

DATE ISSUED: September 9, 2005 **REPORT NO. PC-05-251**

ATTENTION: **Planning Commission, Agenda of September 15, 2005**

SUBJECT: PARKVIEW AERO COURT - PROJECT NO. 44985. COMMUNITY PLAN AND GENERAL PLAN AND PROGRESS GUIDE AMENDMENT, REZONE, VESTING TENTATIVE MAP, SITE DEVELOPMENT PERMIT AND PLANNED DEVELOPMENT PERMIT. PROCESS 5

**OWNER/
APPLICANT:** Fairfield Kearny Mesa L.P. (Attachment 17)
Latitude 33

SUMMARY

Issue(s): Should the Planning Commission approve a Community Plan and General Plan and Progress Guide Amendment, Site Development Permit, and Planned Development Permit to increase the maximum height limit, Vesting Tentative Map and Rezone from IP-2-1 to CO-1-2, to demolish four industrial/business park buildings and construct 288 residential condominium units with twenty-nine (29) affordable units and 20,000 square feet of office space on a 6.11 acre site at 3540 Aero Court within the Kearny Mesa Community Plan area?

Staff Recommendation:

1. Recommend that the City Council **Certify** Mitigated Negative Declaration No. 44985;
2. Recommend that the City Council **Approve** amendments to the Progress Guide and General Plan, and the Kearny Mesa Community Plan, No. 131777;
4. Recommend that the City Council **Approve** Rezone No. 131776;
5. Recommend that the City Council **Approve** Site Development Permit No. 127010 and Planned Development Permit No. 131774;

6. Recommend that the City Council **Approve** Vesting Tentative Map No. 187564.

Community Planning Group Recommendation: The Kearny Mesa Planning Group voted 11-0-0 to approve the project with no conditions on June 15, 2005(Attachment 16).

Other Recommendations: The Serra Mesa Planning Group voted 7-3-0 to recommend approval of the project with conditions as included in the discussion portion of this report on July 21, 2005(Attachment 16).

Environmental Review: Mitigated Negative Declaration No. 44985 has been prepared for this project in accordance with the California Environmental Quality Act and a Mitigation, Monitoring and Reporting Program would be implemented with this project to reduce potential impacts to Biological Resources, Human Health/Public Safety/Hazardous Materials, Paleontological Resources, Transportation/Circulation, and Noise to levels below significance.

Fiscal Impact Statement: None with this action. The costs associated with the processing of this project are covered by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The project will add 288 residential units to an employment area in need of housing. The 20,000 square feet of office to be provided on site provides the opportunity for a live-work environment. The project will be mapped as condominiums. The applicant has agreed to provide the minimum required 29 affordable units (10 percent) onsite.

Park Impact Statement:

The City Progress Guide and General Plan guidelines recommend a minimum 10.0 acre neighborhood park for every 3,500-5,000 residents located within ½ mile service radius and a minimum 20 acre community park and a recreation center for every 18,000-25,000 residents located within 1½ mile service radius. This results in a range of 2.8 to 3.9 useable acres per 1,000 residents. For every 50,000 residents, a community swimming pool complex is recommended within 1½ to 2 miles service radius.

Based on the City Progress Guide and General Plan guidelines and San Diego Association of Governments (SANDAG), population projections for the Kearny Mesa Community Planning Area, the proposed project will generate approximately 654 residents which would require an additional 1.83 acres of population-based park land, 0.02% of a community recreation center and 0.01% of a community swimming pool complex. An amendment to the Kearny Mesa Public Facilities Financing Plan (PFFP) is

currently underway to include the proposed park acreage and recreation facilities needed to serve the new residents generated from this proposed development, as well as, the new residents projected at full community development in 2030. A population-based park impact will be created by the proposed development unless the PFFP amendment is approved prior to the issuance of building permits, and the applicant pays the amended per-unit impact fee at that time.

