



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 10, 2008 **REPORT NO. PC-08-011**

ATTENTION: Planning Commission, Agenda of January 17, 2008

SUBJECT: KING/CHAVEZ MIDDLE SCHOOL - PROJECT NO. 130159.
PROCESS 5.

OWNER N & S Development, L.C. (Attachment 10)

APPLICANT: Randal Jay Ehm, AIA

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council, of a Public-Right-Of-Way Vacation, Planned Development Permit, Site Development Permit, Conditional Use Permit and Variance for the construction of a charter school on a vacant lot in the Southeastern San Diego Community Planning area?

Staff Recommendations:

1. Recommend that City Council **CERTIFY** Mitigated Negative Declaration No. 130159, and **ADOPT** the Mitigation, Monitoring and Reporting Program;
2. Recommend that City Council **APPROVE** Public-Right-Of-Way Vacation No. 512753;
3. Recommend that City Council **APPROVE** Planned Development Permit No. 448699;
4. Recommend that City Council **APPROVE** Site Development Permit No. 448682;
5. Recommend that City Council **APPROVE** Conditional Use Permit No. 448683; and
6. Recommend that City Council **APPROVE** Variance No. 512752.

Community Planning Group Recommendation: In September 2007, the Southeastern San Diego Planning Committee's Project Subcommittee recommended approval of the project and moved that the item be sent to the full committee, subject to a review of the environmental document. The project is scheduled for the next committee meeting on January 14, 2008. The group's recommendation will be read into the record at the January 17, 2008 Planning Commission hearing.

Environmental Review: The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared and completed a Mitigated Negative Declaration in accordance with CEQA guidelines. Mitigation measures have been included for paleontological resources which will reduce any potential adverse impacts to below a level of significance.

Fiscal Impact Statement: None with this project.

Code Enforcement Impact: None with this project.

Housing Impact Statement: The proposed site is designated Residential (10-15 du/ac) in the Southeastern San Diego Community Plan. The 0.48 acre site could accommodate between 5 and 7 housing units if the site were developed residentially. This number of units is potentially foregone with the development of the site for a school.

BACKGROUND

The King/Chavez Middle School project proposes to construct a charter school for grades 6th through 8th within a two-story building with a basement and a surface parking lot. The project includes a request to vacate an excess portion of right-of-way within Island Avenue, as well as requests for deviations. The 0.48-acre corner parcel has a front yard on Island Avenue and a street side yard on 30th Street, and located one block south of Market Street. The property is designated for residential uses within the Southeastern San Diego Community Plan and zoned MF-3000 of the Southeastern San Diego Planned District (SESD PDO). The property is within the Airport Environs Overlay zone and the Transit Area Overlay zone. The property does not contain any environmentally sensitive lands or natural slopes.

The property is also within the Special Character Multi-Family Neighborhood area which is mapped on certain multi-family zoned sites in the PDO. The intent of this overlay is to require the construction of detached single-family homes and to prohibit side by side duplex construction if two or more units are proposed, in order to maintain the existing single-family character of certain neighborhoods in the community. To implement this requirement, the overlay zone requires conformance with the more restrictive SF-5000 zone regulations.

The site is completely disturbed and elevated at a height approximately 14'-0" to 20'-0" above both street grades. The geotechnical report submitted for the project indicates that the topography was likely created as a result of the construction of adjacent streets and developments. The entire site would be re-graded to create the level building pad and parking

area with approximately 4,800 cubic yards of soil excavated and 4,600 cubic yards exported.

Surrounding developments across 30th Street and Island Avenue include one and two-story, single-family homes and duplexes. Three homes abut the property to the west. Upon project implementation, these homes will be approximately 17'-0" higher in elevation than the proposed building pad and parking lot on the subject property. Abutting the site to the north is a commercial retail center fronting on Market Avenue. The King/Chavez Academy of Excellence Charter School for grades kindergarten through 6th is located three blocks to the east at 415 31st Street. The Jack Kimbrough Public Elementary School, a non-charter school for grades kindergarten through 5th, is located one block to the west at 321 Hoitt Street (Attachment 4).

