THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 4, 2008 **REPORT NO. PC-08-091**

ATTENTION: **Planning Commission, Agenda of September 11, 2008**

SUBJECT: **CASA MIRA VIEW** - PROJECT NO. 91647. PROCESS 5

OWNER/ APPLICANT: Scripps Mesa Developers, LLC (Attachment 17)

SUMMARY

Issue(s) - Should the Planning Commission recommend City Council approval of the project to allow the development of 1,848 multi-family condominium dwelling units on Westview Parkway in the Mira Mesa community plan area?

Staff Recommendation:

1. Recommend City Council **Certify** Environmental Impact Report No. 91647, **Adopt** the Findings and Statement of Overriding Considerations, **Adopt** the Mitigation Monitoring and Reporting Program; and

2. Recommend City Council **Approve** Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373.

Community Planning Group Recommendation - The Mira Mesa Community Planning Group, on July 21 2008, voted unanimously to recommend approval of the project as proposed.

Environmental Review - Environmental Impact Report (EIR) No. 91647 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 would be implemented which would reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The applicant has also provided their project's Findings and Statement of Overriding Considerations for significant and unmitigable impacts.

DIVERSITY

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 provide for the development of 1,848 multi-family condominium dwelling units on an approximately 41.31 acre site in Mira Mesa. Of the 1,848 dwelling units no less than ten percent or 185 dwelling units will be affordable to persons earning no more than 65% of the area median income. The project represents a total gain of 1,848 multi-family dwelling units and a gain of 185 affordable units to the City's housing inventory.

BACKGROUND

The Casa Mira View project site is located in the Mira Mesa community (Attachment 1). The Mira Mesa Community Planning area is approximately 10,500 acres in size and is bounded on the north by Los Peñasquitos Canyon Preserve, on the east by I-15, on the south by Miramar Road, and on the west by Interstate 5 (I-5). More specifically, the 41.31 acre project site is located south of Capricorn Way and an existing residential development, immediately west of I-15, north of Mira Mesa Boulevard, and immediately east of Westview Parkway (Attachment 2). The Mira Mesa Community Plan designates the site for Medium High Density Residential at a density range of 30-45 dwelling units per acre. The site is within the RM-3-7 Zone. The site varies in elevation from approximately 486 to 508 feet above mean sea level. The site is for all practical purposes relatively level. The site has been graded and filled in the past to the existing condition. Two desilting basins are located at the northwest and southwest corners of the site. Approximately 2:1 slopes are present along the western and northwestern portions of the site (Attachment 3). The grading included approximately 20 to 25 feet of excavation and approximately 50 of fill. The previous grading was authorized by the City through a grading permit dated April 25, 1974 and is recorded by the drawing number 16126-D. Since the grading was completed the site has been used by the previous land owner as a stock/stockpile site for surrounding development projects. No other use of the site has been made.

The project site is located in an urban setting and is surrounded by existing development and major transportation corridors. Single-family residential subdivisions are located to the north and northwest. Westview Neighborhood Park and Hage Elementary School are located across the street on the west side of Westview Parkway. Mesa Shopping Center and an existing park-n-ride facility maintained by Caltrans are located south of the site. Along the easterly property line is Interstate 15.

The project site was included as part of the development agreement entitled "Development Agreement between the City of San Diego and Pardee Homes Construction Company Negotiated and Entered Into Pursuant to City Council Policy 600-37 Adopted by the City Council on August 8, 1988 and as Amended on September 13, 1988 (Attachment 4), and is identified as the "Casa Mira View" project. This development agreement was adopted by the City Council by ordinance O-17178 on November 14, 1988.

Pursuant to paragraph 5.2, the Development Agreement vested "...with respect to the subject Property only the permitted use(s) of land, density and intensity of use. The permitted use(s) of land, density and intensity of use shall be for the project with includes 38 single family detached units and 1,826 attached multi-family units in the subdivision commonly know as "Westview" and 1,848 multi-family units in the subdivision commonly known as "Casa Mira View."

