feet is allowed as the maximum floor area ration (FAR). The FAR of the project proposed is 0.89 of the maximum allowed. The project requires twenty-two parking spaces for the residents and guests and twenty-two spaces would be provided by the project.

The surrounding properties in the neighborhood to the west, north and south are developed with multiple unit buildings providing residential densities consistent with the Uptown Community Plan and the regulations of the municipal code at the time of their construction. State Route 163, to the east, is adjacent to the proposed site (Attachment 3).

The proposed Promontory Point Condominiums project is consistent with the Uptown Community Plan land use designation, density and design elements. The proposed project would create an infill development on a steeply sloping site and be compatible in use and density to the existing developed properties in the immediate neighborhood. As allowed by the Mid-Cities Planned District regulations, the proposed project would be consistent with the purpose and intent of the planned district regulations which control the use and design of the proposed project. Several deviations to side yard setbacks and maximum structure height are included in the project design. The maximum allowable height, without deviations, is 70 feet. The proposed maximum height of the building would be 87'-6". Of the 87 feet, 41'-3" would be above the existing grade at the level of Sixth Avenue and 46'-3" feet would be below street level. The project proposes deviations to all yard setbacks except the rear yard. A detailed comparison of the setback requirement at each floor level and the proposed design is provided in Attachment 7. In total the project requires approval of sixteen deviations to the required setbacks and one deviation for the maximum height. City staff supports the deviations due to the steep slope of the site, the irregular shape of the lot, and to realize to the greatest possible extent the density range of the Uptown Community Plan for this site. These deviations are consistent with the purpose and intent of the planned district to allow a project which meets the policies of the land use plan on this site.

Environmental Analysis

The environmental review process for the proposed project included an evaluation of several

areas of interest; Geology, Visual Quality, Human Health/Public Safety and Noise. These areas of interest were evaluated by City staff and have been documented in the Mitigated Negative Declaration No. 1612.

A Geologic Reconnaissance Report was prepared by Engineering Geologist Michael W. Hart for the applicant. The geologist's study of the site concluded no evidence exists of any deep-seated landslide or that the site is traversed by faulting.

Visual Quality from other vantage points in the community would not be negatively impacted if the project is constructed in conformance with the proposed building design and landscape plans. The architectural detail, fenestration and offsetting planes together with the proposed trees and shrubs to be planted and maintained on the site would create a positive compatibility with other existing developments in the neighborhood when viewed from vantage points in the community (Attachments 6 and 8).

Human Health and Public Safety was investigated by City staff by a thorough review of documents held at the County of San Diego Department of Environmental Health Hazardous Materials Listing website (2001). No current or historic release of hazardous materials have been recorded for the project site or neighboring properties. Should any contaminated soils or groundwater be discovered during any phase of construction guidance from the County of San Diego Department of Environmental Health Volunteer Assistance Program and the Regional Water Quality Control Board's Site Mitigation and Cleanup Unit would be provided to effectively contain the hazard.

Noise impacts to future residents of the development were investigated due to the presence of State Route 163 immediately east of the project site. All interior noise levels would be required not to exceed 45 dB(A) Community Equivalent Level pursuant to Title 24 of the California Building Code. No mitigation is required to address this concern. Exterior mitigation would be required for the balconies provided to meet the open space requirement. The design solution to address noise levels includes the locating the required open space away from the source of the noise and the providing glass panels to shield the recipients from experiencing adverse noise levels. No additional mitigation is required.

Regarding the environmental review process, mitigation is required to provide information of undocumented fills present on the site during the grading operations. Any undocumented fill would be removed and properly compacted following the recommendations of the project geotechnical engineer. Keys for all fill slopes would be inspected by the project geotechnical engineer to verify the keys extend below any surficial soils, alluviums, slopewash and are into formational soils. Any changes to recommendations in the recent geologic report must be adhered to and shown on the construction drawings. No other mitigation is required for the proposed project.

Project-Related Issues

During the review of the original and revised design of the project, the major issues identified by staff were the requirement for an offsite water supply line to serve the development, the proposed deviations to the required setbacks and maximum height of the structure. Other issues were identified by staff's review addressing water quality, geotechnical stability, brush management, landscaping and fire safety. All issues have been resolved in accordance with the regulations and policies in effect for this site.

The requirement to provide an offsite water supply line for the benefit of the development was identified by City staff with either design. Several meetings were held with the applicant to discuss possible alternative solutions and financing opportunities to fund the water line. In the final resolution, City staff and the applicant agreed on the condition in the tentative map resolution. This requirement for the water supply line is of the shortest length and the smallest diameter as possible while maintaining conformance with City standards to provide necessary fire safety.