The San Diego Unified School District classifies "charter" schools as public schools however charter schools proposed on private property require compliance with all applicable zoning regulations. The project requires the following approvals:

1. A Public-Right-Of-Way Vacation to vacate a 10-foot segment of excess right-of-way within Island Avenue.
2. A Planned Development Permit (PDP) for deviations to allow 2 parking spaces, a lunch court/shelter and increased hardscaped areas within the street side yard on 30th Street, and, to allow an elevator shaft and a parapet roof to exceed the 24-foot building height limit.
3. A Variance for an increase in floor area ratio. (Deviations to floor area ratio cannot be considered under a PDP and must be processed as a Variance pursuant to Land Development Code section 143.0410).
4. A Conditional Use Permit for the school use.
5. A Site Development Permit for a Southeastern San Diego Planned District Permit.

The applicant has indicated that the 6th grade of the existing King/Chavez Academy of Excellence will be relocated to the subject property. They have submitted the following additional information in support of this project:

Locating this school in close proximity to the feeder elementary school will make it possible for students who walk to school now to continue to do so as they attend this middle school. Students who are driven to school now will be able to maintain their current schedules, as the driving distance is seconds away from the feeder school. Given the school's location between two other schools, student safety will be enhanced through traffic controls and safety patrols not just at the site but within one block west and three blocks east. The public welfare will benefit from the school's close proximity to the feeder school, as it is anticipated that traffic volume will not increase, travel distance to and from school will either slightly rise for students coming from the east or will slightly drop for students coming from the west, and students will not be compelled to leave their neighborhood to attend a distant school. The public welfare will also benefit from the performance of the school itself, as the

operators have a strong track record of generating high student test scores and fostering student empowerment through their programs, curriculum and dedication to student achievement.

DISCUSSION

Project Description:

The project proposes to construct a two-story, 14,787-square-foot school building and a 3,710-square-foot basement which is exempt from floor area ratio, and, a 20-space parking lot accessed from 30th Street. A maximum of 375 students are proposed for grades 6th through 8th. Hours of operation are Monday through Friday from 8:00 a.m. to 4:00 p.m. The school use does not include a before or after school program (“child care facility”). The building would consist of stucco finish siding, painted earth tone colors, facade modulated accents, and aluminum windows with anodized finish. The structure would contain three levels consisting of classrooms, computer labs, offices, and an exercise room. The facility does not include an outdoor on-site recreational area however, the students will utilize the King/Chavez Academy of Excellence school’s sports field for recreational and physical education activities.

The following accessory improvements are also proposed:

- a roofed lunch court located within the southeast portion of the site adjacent to the school building
- perimeter retaining walls within the north rear yard and the west interior side yard to maintain adjacent slopes located behind the building and within the parking area
- a site retaining wall along the front and street side property lines to create the building pad and foundation for the lunch court shelter
- a three-foot high “art wall” at the intersection of 30th Street and Island Avenue with benched seating area and landscaping
- a wood trellis structure above the parking lot to provide partial shade and screening of the parking lot

Community Plan Analysis:

The site is designated Residential (10-15 du/ac) in the Southeastern Community Plan. With respect to design, the project incorporates the use of setback and façade variation to vary the design and break the building into smaller segments as recommended by the Urban Design Element of the community plan. City staff has worked with the applicant to minimize grading and the height of retaining walls as recommended by the Urban Design Element through a variety of techniques. These techniques include incorporating a modest slope of the parking lot toward the building and by lowering the building pad by eight feet. The visual impact of the retaining walls will be reduced by mimicking the basic stucco color from the building on the retaining wall for that portion of the wall above the trellis structure, and, using the accent stucco color from the building on the lower portion of the wall. Horizontal reveals are also proposed. These features will serve to visually relate the wall to building and break up the wall’s massing.

Landscape features including the use of flowering and trailing vines at the trellis structure to soften the hard edges of the structure to help screen the parking area from adjacent homes. These changes enable the retaining walls at the northwesterly edge of the building to be reduced from 19'-0" high as originally designed to 16'-0" at its highest point located behind the northwest corner of the building, reducing the visual impact to the neighborhood.

The project also incorporates an art element at the southeast corner of the building with a three foot high monument wall reflecting the profiles of Dr. Martin Luther King and Cesar Chavez flanking the name of the school thus implementing the Urban Design recommendation to incorporate neighborhood art into major public and institutional buildings.

Environmental Analysis:

A Mitigated Negative Declaration was prepared for the project for potential impacts to paleontological resources due to the depth of grading and cubic yards to be graded. A geotechnical investigation was prepared for the project which identified the site as having earth formations assigned a high resource potential for containing fossil deposits. The proposed development requires the excavation of greater than 1,000 cubic yards of earth material at depths of ten feet or greater. The Mitigation, Monitoring and Reporting Program includes mitigation for paleontological monitoring during grading to ensure the recovery of any fossil remains, reducing potential impacts to this resource to below a level of significance.

