

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED:

October 26, 2016

REPORT NO. HO-16-069

HEARING DATE:

November 2, 2016

SUBJECT:

LORO VILLAS. Process Three Decision

PROJECT NUMBER:

327436

OWNER:

Mahmoud Amirnovin

APPLICANT:

Brian Longmore

SUMMARY:

<u>Issue</u>: Should the Hearing Officer approve the construction of 19 apartment units on a vacant lot located at 1487 Parrot Street in the Mid-City Communities Plan area?

Staff Recommendation: APPROVE Site Development Permit No. 1148552.

<u>Community Planning Group Recommendation</u>: On October 5, 2015, the City Heights Area Planning Committee voted 14-0-0 to recommend of the proposed project with conditions (Attachment 6). Reference the Discussion section of the report.

Environmental Review: On November 6, 2002, the Hearing Officer approved Site Development Permit (SDP) and adopted Mitigated Negative Declaration (MND), Project No. 1386, for the construction of 19 apartment units and one commercial tenant space. The project was not constructed and the SDP expired. The MND's analysis and mitigation requirements for impacts to biological resources, water quality, historical resources (archaeology), and paleontological resources remain valid for the proposed current project.

The current project was reviewed and determined that in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) No substantial changes are proposed to the project which would require major revisions of the previous MND; (2) No substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous MND; and (3) There is no new information of substantial importance that was not known and could not have been known at the time the previous MND was certified. The environmental review determined that no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document.

BACKGROUND

The 1.33-acre site is located at 1487 Parrot Street at the intersection of Parrot Street and Cactusview Drive, within the City Heights Neighborhood of the Mid-City Community Plan (MCCP) area. The site is zoned MR-3000 of the Mid-City Communities Planned District (MCCPD), a multi-family zone that allows one unit per 3,000 square feet of lot area, or 19 units allowed on this site. The site is designated for residential development at 11-15 dwelling units per acre within the MCCP. The site contains environmentally sensitive lands in the form of biological resources. The project site is located in a developed, urban area consisting primarily of multi-family and single family structures.

The site has frontage along three public rights of way: Parrot Street to the north, Ash Street to the south and a 20-foot wide paved alley along the east. The property consists of 14 substandard lots. Parrot Street is only partially improved adjacent to the site. Topographically, the property drops approximately 86 feet from Cactusview Drive, to the lowest point along Ash Street to the south of the site. Approximately 50 percent of the parcel contains slopes/grades less the 25 percent with the remaining portions exceeding 35 percent. The proposed development is located on the portions of the parcel containing less than 25 percent slope/grade. Although the site contains slopes greater than 25 percent, the site has been graded and is disturbed. Therefore, the property is not subject to the environmentally sensitive lands regulations.

As noted above, on November 6, 2002, the Hearing Officer approved SDP and the associated MND for the construction of 14 apartments and one tenant commercial space. The project was not constructed and the SDP expired.

DISCUSSION

Project Description

The project proposes the construction of 19 apartment units within 12 detached buildings with no commercial component. The project will result in seven duplex buildings and five single unit buildings. Each unit features a private garage accessed from a driveway off the alley and oriented towards Ash Street. The individual units range in size from 1,795 square feet to 2,043 square feet, providing two bedrooms each or two bedrooms with den. A total of 46 parking spaces are provided where 40 are required, including two within each garage for the proposed units (a total of 38 spaces) and eight surface spaces located adjacent to the buildings at various locations. The project includes a 4-foot wide sidewalk on private property abutting the alley, running the full length of the site beginning at Ash Street for pedestrian access. The project requires an SDP for potential impacts to environmentally sensitive lands, and for proposed deviations to the development regulations.

Site Development Permit - Deviations

The project proposes deviations to the floor area ratio (FAR), number of allowable units per project, and building height. The MCCPD Section 1512.0203(b)(4), allows projects to deviate from the applicable development regulations with the approval of a Mid-City Communities Development Permit, which is processed as an SDP. This allows an applicant greater flexibility than a strict application of the regulations would allow, provided that specific additional findings can be made.