In return for these vested rights, Pardee agreed to provide certain extraordinary benefits which included the design and construction of certain public improvements including, but not limited to, portions of Black Mountain Road, all of Westview Parkway and Hage Neighborhood Park. Pardee was reimbursed from the Mira Mesa FBA for the design and construction of the Hage Neighborhood Park. Hage Neighborhood Park is now known as Westview Neighborhood Park. In addition, Pardee agreed to advance partial funding for a number of projects that were included in the Mira Mesa FBA as a means of assuring the necessary funding for the timely construction of these projects. Advance funding, in the form of either cash or a letter of credit, was provided for the Mira Mesa Library, the Community Swimming Pool and the Field House. All of these facilities have either been built or are nearing completion of construction.

In addition to the public improvements listed above, Pardee agreed to make non-reimbursable contributions to the Peñasquitos Canyon Preserve ($100,000), the Mira Mesa Community Fund ($1,000,000), and the Mira Mesa Library ($500,000). All of these contributions have been made to the designated parties. As a result, all the extraordinary benefits identified in the Development Agreement have been extended to the City of San Diego. The Westview project has subsequently been developed. Only the Casa Mira View project has yet to be approved and constructed.

In 1992 when a comprehensive update to the Mira Mesa Community Plan was approved, the land use designation for the Casa Mira View property was identified as Medium-High Density Residential at 35-45 dwelling units per acre. This designation is consistent with the Development Agreement's allocation of 1,848 units for the subject property.

In December 2006, Pardee Homes sold the property to the applicant, Scripps Mesa Developers, LLC. The rights contained in the Development Agreement were subsequently assigned to Scripps Mesa Developers in a document recorded on December 11, 2007 as Document No. 2007-0765314.

A site survey performed by Dudek indicates the site has been completely disturbed and possesses no meaningful habitat value. Dudek conducted a general biological reconnaissance survey of the site on August 22, 2007. During the survey the entire site was covered on foot under favorable conditions. The site is not located within the City's Multiple Habitat Preservation Area.

The property has been previously subdivided. The first recorded map was Mira View Unit No. 1, Map No. 7988, recorded on July 30, 1974. The tentative map number was 71-227. The property was re-subdivided as Casa Mira View by the recording of Map No. 9257. This map was recorded on June 25, 1979. The tentative map number was 78-189. A lot line adjustment parcel map was then recorded over the property following the dedication of Westview Parkway. This

was Parcel Map No. 16194 and was recorded on August 21, 1990. No tentative map was required for this parcel map as it resulted from a public dedication for right-of-way.

The Federal Aviation Administration (FAA) has notified the City that the Airport Land Use Compatibility Plans for all Airports in the City do not include all areas that are subject to Federal notification requirements and structure height limits near airports. Due to the proximity of the project to MCAS Miramar, staff reviewed and calculated the lowest FAA Part 77 elevation as 600 feet AMSL, and the highest ground elevation as 525 feet AMSL. FAA notification is not required, as the structure proposed does not exceed 75 feet in height at this site.

DISCUSSION

Project Description

The proposed development would include 1,848 residential multi-family dwelling units within three five-story residential buildings with a combined area of 3,015,560 square feet (Attachment 5). Of the 1,848 dwelling units, 185 units would be affordable units through an agreement with the Housing Commission. Of these 185 units, 40 units would be located off-site at the Legacy project in Mira Mesa and the remainder would be on the project site. The project would also be LEED certified. The residential project would develop three residential buildings on approximately 41 acres. Pedestrian paseos have been incorporated throughout the project site to promote walking within the residential complex. The paseo begins at the northeast corner of the site at the northern recreation area and continues through the central portion of the site to the southern recreation area. This would allow pedestrian circulation within site and connect each of the buildings. The site is relatively flat, which creates a more walk-able project. The fire access road also promotes walking along the perimeter of the project. Buildings 1 and 2 would each provide 810 units; Building 3 would provide 228 units. The proposed 1,848 residential units would include a total of 718 one-bedroom units, 940 two-bedroom units, and 190 three-bedroom units. Each residential building would provide a mixture of floor plan types and sizes. Each of the three residential buildings would be located in a manner that surrounds the proposed five-story above grade parking structures. Each parking structure would provide the parking required for each respective residential building. The project would provide a total of 3,456 parking spaces dispersed in three parking structures.