Project-Related Issues:

Public Right-Of-Way Vacation (Attachment 6 and 7)

The project includes a vacation of a portion of Island Avenue. Island Avenue is 80 feet in width, constructed with 40 feet of pavement, and a 20-foot curb-to-property line distance with a 5-foot sidewalk. The project would vacate a 10-foot wide segment of Island Avenue within the existing 20-foot curb-to-property line distance. The existing curb would remain in its current location. Staff supports this vacation as the street currently contains an excessive curb-to-property line distance of 20 feet where 10 feet is the standard, and there is no current or future anticipated use for the area.

Planned Development Permit Deviations Analysis (Reference Attachment 5, Sheet 3 of 14)

The project requires a Planned District Permit (PDP) for several deviations to the fencing/retaining wall regulations, setback requirements, hardscape requirements and building height as described below:

1. Overheight free-standing fence (6'-0" high wrought iron rolling driveway gate, and 6'-0" high combination solid and open fence) within the driveway visibility area along 30th Street where 3'-0" is permitted.
2. Overheight combination retaining wall and free standing fence within the street side yard along 30th Street - 16'-0" maximum height (retaining wall varies from 2'-6" to 10'-0")

with 6'-0" high wrought iron on top) where 6'-0" is permitted.

3. Overheight retaining walls in the north rear yard and the west interior side yard - 16'-0" maximum height (varies from 6'-0" to 16'-0") where 12'-0" is permitted.
4. Eighty-eight percent hardscaped areas within the street side setback on 30th Street where 30 percent is the permitted.
5. An elevator shaft and parapet roof - 25'-6" and 24'-6" in height respectively, where 24'-0" is permitted.
6. Lunch court/shelter with trellis above, parking lot trellis structure and two parking spaces observing a 0'-0" street setback on 30th Street where 10'-0" is required.
7. A floor area ratio of 0.71, or 14,787 square feet (excluding the 3,710-square-foot basement) where 0.50 or 10,443 square feet is the maximum allowed.

The Planned Development Permit (PDP) ordinance states the following:

The purpose of the Planned Development Permit is to provide flexibility in the application of development regulations for projects where strict application of the base zone regulations would restrict design options and result in a less desirable project. The intent of the regulations is to accommodate to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, community and City benefits. Deviations shall be permitted only if it is shown that similar situations exists within the surrounding neighborhood, or, that the deviations to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property.

Staff recommends approval of the project deviations. The property is a remnant parcel of land surrounded by established subdivisions with several site constraints including the topography and its location on the street. The development is an institutional use subject to low density, residential zone regulations. The deviations are minor in scope and will be mitigated through the use of additional site design features. The deviations will facilitate the development of a public school with project amenities and providing additional educational opportunities for the children in the community.

1. Fence/Retaining Wall Height/Hardscape Deviations (Nos. 1 through 4 above)

The project proposes overheight fencing and retaining walls within the setback areas and increased hardscape areas within the street side yard. A 6'-0" high combination solid and open fence and a 6'-0" high wrought iron rolling driveway gate are proposed within the driveway visibility area adjacent to the parking lot. Along both the 30th Street (street side yard) and Island Avenue (front yard) frontages, a retaining wall would vary in height from 2'-6" to 10'-0" with a 6'-0" of wrought iron fence on top, reaching an overall height of 16'-0". The maximum 10-foot high retaining wall functions as the foundation for the proposed lunch court (Number 6 above).

Staff concluded that the placement of the gate and fence within the triangular visibility areas adjacent to the driveway would not inhibit pedestrian traffic on the street, nor create a traffic concern. The gate is 100 percent open and the wall is 50 percent open on top, allowing site visibility to pedestrians and individuals driving to or from the facility. On 30th Street, the curb-to-property line distance is 14'-0" where 10'-0" is the standard. This area includes a 4'-10" wide landscaped area next to the fence at the driveway, followed by a 5'-0" sidewalk, and a 4'-2" landscaped parkway next to the curb. This additional area provides increased pedestrian and vehicular visibility for vehicles entering or exiting the facility. The proposed free standing fencing will also assist in providing screening for the parking lot as well as a security measure as recommended by the San Diego Police Department.

