

**DATE ISSUED:** October 4, 2007 **REPORT NO. PC-07-141**

**ATTENTION:** **Planning Commission, Agenda of October 11, 2007**

**SUBJECT:** **COMM 22 – PROJECT NO. 122002. PROCESS 5**

**REFERENCE:** Report to Planning Commission No. PC-05-318

**OWNER/  
APPLICANT:** San Diego City School District, California Department of Education/  
COMM 22, LLC (Attachment 17)

**SUMMARY**

Issue(s) - Should the Planning Commission recommend to the City Council approval of a 252 unit mixed use, transit oriented development combining affordable family and senior housing with a day care facility, community serving commercial and retail space, office space, market rate live-work lofts and for sale townhomes on 4.58 acre site south of Commercial Street, between 21<sup>st</sup> Street and Harrison Avenue?

Staff Recommendation -

1. Recommend to the City Council **Certification** of Mitigated Negative Declaration No. 122002 and **Adoption** of the Mitigation Monitoring and Reporting Program; and
2. Recommend to the City Council **Approval** of Rezone No. 415850, Progress Guide and General Plan and Southeastern San Diego Community Plan Amendment No. 415854, Public Right-of-way Vacation No. 415855, Easement Vacation No. 454297, Vesting Tentative Map No. 415852, Planned Development Permit No. 454025, Site Development Permit No. 415853 and Conditional Use Permit No. 431367.

Community Planning Group Recommendation - The Southeastern San Diego Community Planning Committee voted 7:0:0, on September 18, 2007, to recommend approval of the proposed actions, with concerns. Please refer to the Discussion section.

Environmental Review - A Mitigated Negative Declaration No. 122002 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 - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed project would create 252 new housing units on a currently vacant site. Of the 252 units, 197 would be affordable to lower income households. More specifically, 70 senior citizen units and 127 family housing units would be provided at 60 percent of area median income. The family housing units would include 34 units with three bedrooms for larger families or households. All of the 197 affordable units would be rentals. There would also be 55 market-rate units which would include 17 townhouse condominium units, 11 studio units and 27 live-work lofts.

## **BACKGROUND**

The project site is currently identified in the Southeastern San Diego Community Plan for Industrial and Residential uses (Attachment 1). The proposed project is located within the Logan Heights neighborhood of the Southeastern San Diego Community Plan, more specifically located on the southern side of Commercial Street, between 21<sup>st</sup> Street and Harrison Avenue (Attachment 2). The site is currently owned by the San Diego Unified School District (District) and was used as the District's Maintenance and Operations Center until 1988. The project is comprised of three separate sites, referred to as Site A, Site B and Site C. Site A currently contains six structures, Site B is currently vacant, and Site C currently contains concrete building foundations remaining from former uses (Attachment 3).

Site A was first developed by the San Diego Board of Education with the construction of a single-story warehouse (Building A-1) between 1910 and 1915 at the northeast corner of the site. Building A-1 was originally used for storage, a carpenter shop, and a stock room. Between 1915 and 1925, a second story was added to the structure, and in 1920, a lean-to structure (Building A-2) was added to the west side of Building A-1. The City Schools Warehouse Building (Building A-3) was constructed in 1929 and consists of four stories plus a basement. Building A-3 housed a variety of uses, including auto repair and auto wash, print shop, welding and repair space, office space, and general storage. In approximately 1930, a carpentry shop (Building A-4) was constructed along the southeast side of Site A. This structure was originally a one-story building with crawl space and functioned as a carpentry shop. Building A-5 was added to the north side of Building A-4 in 1956 and functioned as a workroom, tool crib, paint department, and most recently as office and storage areas in support of the carpentry shop. A prefabricated metal building (Building A-6) is located at the southern tip of the site and was used for piano tuning and equipment repair.

Records indicate that the northern portion of Site B was used for material storage sometime prior to 1951. The southern portion of the site was occupied by residential dwellings from at least 1906 through 1963. Site B was ultimately used for building material storage, vehicle and heavy equipment parking, and drum storage.

Site C was developed as the District's Maintenance Facility around 1950. Site C contained four buildings; Building C-1, Building C-2, Building C-3, and Building C-4. Building C-1 was used as a paint shop and electrical shop. Building C-2 was used for offices and a conference room. Building C-3 was used as a garage with offices and machine shop. Building C-4 was used as a welding shop and storage space.