The deviations must be consistent with the purpose and intent of the underlying zone. The purpose and intent of the residential zones is to encourage development that is 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. The project proposes the following deviations:

DEVELOPMENT REGULATION	MR-3000 Zone Requirement	Proposed Deviation
Floor Area Ratio	40 Percent	47 Percent
	23,153 square feet	27,364 square feet
Maximum Number of Allowable Units per Project	4	19
Building Height	30 feet	33 feet 6 inches

Although the premise exceeds the allowable FAR, the individual units range in size from 1,795 square feet to 2,043 square feet. The increase in building height is created by the pitched roofs which will allow for the installation of solar panels. The site is surrounded by single and multi-family developments within a variety of housing types. The additional of 19 new units at this site will facilitate the construction of new, varied housing stock within duplex and single unit buildings in the community at a site that has never been developed. The proposed development will visually enhance the site with the new construction and will blend with the existing mix of single family and multi-family developments.

The property has site constraints that limit design options. These include the topography, substandard lot sizes, the presence of environmentally sensitive lands and, the unimproved portion of Parrot Street. The site has steeply sloping terrain as described above. The premise consists of 14 substandard legal lots each with approximately 25 feet of street frontage along Parrot Street, bounded by three public rights-of-way. Ash Street cannot be utilized for access due to the extreme topographic condition along this frontage. Additionally, design options are further limited by the non-standard Parrot Street, which is a right of way that is only partially improved with pavement, curb gutter and sidewalk adjacent to the site. Along the Parrot Street frontage, only 35 linear feet of the right of way is improved. The remaining 322 linear feet consists of steeply sloping terrain. Ash Street cannot be utilized for access due to the site's extreme topography along the frontage.

The site is unique for the neighborhood in that it is the only remaining vacant property within this block of Parrot Street. The majority of the surrounding development consists of larger, two-to four-story single family and multi-family developments.

The MCCP does not provide specific recommendations regarding these development regulations, except to encourage upper-floor step backs to assist in addressing transitions and scale between new and existing development. The requested FAR, number of allowable units and building height deviations still allow varied building materials and textures and step backs while accommodating the narrow width of the lots and the site's extreme topographic conditions.

Site Development Permit - Environmentally Sensitive Lands

The parcel contains environmentally sensitive lands in the form of biological resources. As noted above, on November 6, 2002, the Hearing Officer approved an SDP for the original Loro Villas Project No. 1386 for the proposed construction of 19 apartments and one tenant office space. The project required the preparation of a MND No. 1386. The Hearing Officer certified the MND and adopted the Mitigation, Monitoring and Reporting Program. The current project required the preparation of an updated biological survey to ensure no new impacts would occur. The original mitigation measures for potential impacts to biological resources required payment into the City of San Diego's Habitat Acquisition fund or, preservation of off-site Tier II habitat within the Multiple Habitat Planning Area. The required mitigation for potential impacts to biological resources would be implemented with the current project.

Community Plan Analysis

The MCCP designates the site for residential development at 11-15 dwelling units per acre. The underlying MR-3000 zone would allow a maximum of 19 units at a density of one unit per 3,000 square feet of lot area. The community plan density range would allow 12-20 dwelling units per acre. The proposed project of 19 units is consistent with the zone density allowance and the land use designation.

The Design and Development Guidelines and Neighborhood Conservation sections of the MCCP contain goals and recommendations for new development which encourage new housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. Quality neighborhoods should be protected and enhanced. Building size should be regulated to maintain neighborhood scale and character. The site is surrounded by single and multi family developments within a variety of housing types. The addition of 19 new units at this site will facilitate the construction of new, varied housing stock within duplex and single unit buildings in the community. The proposed development will visually enhance the currently vacant site with the new construction.

The Urban Design Element of the General Plan recommends that patios, balconies, courtyards and other recreational amenities be provided to maximize useable open spaces. Each unit features balconies and/or patio covers for a total of 1,158 square feet. The project would meet the Urban Design Element objective of increasing the quality and quantity of landscaping in the public right-of-way through the provision of 57 new street trees along the project frontages, including the alley, as well as new shrubs and ground cover around the perimeter of the site where currently, none exist.

The Transportation Element of the General Plan recommends that off-street parking should be screened from the public right-of-way and adjacent residences. Each unit features a garage accessed from a driveway off the alley and oriented towards Ash Street. Due to the siting of the structures, visibility of the garages will be partially shielded when viewed from adjoining rights of way.

Community Planning Group Recommendation

On October 5, 2015, the City Heights Area Planning Committee voted 14-0-0 to recommend of the proposed project with four conditions as noted in Attachment 6. The conditions are as follows:

- 1. Provide red curbing on the private sidewalk adjacent to the alley.
- 2. Install solar on the buildings.
- 3. The color scheme of the buildings should be decided in conjunction with the neighbors.
- 4. Fencing and landscaping should be added near the intersection of Parrot Street and Cactus ridge Drive.

