



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 1, 2007 **REPORT NO. PC-07-029**

ATTENTION: Planning Commission, Agenda of March 8, 2007

SUBJECT: UNITI ON THE HILL - PROJECT NO. 93731 - PROCESS 4

OWNERS: Diocese of San Diego Education and Welfare Corporation, a California Nonprofit Corporation, and Catholic Secondary Education-Diocese of San Diego, a California Nonprofit Public Benefit Corporation

APPLICANT: William Lyon Homes, Inc., a California Corporation

SUMMARY

Issue(s): Should the Planning Commission approve a new 533 unit residential condominium development, located at 5961 Linda Vista Road, within the Linda Vista community planning area?

Staff Recommendation:

1. Recommend that the Planning Commission **Certify** Mitigated Negative Declaration No. 93731, and **Adopt** the Mitigation, Monitoring and Reporting Program; and
2. Recommend that the Planning Commission **Approve** Site Development Permit No. 302997; and
3. Recommend that the Planning Commission **Approve** Vesting Tentative Map No. 343485.

Community Planning Group Recommendation: The Linda Vista Community Planning Group voted 14-0-0 on November 27, 2006 to recommend approval with no recommendations.

Environmental Review: Mitigated Negative Declaration No. 93731 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 which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: None. All staff costs associated with processing this project are recovered from a separate deposit account provided by the applicant.

Code Enforcement Impact:

The Neighborhood Code Compliance Division (NCCD) opened a case on March 21, 2006 in response to a citizen's complaint. NCCD issued a Notice of Violation (NOV) on March 29, 2006 for un-permitted grading activity on the property located at 6001 Linda Vista Road. The unauthorized grading activity occurred along an existing road to provide access to proposed geotechnical drilling sites associated with a preliminary soil investigation for the proposed redevelopment of the University of San Diego High School site.

The responsible parties were required to immediately install erosion control measures utilizing Best Management Practices (BMPs) and to submit a grading permit application for restoration, stabilization and revegetation of the disturbed areas. The erosion control plan was submitted and approved on April 3, 2006 and BMPs were installed on the same day. The grading permit application was submitted on April 13, 2006 and was deemed complete on April 19, 2006. A grading plan, landscape plan and cost estimates necessary for determining the performance bond required for the restoration work were included. The code enforcement action was therefore concluded allowing the development permit application to be processed.

NCCD's code violation case remains open but further enforcement actions are held in abeyance during the discretionary permit process. In the event that the proposed development project is withdrawn or denied, William Lyon Homes, Inc., the responsible party, is obligated to complete the restoration and revegetation of the property in accordance with the approved grading plan.

Housing Impact Statement:

The Linda Vista Community Plan designates the 13.93 acre subject site for the University of San Diego High School, with an alternative land use designation of "Medium-High Residential," which would allow a density of 30 to 43 dwelling units per acre. Based on this land use designation, the project site could accommodate between 418 and 599 dwelling units. The proposed project would result in the demolition of the existing private high school and the construction of 533 for-sale, multi-family dwelling units.

The proposed project is subject to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant intends to meet their Inclusionary Housing Requirements by paying an in-lieu fee. In addition, the applicant has agreed to provide 30 units (5.6% of the project's total units) affordable to, and sold to, households earning no more than 150% of the Area Median Income. Prior to receiving the first residential building permit, the applicant shall enter into an agreement with the San Diego Housing Commission to assure that the affordable units are built, occupied by eligible households, and sold at appropriate prices. The remaining 503 units would be sold at market rates. The applicant's proposal would help the City address its shortage of affordable housing

during a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency.

The project qualifies for the Affordable/In-Fill Housing and Sustainable Building Expedite Program because it will provide 50% or more of its projected total energy consumption by utilizing a photovoltaic renewable energy system. Therefore, this project meets the "sustainable buildings" definition as established by Council Policy 900-14.