Deviations to the required side yard setbacks and maximum height of the structure were identified during the review of the original design and the subsequent revisions. In each circumstance City staff held several meetings with the applicant to discuss these issues. In the final resolution, City staff supports the proposed deviations as necessary to develop this steeply sloping site at the density proposed consistent with the purpose and intent of the planned district. City staff noted the allowable density range identified by the Uptown Community Plan (Plan), while at a range of 44-73 dwelling units per acre, would require a structure to substantially exceed the maximum height proposed by the current project due to the existing topographic constraints. According to the Plan, the proposed project, occupying 0.35 acres, could accommodate between 15 and 26 dwelling units. Three additional residential units to the proposed twelve would be necessary to achieve compliance with the recommendations of the community plan's Land Use element as illustrated in Figure 35. However, due to irregular lot shape as well as topographic conditions found on the site, staff supports the project as proposed and has determined the project would not adversely affect the Land Use Element of the Plan and is consistent with the Purpose and Intent of the Mid-Cities Planned District regulations.

The purpose and intent of the planned district states projects shall: "encourage the development of quality multiple residential structures within the Greater North Park and Uptown communities which relate in scale and design to the surrounding neighborhood, and provide an attractive street environment (MR Zones)" and again in the MR Zones: "The Mid-City Residential (MR) zones are multi-family residential zones which are designed to provide for development compatible with the pattern of the existing neighborhoods. Standards are tailored to the density of the individual zones and are intended to provide a variety of attractive, functional and affordable housing types and styles. Development is street friendly by providing active, accessible and surveillable streets and street yards." City staff supports the deviations to develop the site with the project as proposed and has determined the deviations are the minimum necessary and reasonable given the regulations, policies and conditions at the site.

Critical Project Features to Consider During Substantial Conformance Review

The proposed project has several design features which should not be altered through any substantial conformance review process. These are included in the following categories: architecture design, landscape design, setback and maximum height deviations and best management practices.

The architectural design has been reviewed by both the Uptown Community Planning Group and City staff. The articulation of the structure, the orientation of the balconies, the juxtaposition of materials and forms, as well as the roof elements all have been considered in the review of the design (Attachment 7). Staff supports the proposed project as presented after determining the project is consistent with the purpose and intent of the Mid-Cities Planned District regulations. Only minor changes, if any, should be allowed through any substantial conformance review process.

Since a majority of the site was previously disturbed through grading operations and the subsequent planting of *Carprobrotus edulis* is not typically supported by staff as appropriate for steep sites, the additional proposed landscape plantings are considered to be of importance both visually and structurally (Attachment 8). Since the property frontage along a dedicated public right-of-way is limited and the street and accent trees proposed for the project are few in number, the reduction of their quantity should not be allowed.

While staff can support the seventeen deviations proposed by the project additional deviations should not be allowed through the substantial conformance review process. The proposed deviations have been carefully considered and evaluated by staff during their review of the project and are the minimum necessary to allow for a viable multi-family project on this site.

Issues of water quality have been given serious consideration based on the site location and potential for impacting the impaired water bodies down stream. Specifically, the site is within the San Diego River watershed and drainage, an impaired water body. Measures will be implemented to address the concerns of water quality in conformance with existing regulations. Modifications to the water quality best management practices should not be allowed without approval of the City Engineer.

CONCLUSION

The proposed Promontory Point Condominiums project conforms to the land use density, land use designation and design guidelines specified of the Uptown Community Plan. The project will provide the required pedestrian scale improvements and design features established in the community plan for residential development. The project as proposed is compatible with the existing surrounding developments. Findings required to approve the project are included in draft resolutions (Attachments 10 and 11). Draft conditions of approval have been prepared for the project (Attachments 10 and 12). The Uptown Community Planning Group voted 14:0:0 to

recommend approval of the project at their October 5, 2004 meeting (Attachment 12).

ALTERNATIVES

1. Approve Street Vacation No. 123434, Tentative Map No. 1234333 and Site Development Permit No. 123430, with modifications.
2. Deny Street Vacation No. 123434, Tentative Map No. 1234333 and Site Development Permit No. 123430, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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HALBERT/JSF

- Attachments:
1. Community Plan Land Use Map
 2. Existing Site Topography
 3. Aerial Photograph
 4. Vicinity Map
 5. Tentative Map
 6. Project Site Plan
 7. Architectural Elevations
 8. Promontory Point Condominiums Project Deviation
 9. Landscape Development Plan
 10. Draft Tentative Map No. 123433 Resolution with Conditions
 11. Draft Resolution with Findings
 12. Draft Site Development Permit No. 123430
 13. Community Planning Group Recommendation

14. Building Sections
15. Ownership Disclosure Statement
16. Project Data Sheet
17. Project Chronology
18. Floor Plans, Levels 1 - 8