

DATE ISSUED: May 3, 2007 **REPORT NO. PC-07-067**

ATTENTION: Planning Commission, Agenda of May 10, 2007

SUBJECT: **BACI'S PARKING - PROJECT NO. 94178. PROCESS 4.**

REFERENCE: Planning Commission Report No. PC-05-339

OWNER/

APPLICANT: Antonio and Maria D'Amato, Gaetano D'Amato and Pietro A. D'Amato, Owners/Antonio D'Amato, Applicant (Attachment 8).

SUMMARY

Issue - Should the Planning Commission approve a Planned Development Permit and a Neighborhood Development Permit to allow supplemental commercial off-site parking at 1836, 1916 and 1926 Chicago Street and 1955 Morena Boulevard in the Clairemont Mesa Community Plan area?

Staff Recommendation - Approve Planned Development Permit No. 30394 and Neighborhood Development Permit No. 419383

Community Planning Group Recommendation - The Clairemont Mesa Planning Committee voted unanimously, on September 19, 2006, to recommend approval of the proposed project, with one condition. That if the residential properties were sold, then uses on those sites would revert to strictly residential. This condition has been incorporated into the permit. See condition number 37.

Environmental Review - The proposed activity is exempt from CEQA pursuant to Section 15301, Existing Facilities, of the State CEQA Guidelines.

Fiscal Impact Statement - None with this action. All costs incurred are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action. There is a Notice of Violation issued to the property owner for illegal use of a residentially zoned property for commercial parking. Should the proposed project be approved, the violation would be resolved.

Housing Impact Statement - The proposal to provide supplemental parking at three offsite locations would have no affect upon the housing supply in the community or the City. The three sites are currently developed with single family residential uses.

BACKGROUND

In July 1995, the owner of the subject properties made improvements to the rear of those residential properties for the purpose of providing supplemental parking for his restaurant patrons and employees. The use of the single family zoned properties for commercial parking is not allowed by right by the zoning regulations, yet is allowed in the Clairemont Mesa Community Plan with the approval of a Planned Development Permit. The Neighborhood Code Compliance (NCC) section of Development Services Department issued a Notice of Violation on July 19, 2004, and continues to have an open case for the commercial parking within the residentially zoned properties. Neighborhood Code Compliance will keep the case open until the current application is decided by the Planning Commission. Neighborhood Code Compliance has presently ceased enforcement action until a decision has been made by the Planning Commission. If the proposed project is approved the case will be closed.

The project is located at 1836, 1916 and 1926 Chicago Street and 1955 Morena Boulevard in the RS-1-7, RM-3-7 and CN -1-2 zones of the Clairemont Mesa Community Plan area. The Clairemont Mesa Community Plan designates the residential properties for residential development, the commercial property for commercial use and specifically allows supplemental parking to be developed at the residential properties (Attachment 1). The CN-1-2 zoned site is designated for commercial development and is the location of the Baci Ristorante Italiano. The residential sites are currently developed with single family residential development and small parking lots at the rear. The commercial site is developed with two restaurants. The project location is between Ashton Street and Littlefield Street (Attachment 2).

Land use designations for the surrounding area include: Low Density Residential along the west side of Chicago Street, with one exception, one lot is designated Medium High Residential; Neighborhood Commercial along Ashton Street; and Neighborhood Commercial, Medium High Residential, and General Commercial along Morena Boulevard (Attachment 3). The existing development fronting Morena Boulevard consists of several restaurants, multi-family residential, a vocational college, offices and a small automobile dealership. Existing development fronting Ashton Street includes several restaurants and other commercial establishments. Existing development immediately to the east of Morena Boulevard consists primarily of single-family residential uses.

The Clairemont Mesa Community Plan was amended on December 5, 2005 to specifically allow supplemental commercial parking on residential lots in these locations as an accessory use through the Planned Development Permit process. The proposed project, to provide supplemental commercial parking, is within this specially designated area.

Supplemental parking for commercial uses on residentially zoned properties requires the approval of a Planned Development Permit to deviate from the development regulations of the RS-1-7 and RM-3-7 zones. A Neighborhood Development Permit is also required to allow tandem parking for commercial uses, in accordance with SDMC §142.0555(b). No permit is required to provide two parking spaces on the commercial property, yet this site is included in the project to assure the provision of two parking spaces, one of which is a van accessible space.