The applicant is in agreement with all of these conditions. Items number 1, 2 and 4 are noted on Exhibit A. Item 2 is included as condition number 35.

CONCLUSION:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the project and draft conditions of approval (Attachments 4 and 6). Staff recommends the Hearing Officer approve Site Development Permit No. 1148552.

ALTERNATIVES

- 1. Approve Site Development Permit No.1148552, with modifications.
- 2. Deny Site Development Permit No. 1148552, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Sandra Teasley, Development Project Manager

Attachments:

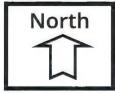
- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photograph
- 4. Draft Resolution with Findings
- 5. Draft Permit with Conditions
- 6. Community Planning Group Recommendation
- 7. Project Plans

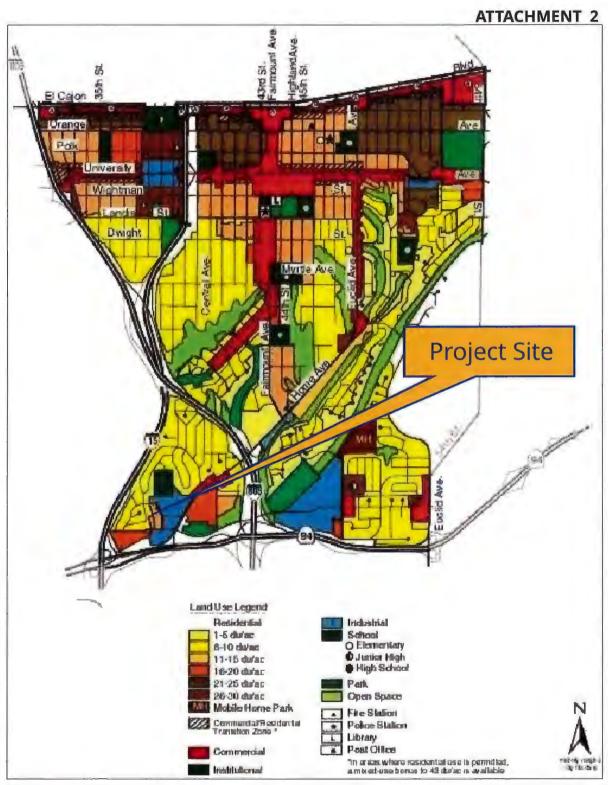




Project Location Map

Loro Villas/1487 Parrot Street Project No. 327436







Community Plan Land Use Map

Loro Villas/ 1487 Parrot Street Project No. 327436











Aerial PhotoLoro Villas/ 1487 Parrot Street
Project No. 327436

HEARING OFFICER RESOLUTION NO. XXXX SITE DEVELOPMENT PERMIT NO. 1148552 LORO VILLAS - PROJECT NO. 327436

WHEREAS, MAHMOUD AMIRNOVIN, Owner/Permittee, filed an application with the City of San Diego for a permit to construct 19, three story apartment units within 12 buildings (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1148552), on portions of a 1.33-acre site;

WHEREAS, the project site is located at 1487 Parrot Street in the MR-3000 zone of the Mid-City Communities Planned District and FAA Part 77 Notification Area, within the City Heights Neighborhood of the Mid-City Community Planning area;

WHEREAS, the project site is legally described as of Lots 2 through 14, Block 31, Marilou Park, Map No. 517.

WHEREAS, on November 2, 2016, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1145582, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated November 2, 2016:

FINDINGS:

Site Development Permit - Section 126.0504

The proposed development will not adversely affect the applicable land use plan.

The project proposes the construction of 19 apartment units within 12 detached buildings on a vacant, 1.33-acre site located at 1487 Parrot Street. The site is located at the intersection of Parrot Street and Cactusview Drive. The site is zoned MR-3000 of the Mid-Cities Planned District (MCCPD) and designated for residential development at 11-15 dwelling units per acre within the City Heights Neighborhood of the Mid City Community Planning (MCCP) area. The underlying zone would allow a maximum of 19 units at a density of one unit per 3,000 square feet of lot area. The community plan density range would allow 12-20 dwelling units per acre. The proposed project is consistent with the zone density allowance and the land use designation.