The project requires several discretionary actions to implement the project. These include a vesting tentative map (VTM), a site development permit (SDP), a planned development permit (PDP), a rezone (RZ), and several easement vacations. With the application of the Planned Development Permit the applicant has requested four specific deviations from the regulations of the RM-3-8 Zone, all of which have been determined to provide a more desirable project than could be achieved through the strict observance of the RM-3-8 Zone development regulations. The deviations requested are to: increase the building height; reduce the floor area ratio for the parking structure; increase the noise wall height in the side yard setback; and construct carports on the parking structure deck in lieu of planting trees in containers. The development proposes to vacate several unnecessary public wastewater and water easements located on the site (Attachment 6). The project would construct new wastewater, water, and drainage improvements to support the development.

Architectural Design

The three residential buildings would be the dominant structures on the project site. The color scheme of the buildings consists of earthen tones. A lighter color scheme is used on the first floor soffit areas in contrast to the exterior finishes on the walls to brighten the walkway entrances. Each residential unit would consist of one, two, or three bedrooms and would contain a balcony and/or patio area, dependent upon which level the residential unit is located. Other building features include enhanced material, metal railings, vinyl windows, and stucco color.

A total of four architectural styles have been designed for the project: Modern Mediterranean, Modern Italian, Eclectic, and Spanish (Attachment 7). These architectural styles would provide an individual character for each building area. The Mediterranean style has a sloped roof with Spanish tile, and rectangular window and entrance openings. The Italian style has a sloped roof with green tile, and arched window and entrance openings. The Eclectic style has a flat roof, and rectangular window and entrance openings. The Spanish style has a sloped roof with Spanish tile, and arched window and entrance openings. All styles include balconies.

Each of the three residential buildings would completely surround the five-story above grade parking structure. The parking structures would provide the required parking for each respective residential building. The project would provide a total of 3,456 automobile parking spaces within the three parking structures. In addition, the parking structures would provide motorcycle and bicycle spaces for the residents. The parking structures would not be connected to each other. Vehicular access to parking structures 1 and 2 would be provided from the main entrance to the project site between residential buildings 1 and 2. Access to parking structure 3 would be provided via the proposed private driveway for residential building 3. The three parking structures would total 1,130,440 square feet. On the top deck of each parking structure, carports would be provided over the parking areas. The carports would be approximately eight feet high, and be constructed of a light-gauge corrugated metal. The carports would be color coated to blend architecturally with the parking structure. In addition to the three parking structures, the project would provide ground level surface parking spaces designated for mail, guests and loading purposes.

Proposed Deviations

Height:

The maximum building height proposed with this project deviates from the regulations at several isolated locations. The maximum height would be 64 feet 7 inches above the proposed finish grade where 50 feet is otherwise allowed. However, building height is measured from either the pre-existing grade or proposed finish grade whichever is lower. In this case the pre-existing grade is lower and the maximum proposed building height would be 80 feet in those limited isolated locations. While the elevation of the flat roofs is much closer to the 50 foot requirement, the increased height permits greater flexibility for the design of the roofline; allows for more articulation of the parapets and turrets above the roofline; and provides an opportunity to increase the amount of open space being provided by the project by reducing the buildings footprint and

conserving the ground plane for other uses. Increasing the height of the buildings would also allow for an increase in the overall setbacks of the proposed buildings to the adjacent property lines. While the entire project meets the required setback requirements, the increase in allowable building height enables the project to greatly exceed the setback requirements. This would result in greater opportunities for providing landscaped spaces and increasing the area of those spaces within the project and along the adjacent streets: Westview Parkway and Interstate 15. When the density for the site was established by the development agreement approximately twenty years ago, there was at that time no height limit for the previous zone. Height limits on the proposed site were not introduced into the Land Development Code (LDC) until 2000 when the LDC was adopted. If the buildings were reduced in height by even one entire floor, the same project, consisting of the same number of units and unit square footage, would consume an additional 201,110 square feet of the site or 4.62 acres. The reduction in height, usable open space and building setbacks to strictly comply with the LDC zoning development regulations is not supported by staff's analysis of the project and may be permitted if the necessary findings are supported. City staff has determined the necessary findings can be supported.