## **DISCUSSION**

### **Project Description**

The proposed project requires a General/Community Plan Amendment to change the site's land use designation as identified in the Southeastern San Diego Community Plan from Industrial and Residential to Community Commercial; a Rezone from SESDPD I-1 and SESDPD-MF-3000 Zones to CC-3-5 Zone; a Public Right-of-Way Vacation to vacate a portion of Irving Avenue and 22<sup>nd</sup> Street; an Easement Vacation to vacate drainage, sewer, and utility easements; Vesting Tentative Map to subdivide the site for condominiums and separate ownerships, Planned Development Permit to allow deviations from the regulations of the CC-3-5 Zone to provide a greater benefit to the City and the public, Conditional Use Permit to allow senior housing component of the project, and a Site Development Permit as required by the Southeast San Diego Planned District to allow development. The project is located on three sites along Commercial Street, between 21<sup>st</sup> Street and Harrison Avenue within the Southeastern San Diego Community Plan (Attachment 3).

The COMM 22 project proposes to redevelop the former Maintenance and Operations Center into a mixed-use, transit-oriented development combining work-force family and senior housing with day care facilities, community serving commercial and retail space, office space, market rate live work lofts, and for sale town homes (Attachment 4). An important part of the proposal is the reuse of the existing four-story warehouse building on the southeastern corner of Commercial Street and 21<sup>st</sup> Street. The existing warehouse would be rehabilitated to provide office and live-work loft uses. The other seven buildings proposed by the project would be new construction (Attachment 5). The project would create 252 dwelling units, 27,835 square feet of commercial retail and office space, and a 5,447 square foot child day care facility for a maximum of 74 children and 13 staff. Of the 252 dwelling units, the project would provide 27 market rate live/work lofts, 11 studio apartments, 127 affordable family and 70 senior housing apartments, and 17 for-sale market rate condominiums.

In addition, the proposed project would include enhanced plaza areas for public gathering, pedestrian connectivity throughout the site, and convenient access to public transportation (Attachment 6). The proposed project would upgrade the infrastructure, including streetscape

improvements, re-alignment and construction of storm drains, water and sewer lines, and undergrounding of power lines.

### Community Plan Analysis

The 4.6 acre project site located at 22<sup>nd</sup>. and Commercial Streets in the Logan Heights neighborhood of the Southeastern San Diego Community Plan. The project site includes the south side of Commercial Street from 22<sup>nd</sup>. to Harrison Ave. which is currently designated Industrial. That portion of the project area immediately south of Commercial Street is currently designated Residential at a density range of 10 - 15 dwelling units per acre. The proposed community plan amendment would change the designation of the site to Community Commercial (Attachment 7). This designation is not currently in the Southeastern San Diego Community Plan. However, it is among those designations included in the draft General Plan. The Community Commercial designation would allow mixed use development with a residential density range of 30 - 74 dwelling units per acre. Based on the new designation, the project site could accommodate between 138 – 340 dwelling units. With 252 units proposed, the project conforms with the proposed density range.

The Southeastern San Diego Community Plan currently does not include a mixed use land use designation. It does include a multiple use designation which allows either residential or commercial use but not both on the same site. Therefore the proposed amendment would introduce a mixed use, Community Commercial land use designation into the Southeastern San Diego Community Plan.

The site of the proposed community plan amendment is strategically situated for mixed use development in that it is immediately east of the East Village district of downtown where considerable mixed use development has occurred in recent years and is on a major transit corridor with a light rail station located nearby at 25<sup>th</sup>. Street. Given the location and the proposal to create a multi-acre mixed use development on a transit corridor, the proposed amendment could potentially begin to implement a “transit corridor village” as defined in the draft General Plan. The Village Propensity Map in the draft General Plan identifies the Imperial – Commercial corridor as having a “high” propensity for village development.