The project consists of 14, legal substandard lots. The project will result in seven duplex buildings and five single unit buildings. Double car garages are proposed for each unit which will feature two bedrooms, and two bedrooms with den, ranging in size from 1,795 square feet to 2,043 square feet.

The Design and Development Guidelines and Neighborhood Conservation sections of the MCCP contains goals and recommendations for new development which encourage new housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. Quality neighborhoods should be protected and enhanced. Building size should be regulated to maintain neighborhood scale and character. The site is surrounded by single

and multi family developments within a variety of housing types. The additional of 19 new units at this site will facilitate the construction of new, varied housing stock within duplex and single unit buildings in the community. The existing lot has never been developed. The proposed development will visually enhance the site with the new construction.

The Urban Design Element of the General Plan recommends that patios, balconies, courtyards and other recreational amenities be provided to maximize useable open spaces. Each unit features balconies and/or patio covers for a total of 1,158 square feet. The project would meet the Urban Design Element objective of increasing the quality and quantity of landscaping in the public right-of-way through the provision of 57 new street trees along the project frontages, including the alley and, shrubs and ground cover around the perimeter of the site where currently, none exists.

The Transportation Element of the General Plan recommends that off-street parking should be screened from the public right-of-way and adjacent residences. Each unit features a garage accessed from a driveway off the alley and oriented towards Ash Street. Due to the siting of the structures, visibility of the garages will be sheilded when viewed from adjoining rights of way.

The project includes deviations to the development regulations to exceed the allowable floor area ratio (FAR), to exceed the allowable units per project, and for building height. The MCCP does not provide specific recommendations regarding these development regulations except to encourage upper floor step backs to assist in addressing transitions and scale between new and existing development. The requested FAR, number of allowable units and building height deviations still allow for varied building materials and textures and step while accommodating the site constraints including the narrow width of the lots and the site's extreme topographic conditions.

The project is consistent with the recommended land use designation, goals and polices of the MCCP and the Progress Guide and General Plan. Therefore, the proposed development would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The permit controlling the development contains specific conditions addressing compliance with the City's codes, policies, regulations and other regional, state, and federal regulations. In addition, conditions of approval require the review and approval of all construction plans by professional staff prior to construction to determine the construction of the project will comply with all building code regulations. The construction will be inspected by adopted building and engineering inspectors to assure construction is in accordance with the approved plans and with all regulations. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of the project, City staff will review construction plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public. Site specific conditions include a 4-foot wide public access easement along the alley frontage to facilitate public access to the site.

On November 6, 2002, the Hearing Officer approved a Site Development Permit (SDP) for the original Loro Villas Project No. 1386 for the proposed construction of 19 apartments and one tenant office space. The project required the preparation of a MND No. 1386. The project was not constructed

and the SDP expired. Potential impacts to biological, historical, paleontological resources, and hydrology/water quality were identified. The Hearing Officer adopted the MND and adopted the Mitigation, Monitoring and Reporting Program. The current project required the preparation of an updated biological survey and water quality technical report. Potential impacts to biological resources require payment into the City of San Diego's Habitat Acquisition fund or, preservation of off-site Tier II habitat within the Multiple Habitat Planning Area. Additionally, the current project required written acknowledgement from the applicant, that the remaining mitigation measures for historical and paleontological resources would be implemented with the current project.

Although the previous SDP associated with MND No. 1386 for the Loro Villas project has expired, the MND's analysis and mitigation requirements for impacts to biological resources, water quality, historical resources (archaeology), and paleontological resources remain valid for the proposed project.

The current project was reviewed and determined that in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) No substantial changes are proposed to the project which would require major revisions of the previous MND; (2) No substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous MND; and (3) There is no new information of substantial importance that was not known and could not have been known at the time the previous MND was adopted. The environmental review determined that no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document. All of the impacts were adequately addressed and disclosed in the previously adopted document. Therefore, the project will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project requires an SDP for development within the MCCPD in compliance with San Diego Municipal Code (SDMC) Section 1512.0203(b)(4) due to the requested development regulation deviations. An SDP is also required due to the presence of environmentally sensitive lands. The project proposes deviations to the floor area ratio (FAR), number of allowable units per project, and building height as noted below.