Parking Garage Floor Area Ratio:

The second deviation request is to develop less than 33% of the minimum required Floor Area Ratio (FAR) for the structured parking and to devote some of the saved FAR to living space. The efficiency of the architecture proposed by this project results in parking structures which occupies less than 33% of the total required minimum FAR. In addition, the structured parking will not be visible from outside the development. Granting the deviation to develop less than thirty-three percent of the minimum required FAR for the structured parking would result in a greater opportunity to provide usable open space within project. The project is proposing to develop 27.9% of the available FAR for structured parking. The FAR being utilized for all remaining buildings is 68.9% of the allowable FAR, where a maximum of 66.7% is otherwise allowed. However, overall, the project is only using 96.8% of its allowable FAR. Even though the proposed buildings would exceed their FAR allowance by approximately 2%, overall the project would develop less than the maximum FAR allowance, in part because the project proposes to provide more efficient parking structures. Staff has determined the requested deviation may be supported and would result in the imaginative and innovative planning of the project; to assure the development achieve the purpose and intent of the Mira Mesa Community Plan; and the deviation would be preferable to what would be achieved by strict conformance with the RM-3-8 Zone development regulations.

Noise Wall Height:

The third deviation request is to place an eight foot noise wall within the southerly side yard setback, where a maximum height of six feet is allowed. At this specific location on the site the setback area is very wide, measuring 59 feet in width. The proposed noise wall is necessary to protect the recreational uses that are allowed within this side yard setback area. The noise wall would not be visible from any public right-of-way or other public vantage point. To realize the positive benefits accrued to residents and visitors from outdoor recreation amenities provided on the site and in consideration of the fact that the proposed wall will not be visible from any public

vantage point, staff supports the proposed deviation to allow the proposed noise wall to exceed the maximum height of six feet.

Carports:

The fourth and last deviation request is to allow construction of carports for all parking spaces located on the top deck of each parking structure in lieu of complying with the tree distribution requirements by planting trees in containers placed on the decks. Carports would provide superior parking spaces to the fifth floor residents by providing covered parking. In this way all parking spaces available to all residents would be shaded and covered rather than only spaces assigned to residents parking on levels one through four. Trees installed in containers on the top deck of the parking structure would not reach the height or breadth which could provide a meaningful amount of shade. To achieve covered parking for all residents as a project benefit, staff supports the proposed deviation to allow carports in lieu of providing trees on the roof deck of the parking structures.

City staff have determined the necessary findings can be supported and recommend supporting the requested deviations to comply with the purpose and intent of the Planned Development Permit Regulations which state: "The purpose of these procedures is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations than would be allowed through a deviation process. The intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations." Furthermore, as proposed, the project is consistent with the land use designation contained in the Mira Mesa Community Plan and the approved Development Agreement for Westview/Casa Mira View.

Circulation

Access to the project site would be provided from three separate driveways along Westview Parkway (Attachment 8). Two of the three driveways would be provided for private access; the third driveway would be restricted to emergency vehicle access only. Within the project site, private vehicular access would be provided from the private driveways directly to the parking structures and other parking features associated with each building area. The three separate driveways are discussed in detail below.

The main point of access would be at a new signalized driveway at the northerly entrance to the site. This driveway would provide access to Buildings 1 and 2. This access point would be situated opposite a new, relocated driveway to the parking lot for Westview Park. The second access point would be provided by extending the intersection of Westview Parkway and Galvin Avenue easterly, as a private driveway. This driveway would be required when Building 3 is constructed. The existing traffic signal at this intersection would be modified to a full four-way signal concurrent with this extension. The emergency-only access point would be located just north of the main entrance along Westview Parkway. With the exception of the guest parking areas, located adjacent to the project entrances, the perimeter of the project site would be restricted to emergency vehicle, pedestrian, and bicycle access only. Pedestrian paseos have been

incorporated throughout the project site to promote walking within the residential complex. In addition, several mini-parks, seating areas, playing areas, tennis and basketball court areas, and pools are located throughout each building area.