### Conformance with Community Plan Objectives

The proposed amendment would help to implement several objectives in the Southeastern San Diego Community Plan. The project would implement the Residential Element objective of respecting the housing character, scale, style and density of existing residential neighborhoods in that it would serve to transition from the commercial corridor along Commercial Street to the existing single-family and two-family residences located to the immediate south of the project area on Julian and Beardsley Streets and Irving Ave. The proposed residential units would be 3 and 4 story townhouse style construction with a height of approximately 43 feet. The project would implement the Community Plan Commercial objective to provide attractive quality community and neighborhood commercial facilities by providing a variety of commercial services and facilities including a bank, health center, employment center, retail and office space and a child day care center. It would also address the Industrial Element objective of decreasing

land use conflicts between industrial and residential or commercial development by redesignating land fronting on Commercial Street from Industrial to Community Commercial. The redesignation would facilitate the phasing out of existing industrial and warehouse uses, replacing them with commercial and residential development. The existing industrial land along Commercial Street is primarily dominated by warehouse and storage uses and is not considered “prime” as defined in the draft General Plan. As specific mixed use and residential projects are proposed, the Collocation/Conversion Suitability Factors in the draft General Plan should be applied in order to assess impacts. These factors are addressed more fully with respect to COMM 22 in Attachment 5 “Response to Planning Commission Initiation Issues.”

The project addresses several Urban Design Element objectives. First, it would improve the visual and physical character of the neighborhood by providing well designed storefronts with residential townhouse style units on top, on a site that has long been vacant and underutilized. Secondly, it would upgrade the quality of new multi-family residential development by introducing live-work units into the Southeastern community and providing new multi-family housing that address recommendations in the Urban Design Element of the community plan to control bulk and scale by breaking building facades into smaller scale visual components, varying the exterior facades and incorporating balconies and ground level and upper story setbacks. Finally, it would enhance the community’s image through streetscape improvements along major streets and within the neighborhoods by proposing both hardscape and landscaping improvements along Commercial Street, including pedestrian pop outs at 22<sup>nd</sup> Street and where Harrison Street intersects with Commercial Street, new sidewalks and street trees.

Finally, the project would address several Social and Economic Element objectives. First, it would contribute to achieving an economically and ethnically balanced community by providing 197 of 252 total units affordable to low income and senior households. Secondly, it would provide housing for all family sizes, including larger families by providing 27 live-work units, 42 studio apartments, 66 one-bedroom units, 68 two bedroom units and 49 three bedroom units. Thirdly, it would increase job opportunities and resources within the community by providing an estimated 45 – 55 new jobs generated by the new housing, childcare center and employment center.

#### Planning Commission Initiation Hearing

On November 17, 2005, the Planning Commission initiated an amendment to the Progress Guide and General Plan and Southeastern San Diego Community Plan by a vote of 6-0-0. At that hearing, staff was directed to analyze a number of land use issues. These included analyzing the broader Imperial Ave. - Commercial St. corridor with respect to land use and residential density potential, the future of the existing industrial uses on the corridor, the appropriate mix of affordable to market-rate housing on the corridor and the appropriate land use designation for the project site. Staff’s analysis of these issues are covered in Attachment 8 entitled “Responses to Planning Commission Initiation Land Use Issues.”

To briefly summarize the analysis, the Imperial Ave.- Commercial St. corridor is strategically situated (Attachment 9). In conjunction with a second major mixed use project located immediately north of the COMM 22 site on Imperial Ave., there is potential to create a dramatic

revitalization catalyst which could eventually transform the entire corridor from an underutilized warehouse/storage area to a mixed use village, taking advantage of the location near downtown and the trolley station at 25<sup>th</sup> St.

#### Relationship to Other Pending Community Plan Amendments

Currently, there are two other community plan amendments pending in the Southeastern San Diego community plan area. Both are significant and relate to the COMM 22 amendment.

One community plan amendment is on the north side of Commercial Street and on Imperial Avenue immediately north of the COMM 22 amendment. This amendment would involve the redevelopment of the Farmers Market site, also for mixed use. This proposed project is proposing approximately 430 dwelling units on a 3 acre site for a density of approximately 130 dwelling units per acre. In order to accommodate this level of development, this amendment is proposing an Urban Village designation. This amendment, in conjunction with the COMM 22 amendment has the potential for creating a synergistic critical mass in the form of two major mixed use, high density projects that could stimulate additional major reinvestment along the remainder of the Imperial Ave. - Commercial St. corridor. The Farmers Market amendment is now under review. Attachment 6 illustrates the location of the proposed Farmers Market project in relation to the COMM 22 project and the entire Imperial Ave – Commercial St. corridor.