DEVELOPMENT REGULATION	MR-3000 Zone Requirement	Proposed Deviation
Floor Area Ratio	40 Percent	47 Percent
	23,153 square feet	27,364 square feet
Maximum Number of Allowable Units per Project	4	19
Building Height	30 feet	33 feet 6 inches

The MCCPD Section 1512.0203(b)(4), allows projects to deviate from the applicable development regulations, including but not limited to required yards, offsetting planes, lot coverage and floor area ratio, with the approval of a Mid-City Communities Development Permit, which is processed as an SDP. This allows an applicant greater flexibility than a strict application of the regulations would allow, provided that specific additional findings can be made. The deviations must be consistent with

the purpose and intent of the underlying zone. The purpose and intent of the residential zones is to encourage development that is 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. Additionally, the purpose MCCPD is to assist in implementing the goals and objectives of the MCCP for older developed communities. Building size should be regulated to maintain neighborhood scale and character.

The proposed increase in FAR will facilitate the construction of a residential development that is consistent with the density for the underlying zone and the community plan. The increase in building height is created by the pitched roofs which will allow for the installation of solar panels. The site is surrounded by single and multi family developments within a variety of housing types. The additional of 19 new units at this site will facilitate the construction of new, varied housing stock within duplex and single unit buildings in the community at a site that has never been developed. The proposed development will visually enhance the site with the new construction. Reference SDP finding No. 1 for additional information.

The property has site constraints that limit design options. These include the topography, substandard lot sizes, the presence of environmentally sensitive lands and, the unimproved portion of Parrot Street. The site has steeply sloping terrain. The property drops approximately 86 feet from Cactusview Drive, to the lowest point along Ash Street to the south of the site. Topographically, the property drops approximately 86 feet from Cactusview Drive, to the lowest point along Ash Street to the south of the site. Approximately 50 percent of the parcel contains slopes/grades less the 25 percent with the remaining portions exceeding 35 percent. The proposed development is located on the portions of the parcel containing less than 25 percent slope/grade. Although the site contains slopes greater than 25 percent, the site has been graded and is disturbed. e premise consists of 14 substandard legal lots each with approximately 25 feet of street frontage along Parrot Street.

The property has site constraints that limit design options. These include the topography, substandard lot sizes, the presence of environmentally sensitive lands and, the unimproved portion of Parrot Street. The site has steeply sloping terrain as described above. The premise consists of 14 substandard legal lots each with approximately 25 feet of street frontage along Parrot Street, bounded by three public rights-of-way. Ash Street cannot be utilized for access due to the extreme topographic condition along this frontage. Additionally, design options are further limited by the non-standard Parrot Street, which is a right of way that is only partially improved with pavement, curb gutter and sidewalk adjacent to the site.

Along the Parrot Street frontage, only 35 linear feet of the right of way is improved. The remaining 322 linear feet consists of steeply sloping terrain. Ash Street cannot be utilized for access due to the site's extreme topography along the frontage.

The site is unique for the neighborhood in that it is the only remaining vacant property within this block of Parrot Street. The majority of the surrounding development consists of larger, two-to four-story, single family and multi-family developments.

The MCCP does not provide specific recommendations regarding these development regulations, except to encourage upper-floor step backs to assist in addressing transitions and scale between new and existing development. The requested FAR, number of allowable units and building height

deviations still allow varied building materials and textures, step backs and varied building materials to while accommodating the narrow width of the lots and the site's extreme topographic conditions. Therefore, the development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

<u>Site Development Permit Supplemental Findings - Environmentally Sensitive Lands - Section</u> 126.0504

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The parcel contains environmentally sensitive lands in the form of biological resources. On November 6, 2002, the Hearing Officer approved an SDP for the original Loro Villas Project No. 1386 for the proposed construction of 19 apartments and one tenant office space. The project required the preparation of a MND No. 1386. The project was not constructed and the SDP expired. The Hearing Officer adopted the MND and adopted the Mitigation, Monitoring and Reporting Program. The current project required the preparation of an updated biological survey to ensure no additional impacts would occur. The original mitigation measures for potential impacts to biological resources require payment into the City of San Diego's Habitat Acquisition fund or, preservation of off-site Tier II habitat within the Multiple Habitat Planning Area. The required mitigation for potential impacts to biological resources would be implemented with the current project.

Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The project required the preparation of a number of technical reports including a geological investigation update report, a water quality technical report, a drainage study and a hydromodification plan.