BACKGROUND

The 13.93 acre site is located at 5961 Linda Vista Road, in the RM-3-7 Zone, Campus Impact Area of the Parking Impact Overlay Zone, and within the Linda Vista Community Plan (Attachments 1, 2 and 3). The RM zone provides for multiple dwelling unit development at varying densities (Attachment 4). The RM-3-7 Zone permits a maximum density of 1 dwelling unit for each 1,000 square feet of lot area. This zone would allow 607 units at this site. The project request of 533 units does not exceed the maximum allowed units for the underlying zone of 607 units. The Community Plans' medium high residential density would allow 418 to 599 dwelling units. The project request of 533 units does not exceed the maximum allowed density of 599 units.

The project area is irregularly shaped and fronts on Linda Vista Road across from the University of San Diego. The site ranges in elevation from approximately 256 feet above Mean Sea Level (MSL) in the northern portion of the property to 95 feet above MSL at the southeastern portion of the property. The northern half of the project is relatively flatter and elevated higher fronting on Linda Vista Road, while the southern half of the property slopes down approximately ten feet to the existing flat sport field in the southeast. The sport field is underlain by man made fills which are supported by the approximate 70 foot high existing man made fill slope at the southeastern portion of the project. The fill slope transitions to a natural slope which descends approximately another 70 feet to the southern property line. The majority of the site drains towards the southeast. Surrounding the site to the west and south are residential land uses. The University of San Diego is to the north, with University housing to the west. A 150 foot wide SDG&E public utility parcel exists to the east.

The site is the former location of the private Catholic University of San Diego High School. The school closed and relocated in August 2005 to a North County location off of the 56 Freeway, at Del Mar Heights and Carmel Valley Roads. Between August 2005 and August 2006 the Sisters from Union Chretienne de St. Chaumond operated a K-8 school on the site until their new campus in Carmel Valley opened. The University of San Diego High School reopened in the same Carmel Valley neighborhood as Cathedral Catholic High School at its new location in August 2005 with state of the art facilities and considerably more land. The subject University of San Diego High School property is currently vacant and has several unoccupied buildings with a large sport field.

The property was rezoned in 1974 from an R-4 Zone that permitted the high school to the more restrictive R-1-5 Zone. The rezoning rendered the school use a legal nonconforming use, such that a Variance was required for any expansion of the existing use or structures. Previous permit approvals for the site include a 1978 City Council approved Hillside Development Permit No. 123, and a 1978 no hearing Variance Case No. 15341. The Variance and subsequent

amendments allowed the enlargement of the existing nonconforming school use which existed prior to rezoning. The Hillside permit allowed the University High School to regrade in the Hillside Review Overlay to eliminate erosion of an existing hillside of uncompacted fill. This grading was to stabilize the slope area and to provide additional flat areas for use by the school. The existing slope area on site was graded in 1952 at the time the high school was constructed. This uncompacted fill slope had been graded on the property to provide for an athletic field. Heavy erosion occurred on the slope during the winter rains of 1977. Though the fill slope was re-graded and stabilized the deep fills below the sport field were not. Therefore, a Maintenance Agreement for an Uncontrolled Embankment was recorded on the property on July 31, 1979. This agreement documented the uncompacted fill in the existing sport field area, and stated this area was not eligible for building permits unless special soils analysis and foundation design were approved. The athletic field area was maintained as a sport field area with no building construction allowed.

DISCUSSION

Project Description:

The project proposes the subdivision of a 13.93 acre site and construction of 533 residential condominium units, of which 30 units would be designated as affordable housing. The project was reviewed in the Sustainable Expedite Program, as the project will provide 50% or more of its projected total energy consumption by utilizing a photovoltaic renewable energy system. The project would construct eight buildings with mezzanines that will be four stories high over two levels of a subterranean garage (Attachment 7). The building area totals 770,906 square feet and the basement garage area totals 611,095 square feet. 384,640 square feet of the subterranean garage is not included in the building Floor Area Ratio (FAR). The building FAR total is 997,361 square feet which is less than the maximum allowed FAR of 1.8 which would allow 1,092,222 square feet for the 606,790 square foot premises. The project also includes on site private recreational facilities with two swimming pools.