Other circulation features proposed include a shuttle service to nearby commercial areas of the community. Shuttle service would encourage the use of mass transportation and provide an alternative means of transportation to nearby shopping facilities and other points of interest for residents of the project. The shuttle service would pick up and drop off residents at their respective residential building areas. Transportation Demand Management (TDM) is a general term for strategies that assists in reducing the use of single-occupant vehicles to increase the efficiency of existing transportation resources. The proposed project would include several TDM measures to improve the efficiency and safety of the transportation system and help reduce vehicle emissions that degrade air quality. The TDMs incorporated into the proposed project include: Transit shuttle services to regional activity centers; RideLink information bulletin boards in central locations, encouraging alternative transportation programs and/or public transit available to the area; provide bicycle storage facilities for the residents, and creation of a TDM association and/or coordinator. The TDM association or coordinator would ensure the latest bus schedules have been posted, provide information on carpooling and ridesharing, coordinate with Metropolitan Transit System to provide a bus stop adjacent to the project site, and send an annual Rideshare/transit newsletter to residents.

Recreation amenities

The proposed recreational features of the project would include the development of recreational club houses, recreational centers, swimming pools, cabanas, mini-parks, play areas, seating areas, outdoor living room areas, barbeque areas, courtyards, and pedestrian walkways or paseos dispersed throughout the three residential areas (Attachment 9). The proposed club houses would include a corner resident-serving only convenience store, lobby, leasing offices, staff offices, community room, conference room, theater, aerobics room, racquetball court and changing rooms. Outdoor recreation areas would include lap pools, tennis courts, basketball courts, and a bicycle lane along the perimeter of the site. The project would include five separate swimming pool areas, five play areas, ten mini-parks, and eight open play lawn areas. These areas are located across the total project area. In addition, there is a tennis court located at the northeast corner and a basketball court on the south end of the project.

Landscape Concept

The landscape plan would complement and enhance the proposed architecture while providing usable landscape spaces (Attachment 5). The streetscape along the front elevations of the building facing Westview Parkway would be an enhanced urban streetscape. The project would provide wide walkways and double the number of street trees in pairs. The landscape plan includes a combination of trees, shrubs, and ground cover designed to provide passive and active recreation for residents and support social interaction along active streetscapes, at pools, play areas, and mini-parks. The proposed plant palette includes shade tress such as Carolina Cherry (*Prunus caroliniana*), slope trees such as Coast Live Oak (*Quercus agrifolia*) and Coral Tree (*Erythrina caffra*). The streetscape design along Westview Parkway includes trees such as

London Plane Tree (*Plantanus acerifolia*), Coral Tree, vines such as Kangaroo Paws (*Anigozanthus flavidus*) and Hall's Honeysuckle (*Lonicera japonica 'halliana'*), and flowering shrubs such as Daylilies (*Hemerocallis 'Evergreen Orange'*). The proposed landscaping plan would exceed the requirements of the City-wide Landscape regulations. A pedestrian paseo plan has been incorporated into the project design to promote walking within the residential complex. The landscape plan identifies Queen Palms (*Arecastrum romanzoffianum or Cocos plumosa*) and Mexican Fan Palms (*Washingtonia robusta*) as the typical trees to be planted along the pedestrian paseos. Mini-parks would be constructed throughout each residential area, located mainly in between the residential units. The mini-parks would typically be landscaped with lawn, play areas and Queen Palms or swimming pools. Some courtyards would include sculptures and Coral Trees where appropriate. An emergency fire access road would occur along the perimeter of the property for necessary emergencies and may also be used by residents as a foot and bicycle trail. The emergency access road would have a meandering pattern of color and texture to encourage use as a walking, jogging and bicycle trail. The trees along the emergency access road include Date Palm (*Phoenix dactylifera*), Queen Palm (*Arecastrum romanzoffianum or Cocos plumosa*), Mexican Fan Palm (*Washingtonia robusta*), Carolina Cherry (*Prunus caroliniana*), Goldenrain (*Koelreuteria paniculata*), and Bradford Pear (*Pyrus calleryana*).