On November 6, 2002, the Hearing Officer approved an SDP for the original Loro Villas Project No. 1386 for the proposed construction of 19 apartments and one tenant office space. The project required the preparation of a MND No. 1386. The project was not constructed and the SDP expired. Potential impacts to biological, historical, paleontological resources, and hydrology/water quality were identified. The Hearing Officer adopted the MND and adopted the Mitigation, Monitoring and Reporting Program. The current project required the preparation of an updated biological survey and water quality technical report. Additionally, the current project required written acknowledgement from the applicant, that the remaining mitigation measures for historical and paleontological resources would be implemented with the current project.

Although the previous SDP associated with MND No. 1386 for the Loro Villas project has expired, the MND's analysis and mitigation requirements for impacts to biological resources, water quality, historical resources (archaeology), and paleontological resources remain valid for the proposed project.

The proposed development is located on the portions of the parcel containing less than 25 percent slopes, and the Permit prepared for this development includes various conditions (and referenced

exhibits) of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions. These conditions (and referenced exhibits) include limitations upon the extent and amount of site grading activities, limitations on construction of manufactured slopes/retaining walls, landscaping requirements, and required public improvements. The manufactured slopes are proposed to be hydroseeded, irrigated and planted with various types of shrubs and groundcover species for purpose of erosion control, slope stability and aesthetics.

The project is not within a special flood hazard area, floodplain or a fire hazard zone. The development does not require brush management. Therefore, the development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The proposed development will occur entirely within private property. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project proposes best management practice filters to collect all run off and avoid any potential drainage from spilling on to the public areas from private improvements. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The project site is not located within or adjacent to the Multiple Habitat Planning Area, therefore, the proposed development is consistent with the City of San Diego's Multiple Habitat Planning Area.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The project site is not located adjacent to a public beach or local shoreline. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

On November 6, 2002, the Hearing Officer approved an SDP for the original Loro Villas Project No. 1386 for the proposed construction of 19 apartments and one tenant office space. The project required the preparation of a MND No. 1386. The project was not constructed and the SDP expired. Potential impacts to biological, historical, paleontological resources, and hydrology/water quality were identified. The Hearing Officer adopted the MND and adopted the Mitigation, Monitoring and

Reporting Program. The current project required the preparation of an updated biological survey and water quality technical report. Potential impacts to biological resources require payment into the City of San Diego's Habitat Acquisition fund or, preservation of off-site Tier II habitat within the Multiple Habitat Planning Area. Additionally, the current project required written acknowledgement from the applicant, that the remaining mitigation measures for historical and paleontological resources would be implemented with the current project.

Although the previous SDP associated with MND No. 1386 for the Loro Villas project has expired, the MND's analysis and mitigation requirements for impacts to biological resources, water quality, historical resources (archaeology), and paleontological resources remain valid for the proposed project. Therefore, pursuant to California Environmental Quality Act Section 15162 (a), the environmental review determined that no subsequent environmental document is required, in that no new additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document.

Mid-City Communities Development Permit - Section 11512.0204

 The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District (Section 1512.0101), and will not adversely affect the Mid-City Community Plan or the General Plan of the City of San Diego.

The project proposes the construction of 19 apartment units within 12 detached buildings on a vacant, 1.33-acre site located at 1487 Parrot Street. The site is located at the intersection of Parrot Street and Cactusview Drive. The site is zoned MR-3000 of the MCCPD and designated for residential development at 11-15 dwelling units per acre within the City Heights Neighborhood of the MCCP area. The underlying zone would allow a maximum of 19 units at a density of one unit per 3,000 square feet of lot area. The community plan density range would allow 12-20 dwelling units per acre. The proposed project is consistent with the zone density allowance and the land use designation.

The project consists of 14, legal substandard lots. Each building would cross an interior lot line consolidating two lots, creating a total of six parcels (Parcels A through F). The project will result in seven duplex buildings and five single unit buildings.

The Design and Development Guidelines and Neighborhood Conservation sections of the MCCP contains goals and recommendations for new development which encourage new housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. Quality neighborhoods should be protected and enhanced. Building size should be regulated to maintain neighborhood scale and character. The site is surrounded by single and multi family developments within a variety of housing types. The additional of 19 new units at this site will facilitate the construction of new, varied housing stock within duplex and single unit buildings in the community. The existing lot has never been developed. The proposed development will visually enhance the site with the new construction.

The Urban Design Element of the General Plan recommends that patios, balconies, courtyards and other recreational amenities be provided to maximize useable open spaces. Each unit features balconies and/or patio covers for a total of 1,158 square feet. The project would meet the Urban Design Element objective of increasing the quality and quantity of landscaping in the public

right-of-way through the provision of 57 new street trees along the project frontages, including the alley and, shrubs and ground cover around the perimeter of the site where currently, none exists.