The residential units consist of one, two and three bedrooms with an approximate size range between 878 to 2,103 square feet. The project is proposing 73 one bedroom units, 338 two bedroom units, and 122 three bedroom units. Each dwelling unit would have a private balcony or deck and assigned parking in the subterranean garage. Parking is located in the subterranean garage on two levels; level one is designed with 568 spaces, and level two with 675 spaces. No surface parking would be provided. The garage basement includes a total of 1,243 parking spaces, exceeding the requirement of 1,194 parking spaces. The project also meets required parking by providing 55 motorcycle spaces and 274 bicycle spaces.

The project would provide 69,792 square feet of common exterior space where 13,325 square feet would be required per the zone. Two pools, two spas, barbeques, outdoor fireplaces, fountains and several outdoor tables and seating areas are proposed throughout the project site. The project is proposing private exterior space with balconies and patios for all units totaling 67,378 square feet where 24,000 square feet would be required per the zone. Development will include construction of public access trails, and on site and off site public park land.

The project proposes to demolish the 13 existing school buildings and grade approximately 94 percent of the 13.93 acre site. The project would export approximately 277,700 cubic yards of soil with no additional soil imported. Grading will include cutting approximately 298,800 cubic yards to an approximate depth of 32 feet below the existing grade. Grading is required to excavate the two story basement parking garage and to recompact and stabilize the existing manmade fills and fill slope. The extensive grading is necessary since a Maintenance Agreement for an Uncontrolled Embankment was recorded on the property in the area of the athletic field on July 31, 1979. This agreement documented the uncompacted fill in the existing sport field area, and stated this area was not eligible for building permits unless special soils analysis and foundation design were approved. Approval of the project would correct the previous uncontrolled/uncompacted fill issue by removing and exporting a majority of this soil, and recompacting the remaining soil to stabilize the site and the southeastern fill slope. This slope would be reconstructed to an approximate maximum height of 53 feet at a slope ratio of 2:1. Retaining walls would be constructed to a maximum height of 13 feet. The retaining walls would be plantable and/or screened with landscaping.

The project would remove the traffic signal at the existing driveway entrance to the University of San Diego High School site, and create a new project entry by aligning the project with the University of San Diego entrance to the west on Linda Vista Road. This intersection would be upgraded to become a four way signalized intersection for the project entry on Linda Vista Road. All residential vehicular access to the proposed project would be from this new driveway access located at the central northern portion of the project site. The new entry off Linda Vista Road will allow access into the first and second level subsurface parking garage. A parallel driveway would serve as the egress emerging from the subsurface parking garage. The project would dedicate an additional 4 feet of right-of-way to widen and improve Linda Vista Road along the project frontage with sidewalks, and improve a 14 foot wide landscaped median. The project would construct a cul-de-sac with sidewalk improvements at the existing terminus of Mildred Street at the western side of the project. A 26 foot wide emergency fire road access easement would be improved around the perimeter of the project, with access off of Mildred Street. This easement will include an eight foot wide public access trail system allowing residents and local pedestrians access from Mildred Street to Linda Vista Road and onward to the proposed public park land at the northeastern portion of the project.

The project will provide new public park land and improvements to other park/school facilities within the Linda Vista Community. Approximately 0.73 acres of the project site fronting on Linda Vista Road would be dedicated and improved as a public park. The 0.73 acre on-site park would be located at the northeast corner of the project adjacent to the approximate 4.38 acre parcel currently owned by San Diego Gas & Electric Company (SDG&E). This 4.38 acre parcel is proposed to be acquired by the applicant subject to Consent to Use of Land agreement between San Diego Gas & Electric Company and the applicant to allow for aboveground and underground utility lines and deeded to the City for park purposes. If acquired, the 4.38 acre area would include the dedication and improvement of an additional 2.2 acres for public park land. Ownership of the remaining 2.18 acres would be deeded to the developments' homeowners association which would include 0.16 acres for the extension of an emergency fire road access easement, and 2.02 acres to be left in open space.