The other amendment has been submitted by the Southeastern Economic Development Corporation to allow mixed use and higher density residential development primarily along Imperial Avenue and one of the pilot village sites located at Euclid/Market. This amendment is also now under review. Although none of the projects involved in this amendment are on the Imperial Ave. - Commercial St. corridor, it would introduce new mixed use land use designations to the Southeastern Community Plan that would be subsequently be available for other areas in the Southeastern community where mixed use, higher density development would be appropriate.

Additionally, the City Planning & Community Investment Department is planning to begin an update of the Southeastern San Diego Community Plan sometime in the next calendar year, pending the availability of fiscal and staffing resources. The update would provide the opportunity to examine the long term future of the corridor comprehensively and to tie all of the issues identified in this analysis together.

#### Architectural Design Statement

The vision of the design is to increase commercial, housing, community services and optimize public access through the existing neighborhoods of the Logan Heights Area to benefit the community. The design would provide a compact, affordable, urban neighborhood by creating a distinctive district. This district would be physically defined by the system of existing streets, neighborhood blocks, and the San Diego Trolley (Attachment 8). The project design would encourage pedestrian circulation and access to the San Diego Trolley. The proposed hierarchy of sidewalks, alleyways, lanes and streets would focus the pedestrian activity to the commercial retail component along Commercial Street and 22<sup>nd</sup>. Street.

The neighborhood would be composed of a variety of uses such as; residential apartments, retail, child care, senior housing, and various neighborhood commercial services. Courtyards, urban pocket parks and landscaped open spaces could serve as gathering places for active and passive recreation, social interaction and a community space for all residents and visitors.

### Architectural Character

The identity of the private and public spaces would reflect an architecturally urban design while creating a new vertical building type that would aspire to reinterpret and support the historic building qualities established by the former warehouse development. The following attributes characterize the proposed building design and esthetic for the three sites; A, B & C:

- Distinctive window patterns emulating a warehouse feeling and quality;
- Various roof forms and heights to facilitate solar power generation;
- Contemporary materials, such as corrugated metal panels; rails; vertical and horizontal awnings and signage; and the visual enhancement of building elements;
- The use of eclectic patterned glass frames in residential units with other vertical windows at lobbies and retail areas;
- The use of horizontal building wall planes articulated to compliment the exterior lines of the existing warehouse building;
- Front doors and stoops of townhomes in buildings 2 and 3 on the southern edges of the project to foster a character reminiscent of a row home;
- Use of color to provide a lively urban esthetic and artistic quality, while also injecting a rhythm to segment and separate the building massing; and
- Integrated retail and service orientated uses to provide services to existing local and future residents. Signage elements to create a retail identity and directional signage within and along the building perimeter to promote commerce and comprehension of the site by users.

### Site Engineering

The project is very complex and requires a significant effort in the areas of coordination and design. As an infill redevelopment project adjacent to the San Diego trolley on a site with numerous easements and public improvements and infrastructure, the public improvements required for the project's implementation are extensive. The site work would include grading for all new structures, numerous utility and drainage modifications, a partial vacation of Irving and 22<sup>nd</sup>. Streets within the project limits, preparation of the site for construction of all new buildings and modifications to the existing buildings retained (Attachment 4, Sheets 1 of 8 through 8 of 8). The site is comprised of paved work areas in the eastern portion, structures and pavement in the western portion, and public streets. Remedial grading would be performed as necessary where underlying soils have been contaminated by previous activities occurring on the site. The majority of the site grading is necessary preparation for construction of the subterranean parking structures. The excavation for the parking structures would remove most, if not all, of the existing contaminated soils. The County of San Diego Department of Environmental Health would monitor all excavation of contaminated soils. All contaminated soils would be disposed of at the appropriate disposal sites permitted for receipt of such material. Clean excavated

material would also be disposed of at properly permitted sites. The proposed grading would require approximately 56,312 cubic yards of excavation and no embankment.

### Wastewater improvements

An existing fourteen inch wastewater line crosses the site from east to west passing under existing structures on the proposed Lots 1, 2 and 3. This existing line would be realigned to flow north in Harrison Avenue, west on Commercial Street, and south in 21<sup>st</sup>. Street where it would reconnect to the existing fourteen inch wastewater line in 21<sup>st</sup>. Street. The wastewater line in Commercial Street would be placed as close as practical to the southerly curb to minimize any potential impacts constructing the line may have on the adjacent trolley system. Trench shoring during construction is anticipated. An existing six inch wastewater line also flows southeast to northwest and intersects the proposed Lot 3 where it connects to the existing fourteen inch line. This line would be rerouted in 22<sup>nd</sup>. Street to flow northward until reaching the proposed fourteen inch wastewater line in Commercial Street.