DISCUSSION

Project Description

The project proposes to legalize the supplemental parking developed at 1836, 1916 and 1926 Chicago Street in the Clairemont Mesa Community Plan area (Attachment 4). In addition to these two small parking lots containing twenty-five spaces, two additional spaces at 1955 Morena Boulevard, one of which would be van accessible, would be included in the project to assure accessible parking is included in the project. These two spaces are located behind the restaurant at 1955 Morena Boulevard in the CN-1-2 zone. The CN-1-2 zone allows commercial parking. The applicant owns all four properties. Vehicles would gain access to the parking lots and spaces from the alleys behind the properties. The proposed parking would be for the exclusive use of employees and patrons of the Baci Ristorante Italiano. The project would improve the lots to City standards with pavement, stripping, signage, lighting, landscaping, water quality devices to address urban storm water runoff, fencing, walls, and necessary security (Attachment 4).

The total site area measures 23,464 square feet for the four properties. The area to be utilized for the supplemental commercial parking would equal a total of 8,739 square feet. The remaining area of the properties would continue to be used for the primary use, residential single family and commercial uses. Appropriate signage would be installed to differentiate between patron and employee parking spaces. The existing lighting would conform to the conditions of approval or be modified or replaced to achieve compliance with the draft permit. The parking lots would be re-stripped to conform to the proposed layout shown on the Exhibit "A" conceptual drawings. Grading of the site is not proposed or necessary .

Community Plan Analysis

The project is located in an area identified in the Clairemont Mesa Community Plan (Plan) for Supplemental Off-Site Parking. Following several years of meetings led by community stakeholders, on December 5, 2005 the City Council adopted an amendment to the Plan in order to provide relief specifically in this neighborhood. The goal of this Council action was to increase the parking supply for the area, while not adversely affecting the quality, image, or productivity of the neighborhood. The adopted policy language provides the means to achieving this goal and recommends the processing of Planned Development Permits, in conjunction with specific standards, in order to provide supplemental off-site parking in the neighborhood. This neighborhood has been identified as being parking deficient.

The proposed project would implement the Plan policy by providing twenty-seven supplemental commercial parking spaces to serve customers and employees in this area. In recent years the businesses in this area of the community have been experiencing a revitalization as they work together to make improvements in the neighborhood. The Plan sets precise standards for the consideration of any site for use as a supplemental parking lot. These standards and how the proposed project meets these requirements follows:

- a. The primary use of the property must continue to be residential. The proposed project is in conformance with this standard. The primary use of the properties continues to be residential, with a supplemental use of parking on the rear portion of the properties.
- b. Access to the supplemental parking should only be provided via the alleyway. The project is in conformance with this standard as both ingress and egress to and from all proposed parking areas would be provided from the existing alleys.
- c. Parking areas should be well-screened from the adjacent residential uses. Trees and other landscaping should be used for shade, screening and storm water runoff. The proposed project includes landscaping and fences to buffer and screen vehicles from the adjacent residences. In addition, several planting areas throughout the parking lots would provide shade to the area. Drainage swales and other features of Best Management Practices would be implemented as part of the project to address urban storm runoff from the site.
- d. Parking areas should provide lighting for safety. The light fixtures should shape and deflect light into a layer close to the ground in order to prevent stray light from impacting adjacent residences. The proposed draft permit includes a condition requiring all lighting to be controlled to limit any negative impacts to neighboring properties.
- e. A Planned Development Permit would be processed in conjunction with each proposed off-site parking area. This proposed project is being processed through the Planned Development Permit process. During the processing of this project staff has thoroughly reviewed all relevant aspects of the off-site parking in consideration with the applicable regulations and adopted Plan policies.

In accordance with these standards identified in the Plan, the proposed project is consistent with the policies and standards of the Plan for off-site commercial parking on a residentially zoned property.

Clairemont Mesa Planning Committee Recommendation

The Clairemont Mesa Planning Committee voted unanimously, on September 19, 2006, to recommend approval of the proposed project, with one condition (Attachment 5). If the residential properties are sold the supplemental commercial parking on the residentially zoned properties would be removed and those sites would revert to an exclusively residential use. Staff has included condition number 37 in the draft permit to address this concern (Attachment 6).

CONCLUSION

Staff has reviewed the application for the Planned Development and Neighborhood Development Permits. Staff has determined the proposed supplemental commercial parking and site development complies with the applicable sections of the Municipal Code, as allowed by a Planned Development and Neighborhood Development Permit, and the policies of the Clairemont Mesa Community Plan. Staff has determined the required findings can be made to support the Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383 (Attachment 7). The proposed activity is exempt from CEQA pursuant to Section 15301, Existing Facilities, of the State CEQA Guidelines. Staff recommends the Planning Commission approve the Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383

ALTERNATIVES

1. **Approve** Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383 **with modifications.**
2. **Deny** Planned Development Permit No. 303946 and Neighborhood Development Permit No. 419383 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

John S. Fisher
Development Project Manager
Development Services Department

ESCOBAR-ECK/JSF

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Vicinity Map
4. Project Plans
5. Community Planning Group Recommendation
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Ownership Disclosure Statement

9. Project Data Sheet
10. Project Chronology

Rev 01-04-07/rh