The applicant would also contribute \$502,000 towards construction of park like improvements at a second off site location within the Linda Vista Community, or pay the applicable park portion of the Development Impact Fees at building permit issuance, depending upon all required agreements being executed prior to issuance of building permits. The second off site park improvement is located at the Montgomery Academy. This joint use improvement (Phase 1) would improve approximately 3.35 acres of land owned by the school district to accommodate active recreation needs in the community, as well as the athletic needs of students. Improvements as proposed in the approved general development plan for this site may include a turfing multipurpose sport field and backstops, security lighting, accessible parking, and a decomposed granite running track. It is proposed that the City would supplement the approximately \$502,000 to be contributed by the applicant to construct the joint use facilities with other funding sources. In addition, if a development agreement is not approved for Phase 1 at Montgomery Academy, then the applicant shall pay the greater of \$502,000 or the park portion of the Development Impact Fee (DIF) at the time of building permit issuance.

If acquisition of the SDG&E parcel by the applicant is not approved by the California Public Utilities Commission, then the applicant shall construct \$1,388,000 in improvements for Phase 2 of the Montgomery Academy Joint Use project, and design and construct 2.47 acres of joint use facilities on the existing playfields at Chesterton Elementary School pursuant to park development and reimbursement agreements. If a joint use agreement is not executed, then the applicant would contribute \$1,388,000 for the City to construct these joint use projects.

The proposed project requires a Site Development Permit and a Vesting Tentative Map, amending the existing Hillside Review Permit No. 123 for University High School (Attachments 8, 9 and 10). The project is part of the affordable/in-fill housing and sustainable building program. This project qualifies for this program because the project will provide 50% or more of its projected total energy consumption by utilizing a photovoltaic renewable energy system. Therefore, this project meets the "sustainable buildings" definition as established by Council Policy 900-14. In addition, the applicant has offered to provide an affordable housing component to the project. The project will provide 30 units affordable to and sold to households earning no more than 150% of the area median income. The project does not meet all the Inclusionary Affordable Housing requirements per MC 142.1301, therefore the applicant will be subject to an in lieu fee payment. Although the project earns an exemption from the payment of affordable housing fees for the 30 affordable units, the project will pay the fees applicable to all 533 units, thus providing an extraordinary benefit to the community and the City beyond what is required by the City.

The Site Development Permit is required for deviations to development regulations for structure height, setbacks, retaining wall height, and vehicle circulation for a Sustainable Housing project. The Site Development Permit is also for Environmentally Sensitive Lands (ESL) encroachment into the required buffers for Steep Hillsides and Sensitive Biological Resources, with no encroachment into those designated lands. The project request of 533 units does not exceed the maximum allowed units for the underlying zone of 607 units. The project does not exceed the maximum allowed density of 599 units per the Community Plan.

Community Plan Analysis:

The proposed project is located on a 13.93 acre site within the Campus Impact Zone of the Linda Vista Community Planning Area. The site is designated in the Plan for the University of San Diego High School, however the Plan also provides several alternative land use designations for the site, one of which is Medium-High density residential at 30 to 43 dwelling units per acre. Based on this land use designation, the project site could accommodate 418 to 599 dwelling units. The proposal to construct 533 residential condominiums is in conformance with that land use designation. Additionally, the Community Plan includes a Community Facilities Element which states that redevelopment of the University of San Diego High School site should include a neighborhood park if alternative park facilities have not been provided in the Silver Terrace area. No alternative park facilities have been provided in the Silver Terrace neighborhood at this time. Therefore, this project proposes to meet this recommendation by including both on-site and off-site park improvements, as outlined in detail within the Park Impact section of this report, and is therefore, in conformance with this policy.