Another existing six inch wastewater main flows northwesterly down the alley between Irving and Harrison Avenue. This six inch line would be rerouted through the site to Commercial Street. A new eight inch line and associated easement are proposed between Lots 6 and 7 and an existing private sewer lateral connects directly to the fourteen inch line near the southern property line on Irving Avenue. Since the fourteen inch line will be removed, this lateral would be rerouted to the proposed eight inch line. A private sewer easement would be required for this lateral. The Vesting Tentative Map shows these proposed public improvements (Attachment 4, Sheets 1 of 8 through 8 of 8).

### Water improvements

The project site currently has a variety of existing water mains entering and crossing the property. The site is surrounded by existing 6, 8, 10 and 12 inch water mains located in the public right-of-way. Domestic water and fire service would be provided to the site through water meters for domestic service and separate fire service laterals and backflow prevention devices for the fire protection sprinkler systems.

The proposed improvements to the public water system are:

- Installation of a twelve inch water main in Cesar E. Chavez Parkway between Irving Avenue and Julian Avenue.
- Installation of a twelve inch water main in Beardsley and 22<sup>nd</sup> Street between Julian Avenue and Commercial Street.
- Installation of a fire hydrant where Irving Avenue is vacated.
- Installation of a fire hydrant on Harrison Avenue between Commercial Street and Cesar E. Chavez Parkway.
- Installation of a fire hydrant at Beardsley Street and 22<sup>nd</sup> Street.
- Relocation of a fire hydrant at Commercial Street and 22<sup>nd</sup> Street.



- Replacement of an existing eight inch water line in 21<sup>st</sup> Street from Julian Avenue to Commercial Street.
- Replacement of an existing eight inch line in Julian Avenue from 21<sup>st</sup> Street to Beardsley Street.

The Vesting Tentative Map shows these proposed public improvements (Attachment 4, Sheets 1 of 8 through 8 of 8).

### Street Vacations/Rezoning

A street vacation is proposed for the northern end of Irving Avenue and a portion of 22<sup>nd</sup> Street where it intersects with Commercial Street (Attachment 4, Sheet 4 of 8). The existing trolley line in Commercial Street imposes specific clearance requirements on any work in the area of the trolley. All proposed public improvements on Commercial Street, including curbs must be a minimum of twelve feet from the existing trolley and, where on-street parking is provided there must be a minimum of twenty feet of physical separation between the trolley line and any improvements.

The project proposes to rezone the properties from SESDPD MF-3000 and SESDPD I-1 to CC-3-5. Attachment 11 indicates the limits of the proposed rezone.

### Proposed Deviations

The COMM 22 project proposes nine deviations from adopted regulations and one deviation each from the street, wastewater and water design manuals. Staff has reviewed each of the requested deviations and supports approving the project with the deviations. Without approval of these deviations the project as conceived cannot be constructed and the greater benefits from implementing the project would not be realized.

Nine deviations are requested for the project from the Land Development Code sections, tables and one deviation each from the adopted Street Design Manual, Sewer Design Guide and Water Department Facility Design Guidelines. The deviations are to provide relief from the following Land Development Code regulations: 1) 131.0531 and Table 131 -5E, 2) 131.0531 and Table 131 5E, 3) Section 131.0531 and Table 131-05E, 4) Section 131.0540(c), 5) Section 131.052 , 6) Section 131.054 and Table 131 -05F, 7) Section 132.0905/142.0510, 142.0525, 142.0530 and 142.0560 8) Landscape Regulations Table 142-04D and 9) Section 142.0409(a)1.

Deviation One: According to the CC-3-5 zone, the maximum allowable density on Site C is one unit per 1500 square feet of lot area or a maximum of 16.34 units. The project proposes to round up to reach a maximum of seventeen dwelling units on Site C. Staff supports this deviation to realize the greater benefits from implementing the project. A deviation from the maximum residential density permitted under the CC-3-5 Zone is necessary in order to provide an optimum number of affordable housing units over the total project site, Sites A, B and C.

