

**DATE ISSUED:** August 5, 2004

**REPORT NO.** PC-04-137

**ATTENTION:** Planning Commission, Agenda of August 12, 2004

**SUBJECT:** BANKER'S HILL TOWNHOMES – PROJECT NO. 5606.  
PROCESS 5.

**REFERENCE:** Planning Commission Resolution No. 3237-PC Initiating an Amendment to the Uptown Community Plan and the Progress Guide and General Plan (Attachment 18) and; Planning Report No PC-04-044, dated April 1, 2004.

**OWNER:** AVALON PROPERTY DEVELOPMENT, INC.

**APPLICANT:** CHARLES LEPLA

### **SUMMARY**

**Issue(s)** - Should the Planning Commission amend their April 8, 2004, recommendation that the City Council approve a General/Community Plan Amendment, Rezone, Site Development Permit and Tentative Map that would increase the recommended residential density and allow the development of 19 condominium units at 2561 First Avenue within the Uptown Community Planning Area, after the Regional Airport Authority determined that the proposed project is “Not Consistent” with the San Diego International Airport Comprehensive Land Use Plan (SDIA CLUP) and the Airport Approach Overlay Zone (AAOZ) Land Development Code Section 132.0201?

### **Staff Recommendations:**

1. Recommend that the City Council **CERTIFY** Mitigated Negative Declaration LDR No.5606 and Adopt the Mitigation, Monitoring and Reporting Program; and
2. Recommend that the City Council **APPROVE** General/Community Plan Amendment No. 10141; and
3. Recommend that the City Council **APPROVE** Rezone No. 10142; and
4. Recommend that the City Council **APPROVE** Site Development Permit No. 10143; and
5. Recommend that the City Council **APPROVE** Tentative Map No. 10144.

**Community Planning Group Recommendation** - On May 6, 2003 the Uptown Planners voted 9-8-0 recommending support for the general/community plan amendment to increase the residential density from office and medium density to office and medium-high density allowing

for a maximum of 20 dwelling units. Support of the amendment is based upon the project's overall design, scale, and proposed materials as presented by the applicant.

At the June 3, 2003 meeting the Uptown Planners voted 10-4-0 recommending support of the Site Development Permit and General/Community Plan Amendment to build 19 units on an approximately 0.46 acre site at First Avenue and Maple Street (Attachment 3).

**Other Recommendations** – On July 8, 2004, the Airport Land Use Commission (ALUC) of the San Diego County Regional Airport Authority, voted 6-1-0 (2 absent) approving a motion to find the project “Not Consistent” with the San Diego International Airport at Lindbergh Field Comprehensive Land Use Plan (CLUP). The ALUC determination was based on the height of the proposed structure that would penetrate the 50-foot airport approach buffer established by the Airport Approach Overlay Zone. The ALUC determination is discussed in greater detail below.

**Environmental Review** – The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect on **historical resources (archeological) and paleontological resources**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified and the preparation of an Environmental Impact Report will not be required.

**Fiscal Impact** – All of the costs associated with processing this application are paid for by the applicant.

**Code Enforcement Impact** – None.

**Housing Impact Statement** - A general/community plan amendment has been requested to redesignate the subject 0.46-acre site to office and medium high residential at 29-44 dwelling units per acre. This redesignation would allow for the construction of up to 20 residential dwelling units. Under the existing density designation, the site could accommodate between 7 and 13 units. Currently, the site contains a mixture of 11 one and two-bedroom apartments and two office units. The project proposes the development of 19 for-sale residential units and would provide 8 additional housing units. Prior to the issuance of any residential building permits for this project, the developer shall comply with the City of San Diego’s Inclusionary Housing Ordinance (see Community Plan Analysis section below).

## **BACKGROUND**

The 0.46-acre project site is located at 2561 First Avenue between Laurel Street and Maple Street within the Uptown Community Planning Area. The property is currently designated for office and medium density residential development. The site is in the NP-3 Zone of the Mid-City Communities Planned District and included in the Airport Approach Overlay Zone. The property was developed in the early part of the 20th Century from 1904 through 1939 with four residential structures including a single-family home that has been converted to office use, a

single-story unit and two, two-story multi-family buildings for a total of 11 existing dwelling units. The neighborhood surrounding the project site is characterized by a variety of land uses including professional and medical office uses, senior housing facilities and multi-family development. Two historically designated Victorian structures are located within close proximity of the project site including the Long-Waterman House and the Timkin House. Additionally, the surrounding Uptown community in general includes several new office and residential projects that have recently been completed or are currently under construction.

On February 21, 2002, the Planning Commission initiated a General/Community Plan Amendment to redesignate the project site from Office and Residential use at 15 to 29 dwelling units per acre. The proposed increase in residential density to medium-high at 29 to 44 dwelling units per acre and would allow for a maximum of 20 dwelling units to be built on the site, whereas the current medium density designation would allow for 13 units. A comprehensive community plan analysis including the issues identified during the initiation process is provided further in this report.

On April 8, 2004, the Planning Commission considered the project at a publicly noticed hearing, and after hearing the staff presentation and public testimony, the Commission voted 7-0-0 approving a motion to recommend that the City Council approve the project.

However, while preparing the project for a City Council hearing, the City Attorney's Office determined that the project should have appropriately been reviewed by the San Diego Regional Airport Authority and should have received a determination regarding the project's consistency with the San Diego International Airport (SDIA) Comprehensive Land Use Plan (CLUP) from the Airport Land Use Commission (ALUC).

On July 8, 2004, the ALUC determined that the project was "Not Consistent" with the SDIA CLUP based on the height of the structure. On July 20, 2004, the Federal Aviation Administration conducted an Aeronautical Study and made a determination of "No Hazard to Air Navigation" (Attachment 18). The Aeronautical Study revealed that while the structure does exceed the obstruction standards, the 60-foot structure would not be a hazard to air navigation. The FAA further determined that no lighting or marking would be required.

Based on the ALUC determination that the height of the structure is not consistent with the SDIA CLUP, approval of the proposed project shall require a two-thirds override vote by the City Council.

## **DISCUSSION:**

### **Project Description**

This application is requesting a General and Community Plan Amendment, Rezone, Site Development Permit and Tentative Map in order to demolish the existing structures and develop the 20,100 square-foot project site with a five-story, 19-unit residential project above 42 subterranean parking spaces. The General/Community Plan Amendment is required to designate the site with a higher residential density than currently prescribed in the Uptown Community

Plan. The Rezone is required to modify the underlying zone from NP-3 to NP-1 which is tailored more towards high intensity office and residential uses. The Site Development Permit is required because the project is requesting deviations from the applicable development regulations of the NP-1 Zone. The Tentative Map is required to develop the project as condominium units. The project is within the Airport Approach Overlay Zone and subject to the supplemental development regulations of the Land Development Code (Section 132.0205). There is no additional discretionary permit requirement for projects requesting an encroachment into the 50-foot airport approach path buffer however; supplemental findings for a two-thirds override vote are required to be affirmed by the decision maker in order to approve a project that has been determined to be inconsistent with the San Diego International Airport Comprehensive Land Use Plan.

### Project Design

The project proposes a traditional “Brownstone” concept with walk up town homes. The design features a contemporary architectural style that includes a large number of off-setting planes, facade articulation, a varied roof line and a variety of exterior finish materials to create a pedestrian friendly and visually interesting structure. The building design incorporates many of the architectural elements of new development within the area as well as elements found in the older structures within the surrounding community. Architectural elements of the design include a traditional stone base at the street level with deep recessed openings articulated in stone detailing. The upper levels are contrasted with contemporary forms finished in stone or tile and two story atriums constructed of steel and glass. Notable project features include stoops at the street level leading up to arched entry elements, small private yards, large windows and balconies overlooking the street. The size of the proposed units would include a combination of one, two and three-bedroom units. The project provides 42 new off-street parking spaces within a subterranean garage that is accessed from First Avenue.

### Airport Approach Overlay Zone

The project is requesting an encroachment into the 50-foot airport approach path buffer of the Airport Approach Overlay Zone (AAOZ). The purpose of the AAOZ is in part, to help ensure that the provisions of the Federal Aviation Act of 1958, as implemented through the Federal Aviation Administration (FAA) obstruction evaluation programs are satisfied; that the Regional Airport Authority, as the proprietor of the airport operation, participate in the evaluation; and that minimum vertical buffers are provided between FAA established flight paths and structures identified within the AAOZ.

Due to a staff error, notice of the proposed project, including the Community Plan and the Rezone action to increase the residential density on the site, was not forwarded to, nor reviewed by the San Diego Regional Airport Authority until after the City of San Diego Planning Commission acted on the application on April 8, 2004. Since the Planning Commission hearing, the Airport Authority has reviewed the project and on July 8, 2004, the Airport Land Use Commission (ALUC) determined that the project was “Not Consistent” with the San Diego International Airport Comprehensive Land Use Plan. The determination was based on the height

of the structure which at 60-feet, complies with the underlying NP-1 Zone, but would encroach as much as 22-feet into the 50-foot flight path buffer established by the AAOZ. The 50-foot buffer is below (and measured from) the airport approach staff established by the Federal Aviation Administration (FAA). On July 20, 2004, the FAA conducted an Aeronautical Study and made a determination of “No Hazard to Air Navigation” (Attachment 18). The Aeronautical Study revealed that while the structure does exceed the obstruction standards, the 60-foot structure would not be a hazard to air navigation. The FAA further determined that no lighting or marking would be required. Based on the FAA determination of no hazard to air navigation, the permitted 60-foot height limit established by the underlying NP-1 Zone and the overall quality of the project, the Development Services Department supports the encroachment into the AAOZ buffer.

### Deviations to the NP-1 Zone

The project is also requesting minor deviations to the underlying zone development regulations in order to maximize the development potential of the site while providing a superior quality design. The deviations include an encroachment of three feet into the required street and rear yards that allow for the provision of additional off-setting planes. The project is also requesting an encroachment into the interior yard to allow a pedestrian entry gate element to be located on the property line. Development Services staff have reviewed the requested deviations and determined that the proposed design is consistent with the purpose and intent of the Mid-City Communities Planned District Ordinance in that the project provides a quality multi-family development that relates in scale and design to the surrounding neighborhood and provides an attractive street environment. The deviations contribute to the overall design and visual interest of the project and would not have a negative affect on adjoining properties.

### Community Plan Analysis

The Uptown Community Plan currently designates the site for office and medium density residential development at 15-29 dwelling units per acre. The Office/Residential designation is intended to promote office, residential or mixed-use development. This designation is generally applied adjacent to commercial areas as well as on or near major streets. The subject site is located on First Avenue, which is identified as a major three-lane collector and transit corridor in the Transportation Element of the Community Plan. Under the existing office and medium density residential designation, the site could be developed with up to 13 residential dwelling units.

The applicant originally requested a plan amendment to redesignate the site from office and medium density residential at 15-29 dwelling units per acre (Density Range “3”) to office and high density residential at 44-73 dwelling units per acre (Density Range “5”). The redesignation would have allowed for up to 34 residential dwelling units to be constructed on the project site. However, after a series of design considerations along with numerous discussions with the recognized community planning group, Uptown Planners, the applicant revised the request to redesignate the site to medium-high density at 29-44 dwelling units per acre (Density Range “4”). The proposed redesignation would allow for the construction of up to 20 residential

dwelling units.

Other community plan amendments in process in the Park West neighborhood include a request to redesignate the southern portion of the block between Second and Third Avenues and Maple and Laurel Streets from 29-44 dwelling units to 44-73 dwelling units per acre to accommodate a 118-unit residential project. The site currently allows up to 70 residential dwelling units.

The following issues were identified by staff and Planning Commission on February 21, 2002 for evaluation and analysis as part of the general/community plan amendment process:

- **Implementing the goals and objectives of the Progress Guide and General Plan's Strategic Framework Element and the Transit-Oriented Development Design guidelines.**

The project implements the goals and objectives embodied in the Strategic Framework Element which places an emphasis on new residential development that contributes to increased walkability and the provision of housing opportunities in close proximity to local employment centers as well as along transit corridors. The project, proposing 19 condominiums, would be located within close proximity to the Downtown San Diego and Hillcrest business districts. In addition, the site is located on First Avenue, which is identified as a major three-lane collector street and transit corridor in the Transportation Element of the Uptown Community Plan. The site is within walking distance to Balboa Park and two neighborhood commercial centers along First Avenue and Sixth Avenue.

The project is an ideal model for transit-oriented development (TOD) due to the site's close proximity to numerous transit corridors in the Park West neighborhood. Bus lines 1, 3, 11, 25 and 990 are within walking distance of the proposed development and opportunities for resident ridership are high due to the number and frequency of bus trips. The applicant has also indicated that they would collaborate with MTDB and Ridelink to integrate a commuter benefits package into the proposal in order to promote alternative modes of transportation and to facilitate job access opportunities.

- **The project's ability to meet the affordable housing goals of the Housing Element.**

The proposed community plan amendment would allow for 20 dwelling units to be built where only 13 dwelling units could be developed under the existing designation. Due to the proposed increase in density, the Planning Department requested that the project incorporate an affordable housing component.

Long Range Planning staff met with the applicant on numerous occasions beginning in 2002 to discuss the inclusion of an affordable component into the proposed project. As part of the ongoing dialogue, staff directed the applicant to contact the Development Services Department Affordable Housing program. Based on staff's direction, the applicant reviewed the City's housing policies, in particular the inclusionary housing ordinance. After analyzing the economics of a potential inclusionary project, and

considering the small scale of the project, the applicant has determined that it will not be possible to provide inclusionary units in the project.

The Uptown Planners inquired and discussed housing policy as applied to the project, and certain members did express a preference that the project pay the in-lieu fees. The Uptown Planners recommended approval of the project, but required that the land maintain a maximum density of 20 units. Higher density would be required to sustain inclusionary housing within the project--density which the Uptown Planners do not support.

The applicant would be required to pay the affordable housing in-lieu fee for the proposed project. Although the project would not directly provide affordable units, it would fund the production, preservation, or rehabilitation of affordable units elsewhere within the City. In doing so, the project would implement policies of the Housing Element.

- **Comparison of current zoning and land use density designations with proposed land use density ranges found in the Uptown Community Plan as well as the appropriate density range for the site.**

Initially, the applicant requested that staff analyze the redesignation from 15-29 dwelling units per acre to 44-73 dwelling units per acre. However, after considering the projects overall design and discussing the proposal with the Uptown Planners, the applicant has revised the amendment request to increase the residential density from 15-29 dwelling units per acre to 29-44 dwelling units per acre. This change would accommodate 20 dwelling units rather than the original proposal that would have allowed up to 34 dwelling units to be constructed. In conjunction with the plan amendment, the site would be rezoned from NP-3 to NP-1.

Properties directly to the west, north and south of the project site are designated for 15-29 dwelling units per acre and are zoned NP-3. Properties located on the north-east corner of the site are currently designated for 44-73 dwelling units per acre and are zoned MR-800(B). Properties located west of the alley along First Avenue are designated for 29-44 dwelling units per acre and are zoned MR-1000. In addition, properties along the Sixth Avenue corridor and the 4<sup>th</sup> Avenue and Laurel Street commercial area are designated for 73-110 dwelling units per acre and are zoned CN-1.

Based on information provided by SANDAG, as of January 1, 2003, there are 21,789 residential dwelling units within the Uptown Community Planning area. Of the total 484,409 City-wide residential units, Uptown constitutes 4% of the total number of residential units City-wide. Single-family dwelling units constitute 7,170 units and multi-family units comprise 14,599 units, or 33% and 67%, respectively. Occupied housing units include 20,920 units with a 4% vacancy rate for the Uptown area. This is the same vacancy rate as the City overall.

According to the Plan, the planning area has a total of 1,785 net developable acres. Land designated for residential development constitutes 1,013 acres or 57% of the total area. Commercially-designated land which includes mixed-use development comprises 239 acres, or 13% developable acreage. The residual 533 acres is designated for Institutional (53 acres) and Community uses (480 acres) such as parks, open space and schools. The redesignation of this site to Office with medium to high density residential would not change the net developable acres found in the plan. However, it would increase the number of units allowed under the Plan by seven.

The project would fulfill a goal of the Land Use element of the Plan by concentrating medium to high-density residential development adjacent to commercial corridors and near transit and higher volume traffic corridors. Staff believes that the redesignation of the subject site to 29-44 dwelling units per acre would not conflict with this varied mixture of residential density designations and zoning and would therefore be appropriate for this site. Further, 8 additional residential units would assist in relieving the demand for housing within the Park West Community of Uptown.

- **The adequacy of parks and other public facilities to service additional residential development within the community.**

Community facilities and services addressed in the Uptown Community Plan include schools, libraries, fire stations, police, water and sewer services as well as parks and open space. The following is an analysis of each facility/service:

- **Fire** - According to the Plan, existing fire protection facilities and programs adequately service the needs of the Uptown population. There are presently three fire stations serving Uptown. Station #3 is in closest proximity to the project site at State Street and Kalmia Street and is a standard 4-person unit. A proposal to expand the existing Fire Station #5, located at 3902 Ninth Avenue, is currently in process. Station #5 houses a battalion chief and one crew. A size increase from 8,100 to 10,200 square feet will allow for the eventual need to place an additional crew of four persons to staff the truck company. When fully staffed, this station will be the first line of support to Mission Valley and the downtown area.
- **Sewer/Water** - The City is presently undertaking an extensive water and sewer replacement program that includes the area surrounding the proposed project site. The replacement of outdated sewer and water lines will assist in providing better service to both current and future residents. Sewer Main Replacement Group 2001 ( 680 & 681) calls for the replacement and construction of more than 32,000 linear feet of existing six-inch (6") and twelve-inch (12") concrete and vitrified clay sewer mains. In some areas, the newly installed mains will be larger and more capable of handling a higher volume of wastewater. In addition, pedestrian ramps will be constructed or reconstructed. Streets within the project area will be resurfaced and/or slurry sealed.



- **Police** - The Uptown Community is served by two police substations including the Central Area Substation and the Western Area Substation. According to the Police Department, staff is available to service the proposed project without impacting current response times.
- **Library** - There are presently two libraries in the Uptown Community: the Mission Hills and University Heights libraries. The Central Library in Centre City also serves the Park West community. General Plan standards recommend one branch library for every 18,000 to 30,000 residents. According to the Sandag population estimates, Uptown currently has 36,520 residents. Therefore, library facilities are in place for the proposed project's number of residential units. In addition, the development of the new Central Library in Downtown San Diego will provide extensive new services for residents in the Park West community. Recently, the City acquired a property at southwest corner of Albatross Street and Washington Street to house a new 25,000 square foot library that will service the needs of the community.
- **Schools** - The proposed project would be served by Florence Elementary School located on 3914 First Avenue. According to San Diego Unified School District staff, the current 2002 student enrollment as of May, 2003 is 283 students. The preliminary school forecast for September 2003 indicates a decline in student enrollment to 272, a difference of 11 potential students. School facilities management staff further indicated that the school could accommodate up to 274 students. Based on the number of proposed units, staff believes that there may be an impact to the existing school facilities that would service the proposed project.
- **Parks and Open Space**- The Uptown community is bordered by two Regional/Resource based parks, Balboa Park and Presidio Park. Although intended for City-wide use, these parks provide recreational facilities for the residents of Uptown. Balboa Park is located five blocks to the east of the project site. Maple Canyon, which provides additional recreational opportunities, is also located in close proximity to the proposed development.  
According to Park and Recreation Department staff, residential development proposed by this development would generate the need for additional public parks within the community. City staff uses population-based park standards as established in the Recreation Element of the Progress Guide and General Plan to determine specific park requirements. City staff currently assumes that each residential unit will generate a total of 2.5 residents per unit.

Based on staff's calculations, the project should provide a total of .05 (2,178 square feet) usable park acres on site or within one-quarter mile radius of the proposed project, or pay in lieu fees to mitigate the impact. Fees for satisfying the park requirements per the General Plan standards for this development shall be collected at the time the building permit is issued in accordance with established ordinances or resolutions pertaining to development impact fees (DIF) or park fees, as applicable.

- **Impacts on the community circulation system to determine if any circulation improvements would be necessary to serve an increase in residential density.**

A single driveway along First Avenue is being proposed as part of the project. The proposal to construct a single driveway would reduce the number of curb cuts from three to one. Originally, the applicant sought to locate the garage entrance along Maple Street. However, due to differences in grade, the garage entrance could only be located along the southernmost portion of the First Avenue frontage. The reduction to one curb cut would significantly enhance the pedestrian environment and would provide additional on-street parking opportunities. As part of this project, the Fire Department has requested that the entire length of Maple Street be red-curbed, thus reducing the amount of parking along this section of the project area.

According to the Environmental Initial Study, the proposal to construct 19 dwelling units where 13 are currently allowed would not result in a substantial increase in the number of automobile trips in the vicinity. Currently, the level of service (LOS) along this section of First Avenue is a C. According to Transportation staff, the project would not result in an unacceptable LOS at the intersection of First Avenue and Maple Street. The anticipated trip generation for the facility is 132 daily trips with 11:00 A.M. and 12:00 P.M. peak hour trips. Further, transportation staff has determined that a traffic study is not required for the proposed project. Based on this information, staff believes that the project, as proposed, does not adversely affect the existing community circulation system.

- **Cumulative impacts of increased densities and higher floor area ratios on the existing historical, architectural and neighborhood character of the Uptown community.**

The project proposes the development of a five-story, 19-unit residential condominium building over a parking garage located at the corner of First Avenue and Maple Street. The proposed building is comprised of one- and two-bedroom, single and two-story dwelling units. The maximum height of the building would be 60 feet over a subterranean parking garage. The proposed structure falls within the maximum 60-foot height limit allowed by the Land Development Code. The project also falls within the floor area ratio allowed under the existing zone. Based on the 20,100 square foot site, the allowable floor area would be 45,150 square feet. The project is proposing a maximum of 40,388 square feet. The project also exceeds the front-yard area requirement and articulation requirements set forth by the Mid-City Planned District Ordinance.

The structure, as proposed, could be constructed as an office building that could include up to 13 residential units and would not require a community plan amendment. However, the applicant has proposed 19 residential units that would incorporate home offices rather than separate space designated for office uses. Due to the critical need to supply additional housing opportunities, staff supports the request to construct 19 residential

units.

The urban design guidelines of the Uptown Community Plan recommend that new construction and improvements to existing structures should be compatible with existing architectural detail, color texture and overall appearance of the quality development in the surrounding neighborhood. Surrounding development to the north and east of the block consists of a mixture single- and multi-family residential units, offices and a 14-story high-rise condominium project. Development to the south and west of the block consists of a two and three-story commercial and office buildings.

The project proposes to utilize common historic architectural elements found in the homes and buildings in the surrounding neighborhood. Exterior materials would consist of a traditional stone base at the first level with deep recessed openings articulated in the stone detailing. The upper levels would be contrasted with contemporary forms finished in stone or tile and incorporate two story atriums that would be constructed of steel and glass. All of the upper floors would include large private decks and terraces. The project would incorporate the historic triple-scored sidewalk pattern found throughout the neighborhood and would be providing streets trees that add to the established neighborhood street tree theme.

As currently designed, the arrangement of the building mass and scale provides light and ventilation within the dwelling units and offer various levels of social interaction between the residences. These levels of interaction are articulated through the use of landscape and hardscape, introducing a conscious procession of space from the public realm of the pedestrian streets through public and private front and rear yards to the private realm of the individual units. The ground floor units each have private front yards with a front porch, providing an open space connection to the community.

Based on the proposed bulk and scale of the structure as well as the design elements and materials, staff believes that the project, as proposed, implements the goals and recommendations found in the Urban Design Element of the Uptown Community Plan through its use of porches and decks, façade articulation, materials, landscaping as well as the single entry for the garage.

### Environmental Analysis

The Environmental Initial Study (EIS) identified potential significant impacts to Cultural Resources including historical (archeological) resources and paleontological resources on the project site. This determination was based on the amount (5,000 cubic yards) of soil proposed to be exported from the site during the grading activity for the subterranean parking garage. A Mitigation, Monitoring and Reporting Program (MMRP) was established as part of the Mitigated Negative Declaration that mitigates potential impacts to the cultural resources to below a level of significance. The MMRP includes specific monitoring requirements including preconstruction meetings, full-time on-site monitoring by a qualified Archaeologist and Paleontologist and

discovery and curation protocols. Additional environmental issues considered during the project review that were determined to not be significant included Geology, Water Quality, Architectural Resources, Noise, Visual Quality and Transportation/Circulation.

### Substantial Conformance Review

Staff and Community support for the proposed project is based primarily on the architectural design and the quality of the exterior finish materials. Deviations requested by the applicant are minor and enhance the overall visual quality of the structure and pedestrian experience at the street level. Any future consideration to modify the design should not reduce the number of off-setting planes and articulation or dilute the quality and diversity of exterior finish materials. Consideration may be given in the future to include live/work office space within the individual units in a manner consistent with the Uptown Community Plan and the underlying NP Zoning.

### CONCLUSION:

The proposed project has been reviewed by the City of San Diego Development Services Department and Planning Department staff and has been determined to be compatible with the applicable land use policies and in compliance with the development regulations of the Land Development Code. The staff error that precluded the review and determination by the San Diego Regional Airport Authority has been rectified and the appropriate review process has been implemented. While the Airport Land Use Commission determined that the proposed project is not consistent with the San Diego International Airport Comprehensive Land Use Plan based on the encroachment into the flight path buffer, the Federal Aviation Administration concluded that the structure would not constitute a hazard to air navigation. The proposed General/Community Plan Amendment has been analyzed pursuant to the issues identified by the Planning Commission during the initiation phase of the project. The staff analysis has concluded that the proposed amendment implements the policies and recommendations embodied in the General Plan and Progress Guide and the Uptown Community Plan. Further, staff has determined that the proposed Rezone to replace the NP-3 Zone designation with the NP-1 Zone designation would be compatible with the existing neighborhood and consistent with the future development pattern prescribed in the Uptown Community Plan.

Staff also reviewed the proposed Site Development Permit including the requested deviations to encroach into the required yard setbacks and determined that the deviations were minor in scope and enhanced the overall appearance of the project design. Lastly, staff reviewed the proposed Tentative Map that would allow the residential units to be sold individually as condominiums and determined that the project would comply with the State Map Act and the Subdivision regulations of the Land Development Code.

A Mitigated Negative Declaration has been prepared for the proposed project including specific mitigation to protect cultural resources during the grading process. The proposed project has been reviewed by the Uptown Planners which has recommended that the project be approved. Therefore, the staff recommends that the Planning Commission forward this application for a

General/Community Plan Amendment, Rezone, Site Development Permit and Tentative Map to the City Council with a recommendation to approve the project.

**ALTERNATIVES:**

1. Recommend that the City Council **Approve** General Plan/Uptown Community Plan Amendment No. 10141; Rezone No. 10142; Site Development Permit No. 10143; and Tentative Map No. 10144 **with modifications**; or
2. Recommend that the City Council **Deny** General Plan/Uptown Community Plan Amendment No. 10141; Rezone No. 10142; Site Development Permit No. 10143; and Tentative Map No. 10144, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

---

**Marcela Escobar-Eck**  
Deputy Director, Project Management Division  
Development Services Department

---

**Patrick Hooper**  
Development Project Manager  
Development Services Department

---

**Betsy McCullough**  
Deputy Director  
Planning Department

**ESCOBAR-ECK/JPH**

**Attachments:**

1. Aerial Site Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan

6. Tentative Map Exhibit
7. Building Elevations
8. Draft Tentative Map Resolution with Conditions
9. Draft Permit with Conditions
10. Draft Permit Resolution with Findings
11. Draft Community Plan Graphics
12. Draft Ordinances
13. Rezone - B Sheet
14. Initiation Resolution No. 3237-PC
15. Community Planning Group Recommendation
16. Ownership Disclosure Statement
17. Project Chronology
18. Aeronautical Study - Determination of "No Hazard"

3/08/04wct