The Urban Design Element of the Community Plan recommends that Silver Dollar Gum trees be planted along the south side of Linda Vista Road, fronting the project site. The project, however, proposes to provide Jacaranda trees along the project's frontage on Linda Vista Road. Although the proposed street trees for the project are inconsistent with the street tree recommendation in the community plan, the provision of Jacaranda trees would continue the existing street tree theme along this portion of Linda Vista Road. This determination was made following a lengthy public input process and is in conformance with the Community Plan's intent to provide for a cohesive landscape theme.

Additionally, in relation to the Community Plan's Urban Design Element, a number of deviations are being requested as part of the project proposal. Deviations would be sought by the project to exceed retaining wall heights along a portion of the front yard setback of the proposed project. The approximately 700 foot length of retaining walls will range from 3 feet to 11 feet 6 inches in height, where only two retaining walls at 3 feet in height are allowed. However, the scale and mass of the proposed retaining walls would be diminished by the provision of street tree and shrub plantings along the proposed walls. Several walls will be plantable. The proposed retaining walls would also be terraced back from the street as well as incorporate a split face finish.

The project also proposes to deviate from the required building height by 30 feet where 40 feet is the maximum height allowed per the underlying zone. In order to minimize visual impacts the proposed project provides articulation of the project's elevations with balconies, windows, varying rooflines, and tower elements. In addition, the project incorporated a new color palette (Attachment 5) and enhanced landscaping that resulted in a project proposal that further lessened the bulk and scale issues associated with the original project proposal. The project requires providing a greater number of mature trees and landscaping, and provides earth tone colors on the lower half to blend with the landscaping and light colors on the top half to blend better with the skyline as detailed in the Landscape Plan and Visual Simulation. Similarly, the project would further compliment the existing architecture, scale, and elevations of the existing University of San Diego structures located to the northwest. Additionally, the proposed project would not block public views to the Pacific Ocean since the project site is located atop a plateau.

Therefore, as proposed, the project would not adversely impact the goals and the recommendations of the Linda Vista Community Plan.

Park Impact Statement:

The City Progress Guide and General Plan guidelines recommend a minimum 10.0 acre neighborhood park for every 3,500 to 5,000 residents located within ½ mile service radius, and a minimum 20 acre community park and a 17,000 square foot recreation center for every 18,000 to 25,000 residents located within 1½ mile service radius. This results in a range of 2.8 to 3.9 acres per 1,000 residents. For every 50,000 residents, a community swimming pool complex is recommended within a 1½ to 2 miles service radius.

Based on the 2000 U.S. Census, the Linda Vista Community Planning Area should have 84.99 acres of population based park land and associated facilities. Currently, the Community has 15.69 acres of neighborhood parks, resulting in a 45.02 acre deficiency, and 64.19 acres of community parks, resulting in a 39.91 acre surplus. By the year 2030, the neighborhood park deficit is projected to increase to 47.01 acres and community parks surplus will decrease to 34.38, for a total deficit of 12.64 useable acres. Additionally, the community has three recreation centers consisting of a total of 26,542 square feet, which represents 129% of the total recommended minimum City standard square footage, and 40% over the recommended minimum number of facilities. The community has one swimming pool which represents 100% of the recommended minimum standard. The proposed project will generate approximately 1,500 residents which would require an additional 4.2 acres of population based park land, 6% of a community recreation center and 3% of a community swimming pool complex.

Population-based park requirements will be satisfied by the following means: 1) development and conveyance of 0.73 acre of public park improvements on-site; 2) development and conveyance of 2.20 acres of public park improvements on the adjacent SDG&E parcel to be acquired by the applicant; and 3) development of Phase 1 for 3.35 acres of turfing multi-purpose fields at Montgomery Academy, or payment of the greater of \$502,000 or the park portion of the DIF at the time of building permit issuance subject to certain conditions outlined in the Permit and Vesting Tentative Map. Alternative measures for satisfying population based park requirements are specified in the conditions to address the applicant's potential inability to acquire the SDG&E parcel.