Deviation Two: The project proposes a maximum front setback of 15 feet where the CC-3-5 Zone allows a maximum front setback of 10 feet. A deviation from the maximum front setback is necessary in order to accommodate a drainage easement along the Commercial Street frontage.

Deviation Three: The CC-3-5 zone required side and rear setback is ten feet at Site C. The applicant is proposing a five foot setback along the side and rear yard. To provide the greatest number of for-sale townhomes possible on as large a site as possible, staff supports the deviation to realize the greater benefits from implementing the project.

Deviation Four: The project proposes to allow residential use and residential parking in the first thirty feet of the lot on Site C. The regulation is designed to bring commercial uses to the street edge and limit parking and residential uses behind those commercial uses. Staff supports this deviation to realize the greater benefits from implementing the project.

Deviation Five: The CC-3-5 zone requires fifty percent of a street wall between three and ten feet above grade to be transparent. Windows looking into garage spaces do not count towards satisfying this requirement. Along Site C, seventeen for-sale townhomes, all of the ground level structure is considered garage and glazing provided in these locations do not meet the requirement. Staff supports this deviation to realize the greater benefits from implementing the project.

Deviation Six: The project proposes zero to four offsetting planes on building facades fronting the public right-of-way where a minimum of six offsetting planes are required per building façade. Without a deviation from the building articulation requirement for individual buildings, three bedroom family dwelling units would be reduced in floor area, to provide the necessary articulation, and would become two bedroom dwelling units. The articulation of the project has been viewed from a perspective of the whole development rather than individual buildings. How the spaces between buildings interact with each other, how negative and positive space is created throughout the development and not only how an individual building is articulated. Staff has considered the development of the entire site in deciding to support this deviation and not solely the individual buildings. Providing articulation on a building by building basis rather than a view which examines the whole development is not preferred over the loss of family oriented dwelling units. The provision of open spaces, courts, and building placement considered cumulatively has been considered rather than a finite examination of the individual buildings. Articulation has been examined in a manner that would examine the sum of the entire development, not just the pieces making up the building units of the development. Staff supports the deviation to realize the greater benefits from implementing the project.

Deviation Seven: The project proposes to implement alternative parking standards. Four specific deviations are included in this request. The project will reduce the parking ratio for the senior housing component from 1.0 per unit to 0.60 spaces per unit and provide six total guest parking stalls. The project will provide all of the parking required for Building 1 on Site B. The parking ratio for the commercial retail uses will be 2.1 spaces per 1000 square feet. The project will count tandem parking spaces as two stalls where tandem spaces are normally counted as one space. The project will allow residential parking along the first thirty feet of the lot for Site C where the CC-3-5 zone prohibits parking in this area. The alternative parking standards are

requested to facilitate the project's transit oriented design and in consideration of the site's irregular lot shapes and the unique site constraints presented by infill development in an older neighborhood which also serves as a telecommunications hub and transit corridor for the City of San Diego. The transit-oriented design focuses on pedestrian activity and use of the trolley system in an effort to alleviate the need to provide parking on each site at the standards presently in effect. The current parking design creates greater efficiencies in the garage plan and allows other uses on the property such as courtyards and open areas and the development of an affordable housing project. Staff supports the deviation to realize the greater benefits from implementing the project.

Deviation Eight: The landscape regulations require one tree within thirty feet of each parking space. Due to the existing SDG&E easement along the southwest corner of Site B, trees cannot be located within 30 feet of each space. As an alternative, the required number of trees would be located elsewhere on the site in the courtyards and other pedestrian use areas. Staff supports these deviations to realize the greater benefits from implementing the project.

Deviation Nine: The project proposes to allow unconventional tree spacing along the western portion of Commercial Street. A deviation from the tree spacing requirement is necessary in order to preserve the historic building characteristics, including preservation of the existing ramp, and the deviation is needed for emergency fire access requirements. In order to off-set the tree spacing deficiency, the applicant has incorporated enhanced planting in other areas of the project site.