Retaining walls are proposed within the parking lot on the north side of the property and behind the west side of the building varying in height from 6'-0" at the northwest corner of the site to 16'-0" within the parking lot area where 12'-0" is permitted within a setback. Staff had significant concerns regarding the height of this wall as originally designed, reaching a height of 19'-0", and worked with the applicant to address visual quality issues, bulk, scale and height concerns. The applicant has indicated that, due to the site constraints and economic concerns, it was not feasible for the wall to be modified into two or more walls with horizontal separations. Staff suggested several modifications including adjusting the parking lot grade to lower the height of the wall, providing architectural and color elements to break up the wall's appearance, as well as increased landscaped areas. The applicant incorporated these suggestions. The use of the accent stucco color with horizontal reveals from the main building is proposed to break up the wall's massing and to visually relate it to the building. The wall as currently proposed utilizes the basic stucco color from the building above the trellis structure to lighten the wall. Flowering and trailing vines at the trellis structure, at the base of the wall, as well as landscaping within the slopes above the retaining wall, are utilized to soften the hard edges of the structure and to help screen the parking area from adjacent homes. All of the walls on the site will be screened by increased landscaping, the trellis structure within the parking lot, the proposed building, or a combination thereof (Reference Attachment 5, sheet 13 of 14 for retaining wall details).

The SF zone requires no more than 30 percent hardscape materials (1,755 square feet) within a street yard setback. The project proposes 88 percent hardscaping within the street side yard on 30th Street (245 square feet) to support the lunch court area, providing an outdoor seating area for students. Staff supports the hardscape deviation. The purpose of the maximum hardscape requirement is to provide 70 percent landscaped areas within a street setback. The project proposes additional landscaping within the 14'-0" curb-to-property line distance, approximately, 9'-0" in width with a 5-foot wide sidewalk, achieving the intent of the hardscape regulation to provide increased landscaping. The hardscape requirement is being met within the front yard on Island Avenue.

2. Building Height Deviation (No. 5 above)

The proposed building is consistent with all other development regulations including setbacks, coverage and the supplemental design standards of the PDO including off-setting planes and the two-story height limit. However, the parapet of the building will be 24'-6" in height and an elevator shaft will reach a height of 25'-6". Staff supports this deviation to accommodate the

elevator shaft which is proposed within the interior of the roof. The 0'-6" increase in the roof parapet is minor in scope and the overheight condition should not be discernable, therefore, no adverse visual height impact is created.

3. Lunch Court/Trellis Structure and Parking Spaces Within the Street Setbacks (No. 6 above)

The subject property is a corner lot with its front yard on Island Avenue and the street side yard on 30th Street. The lunch court with trellis above, a 10-foot portion of a second trellis proposed within the parking lot, and two parking spaces, would observe a 0'-0" street side yard where 10'-0" is required. The lunch court is an open structure supported by columns with trellis above, the base of which is elevated approximately 10'-0" above street grade at the highest point. A total of 20 parking spaces are required and proposed for the development. A deviation to allow 2 spaces within the street side setback allows the development to meet the minimum parking requirement. Staff supports this deviation. The site is constrained as described above by its topography, location on the street, adjacent developments, as well as the restrictive regulations of a single-family zone. The encroachments are mitigated by landscaping around the perimeter of the site and the 14'-0" curb to property line distance, 4'-0" of which function as an additional visual setback, where a 10'-0" curb-to-property line distance would normally exist.

The PDP Ordinance contains additional criteria for developments which require that the overall design of developments be comprehensive and demonstrate the relationship between on-site and off-site developments. Structures should avoid repetitious patterns that are inconsistent with the goals of the land use plan. The scale of the developments should be consistent with the neighborhood and should represent the dominant development pattern in the area or as called for in the community plan. Landscaping should be used to soften the appearance of blank walls and enhance the pedestrian scale of the development.

The proposed building and site design is consistent with each of these design criteria. The building is two stories which is consistent with other residential and commercial buildings in the area. Parking areas were placed north of the building behind existing commercial developments to maximize the screening of the vehicles from adjacent residential uses. Façade treatments including architectural off-setting plans, varied building colors, and retaining wall treatments to match the accent colors of the building, are elements that assist in providing a more pedestrian friendly design on the street facing facades. Enhanced landscaped parkways are proposed on both streets which provide additional screening for the site walls, building and parking areas. The site layout was re-designed to lower the heights of the retaining wall eliminating potential adverse visual impacts and, to be consistent with the recommendations of the Urban Design Element of the plan. The development is consistent with several goals and recommendations of the community plan as described above in the Community Plan Analysis section of the report.