The Transportation Element of the General Plan recommends that off-street parking should be screened from the public right-of-way and adjacent residences. Each unit features a private garage with door, accessed from a driveway off the alley and oriented towards Ash Street. Due to the siting of the structures, visibility of the garages will be shielded when viewed from adjoining rights of way.

The project includes deviations to the development regulations to exceed the allowable floor area ratio, to exceed the allowable units per project, and for building height. The MCCP does not provide specific recommendations regarding these development regulations, except to encourage upper floor step backs to assist in addressing transitions and scale between new and existing development. The requested FAR, number of allowable units and building height deviations still allow for varied building materials and textures and step while accommodating the narrow width of the lots and the site's extreme topographic conditions.

The project is consistent with the recommended land use designation, goals and polices of the MCCP and the Progress Guide and General Plan. Therefore, the proposed use and project design meet the purpose and intent of the MCCPD (Section 1512.0101), and will not adversely affect the MCCP or the General Plan of the City of San Diego.

2. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable.

The project proposes the construction of 19 apartment units within 12, three-story buildings on a vacant lot. The infill project site is in an established residential neighborhood surrounded by existing development within one, two and three story structures, consisting of single-family residences to the north and west, steeply sloping vacant lands to the south, and multi-family residential units to the east. The MCCP designates the site for residential development at a density range of 11–15 dwelling units per acre. The community plan density range would allow 12–20 dwelling units per acre.

As required by the MCCPD several architecture features are proposed including pitched roofs, entry porches, recessed windows and eaves. The project design also features varied building materials and textures and, upper-floor step backs and balconies. These elements assist in reducing bulk and scale and are consistent with other developments in the area. As such, the project will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved to the greatest extent possible.

3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

The permit controlling the development and continued use of this site contains specific conditions addressing compliance with the City's codes, policies, regulations and other regional, state, and federal regulations. In addition, conditions of approval require the review and approval of all construction plans by professional staff prior to construction to determine the construction of the

project will comply with all building code regulations. The construction will be inspected by adopted building and engineering inspectors to assure construction is in accordance with the approved plans and with all regulations. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of the project, City staff will review construction plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public.

4. For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by Section 1512.0203(b)(1)(A) or (B), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space area per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of 10 feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities.

The MCCPDO identifies facility deficient neighborhoods as those shown on Map No. B-4104. The adjoining Central Urbanized Planned District now incorporates all neighborhoods that are shown on Map No. B-4101 and those neighborhoods are no longer within the MCCPDO. This site is not required to provide the on-site recreational open spaces because this Section does not apply.

5. In the absence of a street light within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on-site.

An existing street light is located adjacent to the project site on Cactusview Drive.

The propose use will comply with the relevant regulations in the San Diego Municipal Code.

The proposed development would allow the construction of 19 apartment units on a 1.33-acre vacant site located at 1487 Parrot Street. The site is located in the MR-3000 Zone of the MCCPDO which is a multi-family residential zone that allows up to one unit per 3,000 square feet of lot area. The zone allows 19 units given the acreage. Therefore, the proposed residential family complies with the relevant regulations in the San Diego Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1148552, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1148552, a copy of which is attached hereto and made a part hereof.

Sandra Teasley Development Project Manager Development Services

Adopted on: November 2, 2016 SAP Number: 24003838 RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24003838

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1148552 LORO VILLAS- PROJECT NO. 327436 HEARING OFFICER

This Site Development Permit is granted by the Hearing Officer of the City of San Diego to Mahmoud Amirnovin, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 1512.0203 and 126.0501. The 1.33-acre site is located at 1487 Parrot Street in the MR-3000 Zone of the Mid-City Communities Planned District and the FAA Part 77 Notification Area, within the City Heights Neighborhood of the Mid-City Community Planning area. The project site is legally described as Lots 2 through 14, Block 31, Marilou Park Map No. 517.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to construct 19 apartments on a vacant site [described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 2, 2016, on file in the Development Services Department.