The Street Design Manual deviation will result in greater utilization of the site for the provision of affordable housing and will not negatively impact the provision of public services or facilities. Commercial Street is a 2-Lane Collector as shown in the Southeastern San Diego Community Plan's Transportation element. The curb-to-property line distance in the current Street Design Manual for this street classification is twelve to fifteen feet. In the case of a twelve foot parkway, a five foot general utility easement is required. The project will provide a ten foot parkway to allow the right-of-way to remain at the edge of the proposed drainage culvert and not reduce the area available for development of the site.

The Sewer Design Guide deviation would allow a new public improvement while preserving the existing trolley line without disruption to service and result in a safe facility. The project would install the new wastewater line on Commercial as close to the southerly curb line as possible. The ideal location would normally be beneath the parking lane within the right-of-way. To preserve the integrity of the trolley line, the new wastewater line would be located as far from the trolley tracks as possible to facilitate construction with the least impact on the tracks and the east bound driving lane of Commercial Street.

The Water Department Facility Design Guidelines deviation would locate a new water main in the 22<sup>nd</sup>. Street right-of-way yet beneath the curb and sidewalk under the pedestrian pop-outs at the intersection of 22<sup>nd</sup>. and Commercial Street. This would facilitate the reconnection of the water main to the existing ten inch main at the vacated Irving and Commercial Streets. Locating the water main further into Commercial Street could require construction extremely close to the existing trolley tracks potentially resulting in an interruption of service.

When considering the benefits the proposed project would bring to the community and City, staff supports these deviations. Other than the deviations listed above, the proposed project will comply with all other regulations of the Land Development Code and all Council policies relevant to the site.

### Community Planning Group Recommendation

The Southeastern San Diego Community Planning Committee voted on September 18, 2007 to recommend approval of the proposed actions, with concerns (Attachment 12). The applicant has prepared a response to each of the 24 concerns expressed by the community group. Please refer to Attachment 13.

### CONCLUSION

Staff has reviewed the request for a rezone, Southeastern San Diego Community Plan amendment, public right-of-way and easement vacation, vesting tentative map, planned development permit, site development permit and conditional use permit to allow a 252 unit mixed use, transit oriented development combining affordable family and senior housing with a day care facility, community serving commercial and retail space, office space, market rate live-work lofts and for sale townhomes on a 4.58 acre site. 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 vacations, subdivision map and development permits (Attachments 14 and 15) and draft conditions of approval (Attachments 14 and 16). Staff is recommending the Planning Commission recommend to the City Council approval of the project as proposed.

### ALTERNATIVES

1. Recommend to the City Council they **Certify** Mitigated Negative Declaration No. 122002 and Adopt the Mitigation Monitoring and Reporting Program; and Recommend to the City Council they **Approve** Rezone No. 415850, Progress Guide and General Plan and Southeastern San Diego Community Plan Amendment No. 415854, Public Right-of-way Vacation No. 415855, Easement Vacation No. 454297, Vesting Tentative Map No. 415852, Planned Development Permit No. 454025, Site Development Permit No. 415853 and Conditional Use Permit No. 431367, **with modifications.**
2. Recommend to the City Council they **Do Not Certify** Mitigated Negative Declaration No. 122002, and do not Adopt the Mitigation Monitoring and Reporting Program; and Recommend to the City Council they **Deny** Rezone No. 415850, Progress Guide and General Plan and Southeastern San Diego Community Plan Amendment No. 415854, Public Right-of-way Vacation No. 415855, Easement Vacation No. 454297,

Vesting Tentative Map No. 415852, Planned Development Permit No. 454025, Site Development Permit No. 415853 and Conditional Use Permit No. 431367, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Mike Westlake  
Program Manager  
Development Services Department

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John S. Fisher  
Development Project Manager  
Development Services Department

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Mary P. Wright  
Deputy Director  
City Planning & Community Investment Department

BOEKAMP/JSF

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Vicinity Map
4. Project Plans
5. Aerial Perspective
6. Courtyard public spaces
7. Proposed Community Plan Amendment (under separate cover)
8. Response to Planning Commission initiation issues
9. Imperial Avenue/Commercial Street Corridor
10. Master Site Plan
11. Proposed Rezone, Drawing B-4254
12. Community Planning Group Recommendation
13. Applicant responses to community concerns
14. Draft Map Conditions and Subdivision Resolution
15. Draft Resolution with Findings
16. Draft Permit with Conditions
17. Ownership Disclosure Statement
18. Project Data Sheet
19. Project Chronology