Grading

The site ranges in elevation from approximately 486 feet to 508 feet above mean sea level (AMSL). The relatively flat site was graded and filled by the previous owner of the property over an approximately twenty year period. The resulting site is currently a relatively flat pad with approximately 2:1 slopes along the western and northwestern property lines.

Additional grading would be required to accommodate the development. Approximately 334,000 cubic yards of material would be imported to level the site at approximately 500 to 511 feet AMSL. Based upon preliminary engineering estimates no export material is anticipated. Approximately 1,522 cubic yards of fill material is estimated to be created per day. Mass grading activities would be anticipated to commence within six months following approval of the project and last for the duration of one year. The location of necessary import material has not yet been determined.

Community Plan Analysis

The project site is designated Medium-High Density, 30-45 dwelling units per net acre, by the Mira Mesa Community Plan (Plan) (Attachment 1). This is the highest residential density range proposed in the Plan. Areas designated for medium-high density consist of relatively large parcels that offer wide latitude in site design and building type. Medium-high density development is proposed for sites with convenient access to freeways, major streets, public transit, commercial services and recreational uses. The proposed project complies with the requirements of medium-high density development as detailed below.

The project site is located between Interstate 15 to the east and Westview Parkway on the west. Westview Parkway is classified as a four-lane collector street by the community plan and has been improved to this classification. Transit opportunities for prospective residents of the project

include numerous local bus lines along Mira Mesa Boulevard connecting to the Sorrento Mesa employment area and regional bus lines along Interstate 15. Additionally, Caltrans' Managed Lanes Project and Sandag's Direct Access Ramp (DAR) project are anticipated for completion in 2012. These improvements would provide future residents of the project site and the surrounding area with direct access to carpool, bus rapid transit and Fast Trak express lanes along Interstate 15.

Directly south and southwest of the project site are community commercial and neighborhood commercial uses within walking distance of the proposed project. These commercial uses are easily accessible using the public sidewalks along Westview Parkway. Examples of the community commercial uses include, but are not limited to: general apparel and merchandise sales, movie theatres and furniture sales. Examples of the neighborhood commercial uses include: grocery stores, beauty parlors, restaurants, dry cleaners, financial services and service stations. Hage Neighborhood Park is located directly to the west of the site across Westview Parkway. Hage Neighborhood Park would provide recreational opportunities for the project residents in addition to the on-site recreational facilities the project would provide if approved.

The Plan does not provide substantial design recommendations for large residential developments in the community. As such, due to its size and location, staff worked closely with the applicant to ensure the recommendations of the Urban Design Element of both the 1979 Progress Guide and General Plan and the recently updated 2008 General Plan were incorporated into the design of the project.

The project design proposes four architectural themes and color palettes that alternate across each elevation to interrupt the perception of a large expanse of repetitive design or color. By varying the roof heights and creating off-setting building walls in the horizontal plane architectural interest of the project is enhanced and the pedestrian experience and neighborhood character would be improved. The project has also been designed to exceed the required useable open space. The proposed on-site open space would provide play areas, recreation and social activity areas. These open space areas have been designed to connect through a hierarchy of walkways. The walkways are designed to achieve openness, accessibility and encourage walking in and around the project site.