The project shall include:

- a. Construction of 19 three story apartment units with attached garages, totaling 27,364 square feet within 12 buildings;
- b. Deviations to the following development regulations:

DEVELOPMENT REGULATION	MR-3000 Zone Requirement	Proposed Deviation
Floor Area Ratio	40 Percent	47 Percent
	23,153 square feet	27,364 square feet
Maximum Number of Allowable Units per Project	4	19
Building Height	30 eet	33 feet 6 inches

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;

e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by November 17, 2019.
- 2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
- 3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
- 4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
- 5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
- 6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
- 7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

- 8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
- 9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

- 11. The project proposes to export 147 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
- 12. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

- 13. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 14. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains in the Ash Street right-of-way.
- 15. Prior to the issuance of any building permits, the Owner/Permitee shall record a Declaration of Covenants and Reservation of Easements for lots with driveways crossing into adjacent lots.
- 16. Prior to the issuance of a any building permits, the Owner/Permitee shall grant a minimum four (4) foot wide public access easement for the proposed sidewalk along the fronting alley as shown on Exhibit "A."
- 17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
- 18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
- 19. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
- 20. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

TRANSPORTATION REQUIREMENTS

21. No fewer than 40 parking spaces including one (1) accessible space (46 parking spaces are provided including one (1) accessible spaces are proposed) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

22. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

- 23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.
- 24. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.
- 25. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
- 26. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
- 27. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral and install new sewer lateral(s) which must be located outside of any driveway or vehicular use area.
- 28. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.
- 29. Prior to issuance of any building permits, the Owner/Permittee shall provide recorded Encroachment Maintenance and Removal Agreement (EMRA) for the proposed private sewer lateral(s) encroaching into the proposed easements.
- 30. Prior to the issuance of the grading permit, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single lot.
- 31. Prior to issuance of public improvement plans, landscape construction plans consistent with this development permit shall be submitted for approval. Improvement plans shall take into account a 40-square-foot area around each required tree which is unencumbered by utilities.
- 32. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. In the event that the Landscape Plan and the Public Improvement Plan conflict, the Public Improvement Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A" Landscape Development Plan.
- 33. Prior to building permit issuance, landscape and irrigation plans substantially conforming to Exhibit "A," (Landscape Development Plan) shall be submitted to the Development Services Department for approval.

- 34. Any existing landscape to remain, as indicated on the approved plans, that is damaged during construction shall be replaced in kind to the satisfaction of the Development Services Department within 30 days of damage or final inspection.
- 35. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system on each building.

LANDSCAPE REQUIREMENTS:

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate
 commencement or continued operation of the proposed use on site. The operation allowed by
 this discretionary use permit may only begin or recommence after all conditions listed on this
 permit are fully completed and all required ministerial permits have been issued and received
 final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as
 conditions of approval of this Permit, may protest the imposition within ninety days of the
 approval of this development permit by filing a written protest with the City Clerk pursuant to
 California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Development Services Department of the City of San Diego on November 2, 2016 and [Approved Resolution Number].

Permit Type/PTS Approval No.: SDP 1148552

Date of Approval: November 2, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT		
SANDRA TEASLEY		
Development Project Manager		
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.		
	e , by execution hereof, agrees to each and every condition of each and every obligation of Owner/Permittee hereunder.	
	Owner/Permittee	
	Ву	
	Mahmoud Amirnovin	

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.

CITY HEIGHTS AREA PLANNING COMMITTEE

Postoffice Box 5859 City Heights CA 92165 (619) 284-2184

ATTACHMENT 6

November 17, 2015

MEMORANDUM FOR: Development Project Manager Sandra Teasley

From: Committee Chairwoman
Patty Vaccariello

Patty Vaccariello

Subj: PTS No.327436, Loro Villas

At the October 5, 2015 meeting of the City Heights Area Planning Committee a presentation was made by the owner's representative regarding a Site Development Permit for Loro Villas, a 19 unit townhome rental project, located at 1487 Parrot Street in the Fairmount Park Neighborhood adjacent to the Bayridge Neighborhood. The owner was also present to answer questions.

The meeting was very well attended by the neighbors. After discussion regarding concerns from the neighbors that pedestrians would cut a path through the landscaping at the "L" that forms at Pepper and Cactus Ridge at a prior meeting, the owner presented a revision to the plans that show a fence and additional landscaping in the problem area.

The Committee recommended approval of the Site Development Permit with the following conditions:

- red curbing the private sidewalk
- consider installing solar on the buildings
- the color scheme of the buildings should be decided in conjunction with the neighbors so the units don't all look alike
- fencing and landscaping should be added at "L" area of Pepper and Cactus Ridge to prevent intrusion onto the project

The motion passed 14/0/0 (chair not voting).

Cc: Brian Longmore