Environmental Analysis:

An environmental analysis was completed for this project in accordance with CEQA guidelines. The project is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA). Mitigated Negative Declaration No. 93731 was prepared and finalized for the project on February 13, 2007 in accordance with the State of California Environmental Quality Act Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) will be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following areas: Land Use/Visual Quality; Paleontological Resources; and Traffic/Circulation. The projects proposed mitigation now avoids or mitigates these potential significant environmental effects:

Land Use/Visual Quality & Mitigation – The project is requesting a deviation to the maximum permitted building height limit of 40 feet in the RM-3-7 Zone which would exceed the permitted height limit by up to 30 feet in some locations. Exceeding a zone height limit is not a significant impact unless it can be linked to an environmental issue. Staff determined that the project could potentially have an adverse impact on Neighborhood Character and on Development Features; two sub-categories listed under Visual Quality/Aesthetics. Due to the precedent set by the substantial number of large, highly visible buildings in the project site's immediate vicinity and because the project would not exceed the view ridgeline, staff determined that the proposed project would not exceed the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin. The project would not strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections. Thus, a significant adverse impact related to Neighborhood Character would not occur. The project as proposed would provide architectural interest and avoid an exceedingly monotonous visual environment. Thus, a significant adverse impact related to Development Features would not occur.

As part of the environmental review, the applicant prepared a visual simulation packet dated October 19, 2006, which used earth tone colors for the bottom half of the structures and lighter colors for the top half. The applicant increased the tree massing surrounding the structures and provided a more mature tree stock above and beyond the requirements of the Land Development Code; Landscape Regulations of the Land Development Manual; and Landscape Standards. These additions softened the project hardscape, improved project aesthetics, and helped to break up the building height by providing enhanced landscaping. After reviewing the visual simulations with the requested modifications, it was concluded that the new color palette and enhanced landscaping resulted in a project proposal that further lessened the bulk and scale issues associated with the original project proposal. Therefore, the MMRP requires verification of conformance with the proposed plant material screening and buffering as shown on the proposed project plans, Exhibit A.

Paleontological Resources & Mitigation – The project is proposing a total cut amount of 298,800 cubic yards at a depth of approximately 32 feet, therefore mitigation is required to ensure impacts to paleontological resources would be mitigated to below a level of significance. Therefore, the MMRP requires paleontological monitoring in areas that involve trenching, cutting, or as determined by the qualified paleontological monitor.

Traffic/Circulation Mitigation – The previous use on the site by the high school generated approximately 2,628 Average Daily Trips (ADT's) with 526 a.m. peak hour trips and 368 p.m. peak hour trips. The proposed project would generate approximately 3,198 ADTs with 256 a.m. peak hour trips and 320 p.m. peak hour trips. A Traffic Impact Analysis report was required and prepared by Kimley-Horn and Associates, dated November 2006. The Development Services Department (DSD) CEQA Significance Guidelines establishes the thresholds to help determine when a potential significant impact would occur with a proposed project. A significant impact was found at the intersection of Linda Vista Road and Napa Street at the Horizon Year during P.M. peak hour. Therefore, the MMRP requires the applicant pay their fair share contribution of 6.3 percent to the following future improvements at the Linda Vista/Napa Street intersection: 1) Add exclusive westbound and eastbound right turn lanes along Linda Vista Road, and 2) Add a second exclusive southbound left turn lane along Napa Street and re-stripe existing shared left through right lane to be shared through right lane.