Environmental Analysis

An Environmental Impact Report (EIR) was prepared pursuant to the California Environmental Quality Act (CEQA). The environmental process studied the potential of the proposed project to create impacts to Land Use, Traffic and Circulation, Air Quality, Public Facilities and Services, Noise, Paleontological Resources, Biological Resources, Aesthetics, Neighborhood Character, and Visual Quality, Water Quality, Geologic Conditions, and Energy Conservation. The EIR determined the proposed project would have the potential to create significant impacts in the following areas: Traffic/Circulation, Air Quality, Public Facilities and Services, Noise, Paleontological Resources and Biological Resources. These potential impacts would be reduced to a level of insignificance by the adoption of the proposed Mitigation Monitoring and Reporting Program (MMRP) as a condition of approval. Several environmental topics were not found to be significant, including: Land Use, Aesthetics/Neighborhood Character/Visual Quality, Water

Quality, Energy Conservation, Geological Conditions, Agricultural Resources/Natural Resources/Mineral Resources, Historical Resources, Water Conservation, and Human Health/Public Safety/Hazardous Materials. Implementation of the MMRP would reduce the environmental effects of the project to below a level of significance with the exception of significant, unmitigated impacts related to traffic and circulation, air quality, public services and noise.

According to the Multiple Species Conservation Program disturbed land is considered a Tier IV habitat type for which mitigation is not required. No special status plant species are present or expected on the site. No jurisdictional waters are present on the site. The site is not part of a habitat or wildlife corridor. Thus no impacts would accrue to these resource types should development of the site proceed. Some bird species may be present or potentially present on the site, yet were not observed. These birds may nest within the line of trees along the eastern fence line. These species may include raptors and a variety of songbirds. One special status bird specie, California horned lark, has the potential to nest on the site, yet since the site is nearly barren the bird is not expected. Without adequate vegetative cover the bird is not expected to nest on the site. Grading of the site during the California horned lark breeding season, typically March 15 to August 15, could potentially impact the specie if it is in fact present. The potential for impacts to raptors and migratory birds also exists and would require a similar survey prior to removal of any trees. As a precaution a nesting bird survey would be required prior to 72 hours of any vegetation clearing. If nesting birds are found as a result of either survey, the complete avoidance of any disturbance until juvenile birds have fledged is a requirement of the proposed Mitigation Monitoring and Reporting Program.

Due to the lack of biological resources on the site, implementation of the proposed project would not contribute to a cumulative loss of biological resources within the City. The site is not located within the City's Multiple Habitat Preservation Area. Development of the site would not result in significant impacts to biological resources if mitigation contained in the Mitigation Monitoring and Reporting Program is adopted as proposed.

Comment letters received during the Notice of Preparation public scoping period for outlining the scope of the EIR expressed concern about impacts to transportation/circulation and aesthetics/neighborhood character/visual quality. These concerns have been identified as areas of known controversy and are analyzed in the EIR. The conclusion of the EIR is that the proposed project would create significant environmental impacts which would be mitigated and some which would not. To approve the proposed project requires the adoption of Findings and Statement of Overriding Considerations and adoption of the Mitigation Monitoring and Reporting Program.

CONCLUSION

Staff has reviewed the request for a Rezone, Easement vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide the site 41.31 acre for condominiums and develop 1,848 multi-family dwelling units. All issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. An Environmental Impact Report has been prepared

for the project, Findings and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program would also be required. Staff has provided draft findings to support approval of the easement vacation, subdivision map and development permits (Attachment 11 and 12) and draft conditions of approval (Attachment 11 and 13). Staff recommends the Planning Commission recommend to the City Council approval of the project as proposed.

ALTERNATIVES

1. **Approve** Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373, **with modifications.**

2. **Deny** Rezone No. 481935, Easement Vacation No. 368513, Vesting Tentative Map No. 481936, Planned Development Permit No. 294375 and Site Development Permit No. 294373, **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

BROUGHTON/JSF

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Vicinity Map
4. Development Agreement Document No.2007-0765314 (available under separate cover)
5. Project Landscape Plan
6. Vesting Tentative Map
7. Architectural Elevations
8. Site Plan
9. Examples of project recreation amenities
10. Project Plans (available under separate cover)
11. Draft Map Conditions and Subdivision Resolution
12. Draft Resolution with Findings
13. Draft Permit with Conditions
14. Draft Rezone Ordinance
15. Rezone Drawing, B-4269

16. Community Planning Group Recommendation
17. Ownership Disclosure Statement
18. Project Chronology
19. Project Data Sheet
20. San Diego Housing Commission letter, dated August 19, 2008