Fire/Life Safety Impact:

The proposed project would be served by City of San Diego Fire-Rescue Department Station 28, which is located at 3880 Kearny Villa Road. Station 28 houses one engine and one truck. Four firefighters staff the engine, one of which is a paramedic and four firefighter staff the truck at all times, for a total of eight personnel. The City strives to provide an average maximum response time of no more than five minutes for fire suppression activities. The response time to the site is estimated to be within two minutes of the proposed site. The current response time from the nearest fire station is within the acceptable response time of five minutes for fire protection and eight minutes for paramedic service; in addition, the project site has the capability of a full first alarm assignment, which consists of three engines and two trucks, to reach the site in a prescribed time as outlined by national standard. However, the engine company at the Kearny Villa Road location is currently over workload capacity in the number of incidents handled per year, which necessitates outlying engine companies to come from distant stations to provide service to this engine company's district.

Public Services and Facilities Impact:

Police service for the Parkview Aero Court Project will be provided by officers from Eastern Division, located at 9225 Aero Drive. Eastern Division is currently comprised of 100 sworn personnel, 3 civilian professional staff and 3 Community Service Officers. Eastern Division provides police services to the following communities: Kearny Mesa, Tierrasanta, Serra Mesa, Birdland, Mission Valley East, Grantville, Allied Gardens, Del Cerro, San Carlos and Lake Murray.

The Police Department currently utilizes a five level priority dispatch system, which includes priority E (Emergency), One, Two, Three and Four. The calls are prioritized by the phone dispatcher and routed to the radio operator for dispatch to the field units. The priority system is designed as a guide, allowing the phone dispatcher and the radio dispatcher discretion to raise or lower the call priority as necessary based on the information received. Priority one calls involve serious crimes in progress or those with a potential for injury. Priority one response times were selected to create the average since they represent the highest priority call with the appropriate amount of data.

The project is located in the Kearny Mesa Neighborhood, which is located within the boundaries of police beat 313. The 2005 (February 15 to June 30, 2005) average

response time for priority one calls on beat 313 was 12.21 minutes. The citywide average response time for that same time period was 14.11 minutes. The current patrol strength at Eastern Division is 86 patrol officers with an optimal strength of 110 patrol officers. The optimal number reflects the industry standard of 40 percent preventative patrol time to provide acceptable response times. Based on the Department's Minimum Staffing Guidelines, Eastern Division currently deploys a minimum of 26 patrol officers each 24-hour period. An increase in the number of police officers assigned to Eastern Division will likely reduce the response times to calls for service. The current citywide staffing ratio for police officer to population is 1.66 officers per 1000 residents based on a residential population of 1,263,000 (2004 SANDAG) and a budgeted strength of 2103 police officers. This ratio does not include the significant population increase resulting from employees who commute to work in the community or those visiting. The Park View Aero Court Project, with 288 dwelling units will result in an additional permanent population increase of approximately 751 residents based on the averaged household size of 2.61 (2000 Census), which results in the need for an additional 1.24 police officers.

The addition of police officer(s) and related equipment for assignment to Eastern Division would provide mitigation to remain consistent with our existing staffing ratio. This project will add additional police related calls for service to an area station that is currently staffed at 78 percent of optimal patrol strength. Therefore, without additional police officers it is likely that police response times will increase. Police response times in this community will continue to increase with the build-out of the community plan and the increase of traffic generated by new growth.

BACKGROUND

The subject property is an approximately 6.11 acre site located at 3540 Aero Court in the Kearny Mesa Community Plan Area. The Kearny Mesa community, encompassing approximately 4,000 acres, is located between State Route 52 on the north and Interstate 805 and Interstate 15 on the west and east respectively. The southerly community boundary consists of properties lying to the south of Aero Drive and extending to Friars Road along the western edge of Interstate 15 (Attachment 2). This site is located on the southern border with the Serra Mesa Community Plan area. The site is currently developed with a 63,250 square foot industrial complex, built in 1940 and most recently used for research and manufacturing. The subject property is surrounded a park and residential development to the south, and commercial office/industrial park buildings to the north, west and east. There is a childcare facility and university north of this site, south of Aero Drive (Attachments 1 & 3).

On April 22, 2004, the Planning Commission voted (6-0-0) to initiate a request for an amendment to the Kearny Mesa Community Plan and the Progress Guide and General Plan to redesignate the site from Industrial and Business Park to Mixed Use Commercial/Residential (Attachment 11). During that hearing the Planning Commission requested that staff analyze a number of issues. That analysis is provided below in the Discussion section of this report under "Community Plan Analysis," and as Attachment 13.