Project-Related Issues:

Deviations for Affordable/In-Fill Housing & Sustainable Buildings - Deviations are being requested as part of the affordable/in-fill housing and sustainable building regulations in accordance with SDMC 143.0915 and 143.0920, pursuant to a Site Development Permit. Deviations are being requested for structure height, setbacks, retaining wall height, and vehicle circulation. Staff support the requested five deviations listed below:

1. A Deviation from the requirements of Land Development Code Section 131.0431(e) to allow a maximum structure height of 70 feet where 40 feet is permitted. The project property is located in the RM-3-7 zone which allows a maximum height of 40 feet. The request exceeds the structure height by 30 feet for a total height of 70 feet. The Land Development Code requires the building height to be measured from proposed grade, not existing grade, which creates a deviation measurement that is 16 feet higher than would actually be built. The lower grade is due to the project excavating a two story parking structure. The excavation for parking allows the proposed building height to be lower. If the building height could be measured from existing grade, the maximum height deviation would only be 14 feet (Attachment 6). If the project maximized the quantity of residential units that the zone and density allows, the project could actually construct an additional 66 units. Additional units would require more parking spaces and taller buildings. Staff supports the height deviation based on the allowed density and zoning constraints for measuring height. The applicant could request more units which would create a five story building versus a four story building. The applicant added additional architectural interest and coloring to the units, and the applicant increased the plant material for screening and buffering which exceeds the Land Development Code landscape requirements.

2. A deviation from the requirements of Land Development Code Section 131.0443(f)(2) to allow a minimum side setback of 5 feet where 47 feet (10% of lot width) is required. The minimum side setback allowed in the RM-3-7 Zone is 5 feet or 10 percent of the premises width, whichever is greater. The request reduces the required side setback from 10% of premises width to 5 feet. The parcel is irregularly shaped. The majority of the project perimeter abuts existing public right-of-ways, utility easements, and top of slopes. The only abutting residential use exists at the north western portion of the project, for the University of San Diego student housing. If side yard setbacks were required at 47 foot widths, then fewer residential units could be constructed, or an additional floor might be proposed creating a more significant height deviation. Staff supports the side setback deviation based on the adjacent land uses and the zoning constraints.

3. A deviation from the requirements of Land Development Code Section 131.0443(f)(3) to allow minimum street side setback of 10 feet where 47 feet (10% of lot width) is required. The minimum street side setback allowed in the RM-3-7 Zone is 10 feet or 10 percent of the premises width, whichever is greater. The request reduces the required street side setback from 10% of premises width to 10 feet. The street side setback is only designated along a short length where the project abuts the right-of-way for Mildred Street on the west side of the project. If street side yard setbacks were required at 47 foot widths, then fewer residential units could be constructed. Staff supports the street side setback deviation based on the zoning constraints.

4. A deviation from the requirements of Land Development Code Section 142.0340(c) to allow two retaining walls over 3 feet in height within the front yard setback. The project has

approximately 700 feet of retaining wall within the front yard setback over 3 feet in height, ranging in height from 3 feet 1 inch to a maximum of 11 feet 6 inches. The RM-3-7 Zone allows two retaining walls with a maximum height of 3 feet each with a minimum horizontal separation equal to the height of the upper wall. The request allows an 8 foot retaining wall and up to an 11 foot 6 inch high retaining wall, separated by a 2:1 slope, which exceeds the maximum of two 3 feet walls in the front yard. The over height walls are only located along the western half of the project fronting Linda Vista Road. The walls are necessary in this location to support the emergency fire access road and the public access trail which are located between the top of the wall and the proposed residential buildings. The project proposes one taller retaining wall versus two shorter offset retaining walls, both with landscape screening. Staff supports the wall height deviation based on the project design constraints.

5. A deviation from the requirements of San Diego Municipal Code Section 142.0560(d)(3) to omit turnaround areas at dead end drive aisles that do not provide through circulation within parking facilities, where a turnaround would be required. The deviation is requested because the parking spaces in the portion of the subterranean garage where no turnarounds are provided are reserved for the exclusive use of assigned homes. The right of entry into the private portion of the garage is controlled to allow only residents to enter. Residents will access the aisle that contains their assigned parking space and park their car in the assigned space. When exiting the garage, they will back out of their space, and move to the end of the aisle that connects to the through driveway. The turnaround would not be necessary. Omitting the turnarounds allows the project to provide additional parking spaces and other amenities within the garage. Staff supports the omission of the turnarounds to accommodate the parking design.