2. Floor Area Ratio (FAR) Variance (No. 7 above)

The project exceeds the allowable floor area ratio (FAR) of the SF-5000 zone. Deviations to FAR require the processing of a Variance. The subject property contains 0.48 acres, or 20,885 square feet. The project would result in a floor area ratio of 0.71 percent or 14,787 square feet where 0.50 percent or 10,443 square feet is permitted for this site. The 3,710-square-foot

basement is excluded from the FAR calculation.

The property is zoned MF-3000 which would allow an FAR of 1.0 percent, or 20,885 square feet for the site, however, the property is within the Special Character Multi-Family Overlay zone of the PDO which requires conformance with the SF-5000 zone development regulations which limits FAR to 0.50 percent. Staff supports this deviation. The purpose of the Variance procedures is to provide relief for cases in which, because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the development regulations would deprive the property of privileges enjoyed by other property in the vicinity and under the same land use designation and zone.

The proposed development is an institutional use designed to be consistent with all of the relevant residential zone regulations as feasible including building setbacks for the primary building, lot coverage, and off-setting planes requirements. A school building has additional structural, exiting, and accessibility requirements, as well as functional space needs compared to that of a residential structure, which further limit design flexibility. The 0.48-acre site is a relatively small site for a school use. The site's extreme topography and location along the downhill grade of the street result in additional site constraints. The intent of the FAR regulation is to limit the bulk and scale of buildings in relation to the size of the lot. The building proposes several façade articulations, varied building colors and materials which assist in breaking up the building mass in keeping with the purpose and intent of the FAR regulation.

In summary, the proposed project is consistent with the purpose and intent of the Planned Development Permit ordinance and the Variance procedures, requesting minor deviations to the development regulations. The project will provide several benefits to the City and the students in the area. The school is proposed at this location to facilitate the matriculation of students at the nearby King/Chavez Academy of Excellence which houses kindergarten through 6th grades. The 6th grade level would be relocated to the new school. Several project amenities have been incorporated into the site design including an auto court with enhanced paving in the parking lot area, use of additional landscape features within the right-of-way and adjacent to the retaining walls, accent colors and architectural reveals on the proposed retaining walls, as well as the construction of a 3'-0" high monument wall around the corner of the site to bear the profiles of Dr. Martin Luther King Jr. and Cesar Chavez.

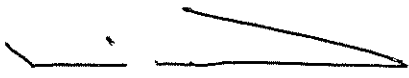
CONCLUSION

The proposed development was analyzed for conformance with the relevant regulations of the underlying zone and found to be in compliance with those regulations as permitted through the Planned Development Permit and Variance process. The proposed development will significantly improve the existing site conditions and visually enhance the site and the immediate neighborhood. The project implements the goals of the Southeastern San Diego Community Plan and the Progress Guide and General Plan as described in this report. Staff recommends approval of the project.

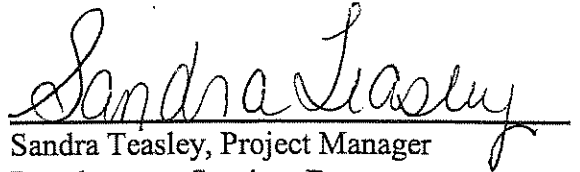
ALTERNATIVES

1. **Recommend approval** of Public-Right-Of-Way Vacation No. 512753, Planned Development Permit No. 448699, Site Development Permit No. 448682, Conditional Use Permit No. 448683 and Variance No. 512752, **with modifications.**
2. **Recommend denial** of Public-Right-Of-Way Vacation No. 512753, Planned Development Permit No. 448699, Site Development Permit No. 448682, Conditional Use Permit No. 448683 and Variance No. 512752, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Sandra Teasley, Project Manager
Development Services Department

BROUGHTON/SMT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Surrounding Land Use Map
5. Project Site Plans
6. Public Right-Of-Way Vacation Exhibit
7. Public Right-Of-Way Vacation Resolution
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Ownership Disclosure Statement
11. Project Chronology
12. Project Data Sheet
13. Rendering of Parking Lot Retaining Wall
14. Site Photographs