The applicant is requesting a rezone from IP-2-1 to CO-1-2 to allow the mixed use on site. The Kearny Mesa Community Plan and a Progress Guide and General Plan amendment are also required to allow the mixed use at this site.

DISCUSSION

Project Description:

The proposed Parkview Aero Court commercial and residential project would include the demolition of an existing industrial/research property and the construction of a 288 unit, multi-family development (for sale condominiums) and 20,000 square foot commercial building on an infill site. The developer has agreed to include the affordable housing on-site, to comply with the Inclusionary Housing Ordinance, which will place 29 of the residential units limited for sale to households earning no greater than 100% of the Area Median Income. The project would also include 709 off-street automobile parking spaces including 16 accessible spaces, 33 motorcycle and 178 bicycle spaces.

The project proposes the construction of 351,988 square feet of multi-family development and 20,000 square feet of commercial office. The project would consist of development over a one and two story partially submerged parking garage. The commercial office component would be two stories and front on Aero Court comparable to other one and two-story commercial office/industrial park buildings on Aero Court. The residential development would be four stories and front on Kearny Villa Road. The height and bulk is comparable to structures immediately north (Attachment 5).

The applicant is proposing 56 one-bedroom units, 101 two-bedroom units and 131 three-bedroom units. The units would vary in size from 767 square feet for a one bedroom, one bathroom to 1,657 square feet for a three bedroom, plus loft, and two bathrooms (Attachment 5).

Although separated by Cabrillo Heights Park and approximately five industrial park/commercial office buildings, proposed residential housing on the site would generally be contiguous with these existing residential neighborhoods. Moreover, the proposed commercial office building would be constructed on the eastern portion of the site, which would be contiguous with existing commercial office/industrial park development to the north and east. Exterior building materials would consist of stucco, tile roofs, wood and metal that are characteristic of other structures in the surrounding area. In addition, proposed landscaping would include installation of street trees and other compatible plantings. Access to Cabrillo Heights Park would be retained through the existing gate on the south side of the proposed development, with a public walkway providing access from Aero Court and Kearny Villa Road.

The proposed 288 multi-family units are estimated to generate 2,228 average daily trips with 203 morning peak-hour trips and 225 afternoon peak-hour trips. A trip credit can be applied to the existing currently occupied and active uses on this site. The existing industrial use is generating

approximately 495 average daily trips, thus the net increase in trips would be 1,733 average daily trips, including 149 a.m and 166 p.m. peak hour trips respectively.

Approval Descriptions:

The project as proposed would require a Community Plan Amendment (Process Five) to redesignate the land use from Industrial and Business Park to Mixed Use Commercial/Residential; a Rezone (Process Five) to rezone the property from the existing IP-2-1 Zone to the proposed CO-1-2 Zone; a Planned Development Permit (Process Four) for development which proposes to deviate from the regulations of the underlying zone; a Site Development Permit (Process Three) for development within Environmentally Sensitive Lands; and a Vesting Tentative Map (Process Four) for condominium purposes.

The request for the Rezone and amendments to the Progress Guide and General Plan and Kearny Mesa Community Plan Amendment requires the Site Development Permit, Planned Development Permit, and Vesting Tentative Map to be decided in accordance with Process 5 (City Council as the Decision Maker). Since the Municipal Code requires that approvals be consolidated, the proposed project must be considered by the Planning Commission prior to a final decision by the City Council (Attachment Nos. 6-10).

Community Plan Analysis:

Community Plan Consistency

The Park View – Aero Court site is currently designated Industrial and Business Park in the Kearny Mesa Community Plan. The site is proposed for Mixed Use Commercial Residential, which is consistent with the proposed project. The community plan currently recommends that mixed use projects containing residential development be encouraged where appropriate and where it furthers community and City land use and urban design policies. The site abuts Cabrillo Heights Park and is located near an elementary school and residential dwelling units, supporting the change to residential use. The Community Plan Amendment section of this report details the issues related to the amendment.

Community Plan Amendment

The proposed community plan amendment would redesignate the subject site from Industrial and Business Park to Mixed Use Commercial Residential. It also adds text to the Industrial Element of the community plan addressing the existing conditions and appropriate uses for this area of Kearny Mesa, based upon a background study prepared by the applicant.

To help determine the appropriate uses for the westerly portion of Kearny Mesa south of Aero Drive, including this site, the Planning Commission agreed with staff that a larger area should be studied, resulting in the preparation of the West Aero Drive Land Use Study (Attachment 12), prepared by the applicant under staff's direction for the Planning Commission's review and consideration. The study shows that there are competing uses both within and south of the area

that indicate that industrial is not the best use of the area. The area mostly contains a variety of non-industrial uses such as office, education, and child care. In addition, abutting uses in Serra Mesa include a school, park, and single-family residential. The area is therefore not attractive to industrial users, which avoid areas near conflicting uses. Instead, office, residential, and institutional appear to be preferable uses. Text summarizing this information is recommended to be added to the Industrial Element of the community plan (Attachment 10). This text as well as the study will act as guidance for future plan amendment requests in this area and for the next plan update.

The draft Economic Prosperity Element of the General Plan includes a discussion on the conversion or collocation of industrial use to residential or mixed use. This area contains many of the characteristics considered appropriate for this change in use, predominantly the presence of competing, incompatible uses.

Public facilities are adequate to serve the proposed use. A park and elementary school with available capacity are located adjacent to the site. The site would be served by Fire-Rescue Department Station No. 28, which can respond in two minutes, well within the recommended maximum response time of five minutes. There is a Police Department substation on Aero Drive approximately one mile to the east. Kearny Villa Road and Aero Drive are operating at acceptable levels of service, and are expected to continue to operate at or above a Level of Service C.

The additional issues with answers raised by staff and the Planning Commission at the Planning Commission initiation hearing are included as an attachment to this report (Attachment 13).

Environmental Analysis:

Mitigated Negative Declaration No. 44985 has been prepared and finalized for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. During the environmental review of the Parkview Aero Court Project, the City of San Diego conducted an Initial Study, which determined that there was a potential for impacts to Biological Resources, Human Health/Public Safety/Hazardous Materials, Paleontological Resources, Transportation/Circulation, and Noise. A mitigation Monitoring and Reporting Program would be implemented with this project to reduce potential impacts to a level below significance.

A biological letter report was prepared and accepted for the project which identified that the development of the project would directly impact 0.4 acre of Diegan coastal sage scrub, 0.4 acre of disturbed Diegan coastal sage scrub, 0.5 acre of eucalyptus woodland, 0.3 acre of ornamental vegetation, 0.6 acre of disturbed habitat, and 3.9 acres of urban/developed land.

A Phase I Environmental Site Assessment (ESA) for the project site was prepared to evaluate potential on- and off-site sources of hazardous materials contamination. A subsurface investigation has been proposed for the project site to determine the extent of the contamination.

The project site is underlain by the Lindavista Formation, which exhibits moderate paleontological resource sensitivity in the project area. Grading for the proposed project would require excavation and removal of approximately 140,000 cubic yards of cut material and would extend to depths of approximately 16 feet below the surface. The proposed project would result in potentially significant paleontological resource impacts and would require paleontological monitoring during excavation activities.

A project-specific traffic report was prepared for this project. With the addition of project-generated trips, all study roadway segments would operate at acceptable LOS under Existing Plus Cumulative Projects Plus Project Conditions. In addition, the 11 p.m. peak hour project trips added to the I-805 southbound on-ramp meter would not be expected to result in significant traffic impacts.

Based on the City of San Diego's noise criteria, the maximum Community Noise Equivalent Level (CNEL) for multi-family residential uses must not exceed 65 dB(A) CNEL at the required exterior useable spaces. The applicant would be required to prepare and submit a noise study to Development Services prior to the issuance of any building permits, to project noise levels on the project site and to provide any noise attenuation measures, as necessary, to mitigate exterior noise levels.

Project-Related Issues:

Deviations

The Municipal Code allows flexibility in the application of development regulations (deviations) for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project, through the processing of a Planned Development Permit. Staff believes that the Decision Maker can make the appropriate Planned Development Permit findings based on the following information.

Setback - The project proposes a 9'-0" setback to Kearny Villa Road, when the San Diego Municipal Code requires the setback to be 10'-0". The Planned Development Permit regulations allow deviations to provide flexibility for specific site constraints, as long as the appropriate findings can be made. The deviation is caused from the City's requirement to dedicate an additional 3'-0" of right-of-way at Kearny Villa Road to be used as parkway.

The project proposes the setback deviations to maximize the site's available and usable land. The Setback deviation is requested to provide site design flexibility while maintaining the overall community goals for improving architecture and landscaping while providing a pedestrian friendly development with parking below grade.

The requested setback deviations would be beneficial to the community by allowing for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing; therefore, staff supports the requested setback deviations.

Height

The San Diego Municipal Code allows for a maximum height of 60'-0" in the CO-1-2 Zone. A building height deviation for a small portion of the building facing the park is requested at the southern boundary. The proposed development is on a raised podium and the southern grade decreases toward the existing Cabrillo Heights Park. The project proposes at-grade units abutting the park which improves the aesthetics of the building from the park by eliminating the visibility of the garage and provides an attractive and inviting pedestrian interface between the Cabrillo Heights Park (south) and the project.

Ground Floor Restriction

The project includes a deviation from the ground floor restriction set forth in Section 131.0540 of the Land Development Code. The CO-1-2 Zone restricts residential units from developing in the front half of the lot. The site is unique, however, in that it is located at the end of a cul-de-sac on the edge of the community, and abutting a park. The deviation is based upon the limited street frontage on Aero Court and orienting the office component of the project between the residential units and the other non-residential properties on Aero Court. In addition, the grade differentiation between Aero Court and Kearny Villa Road (high to low) encourages separate vehicle accesses to the office and residential elements (vehicle access to Kearny Villa Road for the residential).

Community Planning Group Recommendation – The Kearny Mesa Planning Group voted 11-0-0 to approve the project with no conditions (Attachment 16). Subsequent to that recommendation of approval, the Chair of the Planning Group submitted a letter regarding their discussion and his issues that relate to the project. This additional letter has been included as an attachment (Attachment 19).

Due to the adjacency of the project site to the Serra Mesa Community Plan area, a recommendation was also requested from the Serra Mesa Planning Group. The Planning Group voted to recommend approval of the project on July 21, 2005, by a vote of 7-3-0. The Group further voted 8-2-0 to recommend that the project be revised so that the buildings be varied, a variation of colors used, reduce the height at the perimeter and increase it towards the center and stagger the location of buildings. The applicant has made numerous modifications to the project, however the type of design with podium construction over subterranean parking is preferred over surface parking.

Critical Project Features to Consider Should a Substantial Conformance Review Be Requested

- Site Design: The project design should not increase the amount of deviation from the regulations of the development regulations of the underlying zone, and the proposed height deviation should not be increased, unless the requested approvals are amended.
- Environmental Documents: The project design should remain within the parameters of the scope of the Mitigated Negative Declaration.

Conclusion

Other than the requested deviations, for which staff believes that findings can be made, staff finds the proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for this site per the San Diego Municipal Code and would not have an adverse effect on the adopted Kearny Mesa Community Plan, and City of San Diego Progress Guide and General Plan.

ALTERNATIVES

1. Recommend that the City Council **Certify** Mitigated Negative Declaration 44985; **Approve** Amendments to the Progress Guide and General Plan, and the Kearny Mesa Community Plan, No. 131777; **Approve** Rezone No. 131776; **Approve** Site Development Permit No. 127010; **Approve** Planned Development Permit No. 131774; **Approve** Vesting Tentative Map No. 187564 with modifications.
2. Recommend that the City Council **Not Certify** Mitigated Negative Declaration 44985; **Deny** Amendments to the Progress Guide and General Plan, and the Kearny Mesa Community Plan, No. 131777; **Deny** Rezone No. 131776; **Deny** Site Development Permit No. 127010; **Deny** Planned Development Permit No. 131774; **Deny** Vesting Tentative Map No. 187564, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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ESCOBAR-ECK/JCT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans including the Vesting Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Draft Rezone Ordinance
10. Draft Community Plan Amendment Resolution and Documents
11. Planning Commission Resolution Initiating the Amendment
12. West Aero Drive Land Use Study (Limited Distribution)
13. Community Plan Amendment Initiation Issues
14. List of Businesses with Hazardous Materials
15. Rezone Exhibit
16. Community Planning Group Recommendations
17. Ownership Disclosure Statement
18. Project Chronology
19. Letters Received