The proposed development would provide 533 new residential housing units with basement parking, and on and off site public park improvements. The development will provide additional housing for San Diego, affordable housing opportunities, and reduce the total energy consumption by providing solar energy. Each of the requested deviations would be necessary to allow the 533 proposed units given the site size and zoning constraints. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code.

Environmentally Sensitive Lands (ESL) – The project premises were identified as containing ESL. The southeastern slope was found to meet the definition for Steep Hillside and Sensitive Biological Resources pursuant to the City’s Land Development Code and Manual. No encroachment into these resources will occur with the project grading and development plans. However, the ESL regulations require a setback to be established to buffer each resource. The project grading will encroach into the established ESL buffers, thereby requiring a Site Development Permit for ESL.

The lower 70 feet of the southeastern slope has been identified as a Steep Hillside. While the designated Steep Slope area would not be disturbed by the project construction, the project would grade within the 40 foot buffer above the Steep Slope limits. Grading within this buffer is required for the project to re-grade and stabilize the existing man made fill slope above the designated Steep Hillside area.

The same area covered by Steep Hillside includes coastal sage scrub which is ranked a Tier II habitat and thus is considered to be sensitive. A letter report was prepared by Affinis Environmental Services and a final revised version is dated November 20, 2006. The coastal sage scrub therefore is identified as a Sensitive Biological Resource. While the Sensitive Biological Resource would not be disturbed by the project construction, the project would grade within the 100 foot buffer above the Sensitive Biological Resource. Grading within this buffer is required for the project to re-grade and stabilize the existing man made fill slope above the designated Steep Hillside and Sensitive Biological Resource area. Grading is also necessary to construct the necessary retaining walls and the proposed off site storm drain. No biological impacts are proposed, therefore no mitigation was required. In accordance with the requirements of San Diego Municipal Code, Sections 143.0140(a) and 143.0152(a), SDP Condition No. 40 has been added which requires the applicant execute a covenant of easement to preserve the Steep Slopes and Sensitive Biological Resources.

Community Planning Group - The Linda Vista Community Planning Group voted 14-0-0 on November 27, 2006 to recommend approval of the project with all deviations, and no other recommendations or conditions (Attachment 11).

Conclusion:

In summary, staff finds that the project does not adversely affect the community plan, design guidelines, and development standards in effect for this site per the adopted Linda Vista Community Plan, the RM-3-7 Zone, the Subdivision Map Act, and the City of San Diego Progress Guide and General Plan. In addition, this project will meet the minimum requirements for Sustainable Housing, and offers units for supplying Affordable Housing, while creating public park improvements and residential use of a site containing no residential uses for both the Community and the City.

ALTERNATIVES

1. **Certify** Mitigated Negative Declaration No. 93731, and **Adopt** the Mitigation, Monitoring and Reporting Program, **Approve** Site Development Permit No. 302997, and **Approve** Vesting Tentative Map No. 343485, **with modifications.**
2. **Do Not Certify** Mitigated Negative Declaration No. 93731, or **Adopt** the Mitigation, Monitoring and Reporting Program, and **Do Not Approve** Site Development Permit No. 302997, and **Do Not Approve** Vesting Tentative Map No. 343485, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Diane Murbach
Project Manager
Development Services Department

MW/DM

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Rendering
6. Project Height Analysis Section
7. Project Site Plans & Vesting Tentative Map (51 sheets)
8. Draft Site Development Permit with Conditions
9. Draft Site Development Permit Resolution with Findings
10. Draft Vesting Tentative Map Resolution with Conditions
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology