

DATE ISSUED: August 18, 2005 **REPORT NO. PC-05-254**

ATTENTION: Planning Commission, Agenda of August 25, 2005

SUBJECT: MADERA - PROJECT NO. 57744. PROCESS FIVE

REFERENCE: REPORT NO. P-04-180 (Community Plan Amendment Initiation)

**OWNER/
APPLICANT:** David J. Kahn Trust
William Lyon Homes, Inc. (See Attachment 18)

SUMMARY

Issue: Should the Planning Commission approve a new 77-unit, multi-family condominium development located at 3093 Clairemont Drive within the Clairemont Mesa Community Planning Area?

Staff Recommendation:

1. Recommend that the City Council **Certify** Negative Declaration No. 57744;
2. Recommend that the City Council **Approve** amendments to the Progress Guide and General Plan, and the Clairemont Mesa Community Plan, No. 174254;
4. Recommend that the City Council **Approve** Rezone No. 224754;
5. Recommend that the City Council **Approve** Site Development Permit No. 174389 and Planned Development Permit No. 169110;
6. Recommend that the City Council **Approve** Vesting Tentative Map No. 189901;

Community Planning Group Recommendation: On July 19, 2005 the Clairemont Mesa Community Planning Committee voted 8-3-1 to approve the project as proposed.

Environmental Review: A Negative Declaration, Number 57744, was prepared, and finalized on July 13, 2005 in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. No mitigation was required.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The Project proposes to demolish an existing bowling alley and construct 77 multi-family for-sale townhomes on a 3.7-acre site, where none currently exist. The Clairemont Mesa Community Plan identifies the site as Community Center Commercial, with an underlying zoning of CC-1-3 (Community Serving Commercial), which would allow a density of 29 dwelling units per acre as part of a mixed-use project, up to a potential maximum of 107 units. The proposed residential designation would allow a density range of 15-30 dwelling units per acre. The applicant has elected to pay the in-lieu fee in meeting the requirements of the Inclusionary Housing Ordinance; therefore, noaffordable units are proposed on-site.

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 2000 U.S. Census, the Clairemont Mesa Community Planning Area should have a total of 227.11 acres of population-based park land and associated facilities. Currently, the Clairemont Mesa Community has 52.75 useable acres of neighborhood parks, resulting in a 109.47-acre deficiency, and 32.08 useable acres of community parks, resulting in a 32.81-acre deficiency. By the year 2030, the deficit is projected to decrease to 47.48 useable acres for neighborhood parks and to decrease to 17.64 useable acres for community parks. Additionally, the community has three recreation centers consisting of a total of 18,933 square feet, which represents 34% of the recommended minimum standard; none of the existing recreation centers meet the recommended minimum size. The community has one swimming pool which represents 62% of the recommended minimum standard.

The proposed project will generate approximately 193 residents which would require an additional .54 acres of population-based park land, 0.008% of a community recreation center and 0.004% of a community swimming pool complex. An amendment to the Clairemont 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.

BACKGROUND

The subject property is an approximately 3.7-acre site located at 3093 Clairemont Drive in the Clairemont Mesa Community Planning Area. The Clairemont Mesa community, encompassing approximately 13.3 square miles, lies south of State Route 52, west of Interstate 805, north of the Linda Vista community, and east of Interstate 5 (See Attachment 3). The site is currently developed with a 52-lane bowling center, which was constructed in 1957. The subject property is surrounded by multi-family residential to the north, east, and south, with retail/commercial to the west (See Attachments 1 & 3).

On November 4, 2004 the Planning Commission voted (6-0-0) to initiate a request for an amendment to the Clairemont Mesa Community Plan and the Progress Guide and General Plan to redesignate the site from Community Center Commercial to Medium Residential (15-30 dwelling units per acre). 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."

The multi-family developments to the north, east, and south are currently zoned RM-3-7, RM-3-7, and RM-3-7 & CC-1-3 respectively. The commercial development to the west is zoned CC-1-3. The applicant is requesting a rezone to RM-3-7, a Residential-Multiple Unit zone. A Clairemont Mesa Community Plan and a Progress Guide and General Plan amendment are also required to allow multi-family use at this site.

The proposed 77-unit condominium project will self-generate at least 50 percent of its electrical energy needs through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

DISCUSSION

Project Description:

The proposed Madera residential project would include the demolition of an existing bowling center (Sunset Bowl) and the construction of a 77-unit, multi-family development (for sale condominiums) on an infill site. The development would meet City of San Diego Sustainable

Buildings Policy, Council Policy 900-14. The project would also include 154 covered parking spaces, 17 guest parking spaces, two disabled parking spaces, and 8 motorcycle parking spaces.

The project proposes the construction of 152,889 square feet of multi-family development. The development would consist of seventeen (17) individual buildings with four distinct layouts (Buildings “A”, “B”, “C”, and “D”): Building “A” would have six units per building, and there would be three Building “A”s on the project site for a total of eighteen (18) units. Building “B” would house five units per building, with six Building “B”s proposed for a total of 30 units. Building “C” would consist of four units per building, with five Building “C”s proposed for a total of 20 units. Building “D” would consist of three units per buildings, with three Building “D”s proposed for a total of nine (9) units.

The applicant is proposing 3-story town home structures, which have a maximum height of 33.5 feet above finished grade. Based upon the City’s formula for calculating the height of structures (above the lower of the proposed grade or pre-existing grade), and based upon the project’s proposal to raise finish grade to a maximum of 5 feet above existing grade at select locations, the maximum overall height of the proposed structures would be 38.5 feet above pre-existing grade.

The units would vary in size. Plan 1 units (15 total for the project) would be approximately 1,500 square feet, with three bedrooms and three and a half bathrooms. Plan 2 (28 total units proposed) would be approximately 1,500 square feet, with three bedrooms and three and one half bathrooms. Plan 3 (34 units proposed) would be approximately 1,610 square feet with three bedrooms and three and one half bathrooms. Each unit would be provided a two-car (side by side) garage with a minimum dimension of 20 feet by 20 feet, which includes a roll-up garage door with remote garage door openers.

The applicant is proposing a seaside architectural theme to complement the architectural themes within the Clairemont Community and to play off of the project’s close proximity to Mission Bay. The theme utilizes stucco exterior facades with wood railings and posts, decorative wood gable treatments, stucco banding, and louvered shutters. The applicant is also proposing flat concrete tile roof material to complement the architectural style as well as accommodate integrated photovoltaic cells into the actual roofing material.

To reduce visual massing of the structures, 1st, 2nd and 3rd story roof elements have been proposed, together with exterior balconies to incorporate the outdoor living into the architecture. The site plan has been designed to depict front doors on the perimeter of the site, an important element in establishing a pedestrian friendly human scale community. The applicant has proposed pedestrian connection points via walkways and stairs from the adjacent public streets to encourage pedestrian movement through the community. They have also proposed 3.5-foot walkways within the community to encourage residents and other pedestrians to walk within and through the community. A gated access to the commercial site to the west is proposed to enable residents to travel to the adjacent commercial development.

The proposed 77 multi-family units are estimated to generate 462 average daily trips with 37 morning peak-hour trips and 46 afternoon peak-hour trips. A trip credit can be applied to the existing currently occupied and active uses on this site. The existing bowling center is generating

approximately 1,560 average daily trips with 109 morning peak-hour trips and 156 afternoon peak-hour trips. Therefore, the project is expected to generate 1,098 daily trips less than the existing site, and a traffic study was not required.

Approval Descriptions:

The project as proposed would require a Community Plan Amendment (Process Five) to redesignate the land use from Community Center Commercial to Medium Residential (15-30 DU/AC); an Amendment to the Clairemont Mesa Public Facilities Financing Plan to incorporate the impact of the additional 77 residential dwelling units; a Rezone (Process Five) to rezone the property from the existing CQ- 3 Zone to the proposed RM-3-7 Zone; a Planned Development Permit (Process Four) for sustainable development which proposes to deviate from the regulations of the underlying zone; a Site Development Permit (Process Three) for development within the CPIOZ B; a Site Development Permit (Process Five) for development where an exception to the Clairemont Mesa Height Limit Overlay Zone is requested; 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 Clairemont 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.

Community Plan Analysis:

On November 4, 2004 the Planning Commission considered an initiation for an amendment to the Clairemont Mesa Community Plan and the Progress Guide and General Plan to redesignate the site from Community Center Commercial to Medium Density Residential (15-30 DU/AC). The Planning Commission voted 6-0-0 to approve the initiation of the amendment requesting that a staff analysis include an additional issue of an analysis of a range of densities for the site. The issues identified in the Planning Commission Report and staff's responses are included below.

Issue 1: Analysis of an appropriate residential density and land use designation for the subject property.

Staff Response: The Clairemont Mesa Community Plan recommends that a range of residential densities be maintained in order to provide a variety of housing types for both ownership and rental at varying costs. This provision for a range of residential densities is provided to establish a diversity of housing types to accommodate various living styles and family sizes. The Plan includes a graphic (Figure 8, Attachment 16), which depicts recommendations for residential density throughout the community. Since residential development is not currently identified for this site, there is no residential density range assigned to the subject property. Figure 8 of Attachment 16 does identify the surrounding residential densities, which include densities of 15-30 dwelling units per net residential acre, 30-45 dwelling units per net residential acre, and 10-15 dwelling units per net residential acre. The proposed Community Plan Amendment includes a

density range of 15-30 dwelling units per net residential acre, which is in the middle-range of adjacent existing residential development. The project is proposing 77 residential units, a density of 21 units per acre. This density is similar and compatible with adjacent existing residential development.

The existing land use designation for the subject site is Community Center Commercial. While this designation worked well for a use such as a bowling center, which does not rely heavily on storefront visibility, it may not work as well for other types of commercial uses as the location of the project site is significantly setback from the major street, Clairemont Drive. Located at the rear of the Clairemont Village Shopping Center, the subject site does not currently relate to either the shopping center or Clairemont Drive, from either a pedestrian or automobile orientation. Redesignation to residential development would provide for the subject site to relate to the adjacent residential neighborhood. The proposed project would provide for pedestrian connections to both the adjacent residential land uses along Iroquois Avenue and Cowley Way and to the commercial land uses which front directly on Clairemont Drive.

Issue 2: Incorporation of an affordable housing component on-site, in order to satisfy the City's Inclusionary Housing Ordinance.

Staff Response: The Clairemont Mesa Community Plan encourages the construction of additional affordable units in the community. The applicant, however, has elected to satisfy the low income housing requirement through the payment of the In-Lieu fee. They have cited that they cannot fiscally justify the development of low income units on site due to such factors as the cost of the land, loss of potential units which occurred with the Tandem Parking Overlay Zone being repealed, limitations imposed by the Clairemont Mesa Height Limit Overlay Zone, costs associated with developing the property, governmental fees and costs of implementing the Photovoltaic/renewable resources criteria. It is the applicant's opinion that with the large concentration of older apartments in the vicinity of the project site, this particular portion of the community already contains sufficient low income housing units and that their proposal would offer a higher-end housing alternative.

Issue 3: Potential for development of a mixed-use project on the subject property under the existing land use designation and zoning.

Staff Response: While the proposed project does not include a mixed-use component, the proposed residential development, with the existing commercial land uses to the west and south, is in itself on a larger scale, mixed-use development. By itself, the project site is lacking several vital elements for viable residential/commercial mixed/use: storefront visibility, street frontage and access from Clairemont Drive. Additionally, multiple ownerships of the adjacent parcels hinder the ability to develop the larger area as a single mixed-use development. However, the proposed residential development is adjacent to the commercial development on Clairemont Drive and is in proximity to a public library and public transportation. Therefore, at a neighborhood scale, it could be considered as comprising the residential component of mixed-use. The adjacent commercial shopping center, Clairemont Village, consists of 21.6 acres of

community-serving retail uses, including a grocery store, restaurants, dry cleaners, day care and a wide variety of other retail establishments.

Issue 4: Site design, building orientation, and architecture (in terms of bulk, scale, and character) which will be compatible with surrounding development, and will encourage pedestrian activity and transit usage.

Staff Response: The applicant proposes the development of a 3-story town home product. The proposed design theme utilizes stucco exterior facades with wood railings and posts, decorative wood gable treatments, stucco banding, and louvered shutters. The applicant is also proposing flat concrete tile roof material (this material was selected so that they would be able to integrate the photovoltaic cells into the actual roofing material). To reduce massing of the structures a combination of one- and two story roof elements have been proposed. Exterior balconies are provided to incorporate outdoor living into the architecture. The site plan has been designed to orient front doors to the exterior perimeter of the site, an important element in establishing a pedestrian friendly human-scale community. At the request of the Planning Department's Long Range Planning Division, the applicant provided pedestrian connection points via walkways and stairs from the adjacent public streets to encourage pedestrian movement and interaction into and through the community. The applicant has also proposed walkways within the community to encourage residents and other pedestrians to walk within and through the development. In order to encourage pedestrian activity, none of the pedestrian connection points along Iroquois Avenue or Cowley Way include gated access. The pedestrian connection to the commercial site to the west, however, is proposed to include gated access due to the applicant's concern over security issues.

Issue 5: Vehicular, pedestrian, and bicycle access into and within the subject property, in particular, maximizing walkability and establishing pedestrian linkages to and from the site to surrounding development.

Staff Response: The project proposes that the primary vehicular access is from Iroquois Avenue. This provides for a continuous, uninterrupted pedestrian walkway along the entire length of Cowley Way. The site design provides sidewalks and landscaped parkways within and surrounding the development to promote pedestrian and bicycle activity. As mentioned above, open pedestrian access will be provided to Iroquois Avenue and Cowley Way and gated pedestrian access will be provided to the west into the adjacent commercial center, and to the bus stop on Clairemont Drive.

Issue 6: Availability of public services and facilities to support increases in residential intensity. This would include an analysis of adequate school, park, and library facilities, as well as fire and police services to serve the proposed land use changes.

Staff Response: **Public Schools** - The San Diego Unified School District (SDUSD) determines student generation rates based on housing types, locations in the city and other factors. For a market rate condominium project in the University Town Center area, SDUSD's student generation rates were 0.060 for school levels K-5, 0.018 for school levels 6-8 and 0.024 for school levels 9-12 per condominium residential unit. Based on those generation rates, the 77

proposed market rate residential condominium units would generate 5 elementary school students, 1 middle school student and 2 high school students.

Elementary School - The project site is served by William P. Toler Elementary School located at 3350 Baker Street, approximately 1.8 miles to the west. Enrollment at this school has declined from 363 students in 1999-00 to 312 in 2003-4; therefore, the school could accommodate five additional students.

Middle School - The project site is served by George W. Marston Middle School, located approximately one mile to the north at 37 Clairemont Drive. The school could accommodate the approximate one student generated by the proposed project.

High School - Clairemont High School, located at 4125 Ute Drive is approximately 1.3 miles to the north of the project site. The school could accommodate the approximate 2 students generated by the proposed project.

Private Schools - There are four private elementary/middle schools and one private kindergarten located within two miles of the project site.

Libraries - The City's Clairemont Branch Library is located at 2929 Bergener Boulevard, approximately 1/4 mile from the project site. The main downtown library is approximately 8 miles to the south and accessible by an express bus route. Ideally, branch libraries serve a population of 30,000; however, most San Diego branch libraries serve a larger population. The proposed project has the potential to add approximately 193 people to the community; therefore, a small increase in library use is anticipated.

Parks and Recreation - Mission Bay Regional Park is located approximately 2 miles to the west and offers a wide variety of recreational opportunities ranging from passive open space to aquatic sports. Tecolote Canyon Natural Park is 1/8 mile to the east and offers 6.5 miles of multi-purpose trails for recreation and nature enjoyment as well as the Tecolote Canyon Golf Course. The South Clairemont Community Park and Recreation facility is located approximately 3/4 of mile north of the project site. Park and recreation facilities include passive open space, picnic and play areas, softball, basketball, tennis and swimming. A recreation building includes a kitchen, meeting and craft rooms. Western Hills Park, located approximately 3/4 of mile south of the project site offers additional neighborhood recreational opportunities.

Fire and Police Services - The project site is served by Fire Station 25, located at 1971 Chicago Street (between Napier and Ashton at Morena Boulevard) approximately 1.5 miles from the project site. Other Fire stations in the project vicinity include Station 27 near the Clairemont Square Shopping Center, Station 20 on Kemper Street near the Sports Arena and Station 23 on Comstock Street in Linda Vista. The City strives to provide an average maximum initial response time of no more than five minutes for fire and life safety. The response time to the site is estimated to be 4.1 minutes for fire and 8 minutes for paramedic service.

Police service for the Madera Project would be provided by officers from Northern Division, located at 4275 Eastgate Mall. Northern Division is currently comprised of 194 sworn personnel,

3 civilian professional staff and 3 Police Service Officers. Northern Division provides police services to the following communities: North City, Carmel Valley, Del Mar Heights, La Jolla Village, La Jolla, University City, North Clairemont, Clairemont Mesa East, Clairemont Mesa West, Bay Ho, Pacific Beach, Bay Park, Mission Beach and Mission Bay Park. In addition to the Northern Division Area Headquarters, a police storefront is located at the Clairemont Square Shopping Center (4731 Clairemont Drive) approximately 2.5 miles to the north.

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 Madera project is located in the community of Bay Park, which is within the boundaries of police beat 116. The 2005 (February 15 to June 30, 2005) average response time for priority one calls on beat 116 was 21.53 minutes. The citywide average response time for that same time period was 14.11 minutes.

The proposed project design would comply with the Fire and Police Departments' requirements for site accessibility and building construction to provide adequate fire and emergency services.

Public Transportation - The project site is served by an express bus route on Clairemont Drive. The express bus route 50/150 connects University Town Center and downtown San Diego. The bus route provides convenient connections from Clairemont Drive, west of the project site to Clairemont Square shopping center, Mission Bay Park and the San Diego Trolley station at Friars Road.

Issue 7: Analysis of a range of densities for the site, including the impacts of potential development at the highest density permitted under the requested residential designation.

Staff Response: The proposed 77-unit project has a density of 21 dwelling units per acre. The proposed land use designation allows a density range of 15 to 30 dwelling units per acre, or 56 to 111 residential units. As previously discussed in staff response to Issue 6, the impact on schools, libraries, and parks is based on the number of units and the population generated by the proposed residential development.

For schools, the lowest number of units in the proposed density range, 56, would generate approximately 3 elementary, 1 middle and 1 high school students, based upon the methodology used in the above availability of services analysis. The highest number of units, 111, would generate 7 elementary, 2 middle and 3 high school students. The number of students generated by the allowed density range could be accommodated at the existing schools that serve the site.

Environmental Analysis:

Negative Declaration Number 57744 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 Madera Project, the City of San Diego conducted an Initial Study, which determined that the proposed project would not have a significant effect on the environment; therefore no mitigation was required. Further information on the environmental resources considered during the environmental review can be found in the Discussion Section of Negative Declaration Number 57744.

Project-Related Issues:

Deviations

The SDMC 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.

Lot 2 – The project proposes to deviate from the San Diego Municipal Code (SDMC) requirements for minimum lot area, lot width, and street frontage requirements for lot 2 of the proposed project. The proposed lot area is 4,543 square feet where the minimum lot size is 7,000 square feet; the proposed lot width is 34 feet where 70 feet is the minimum; and, the proposed street frontage is 34 feet where 100 feet is the minimum. The permit has been conditioned to require the applicant to record a covenant over Lot 2 that shall restrict development of Lot 2 unless and until Lot 2 is consolidated with one or both of the adjacent, commercially zoned parcels along Clairemont Drive. The recorded covenant shall reserve in perpetuity for the benefit of Lot 1, a private sewer easement as well as a pedestrian access easement over Lot 2 and shall expressly provide that no development within Lot 2 shall impede access to the sewer line for maintenance and repair or prevent pedestrian access to the commercial areas. Therefore, staff supports the temporary deviations.

Side Yard Setback - The project proposes a 10- to 26-foot interior side yard setback, when the San Diego Municipal Code requires the setback to be the greater of 5 feet, or 10 percent of the lot width, which calculates to 28 feet. The Planned Development Permit regulations allow deviations to provide flexibility for specific site constraints, as long as the appropriate findings can be made.

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. Strict conformance with the setback regulations would limit optimal use of the somewhat narrow and constricted shape of the property.

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

Off-Street Loading Space

The San Diego Municipal Code requires that one 12-foot by 35-foot, off-street loading space be provided for the Madera Project. The project design does not propose to include an off-street loading space for the following reasons.

The proposed deviation is requested due to the limited area within the project area, and is based upon the practicality of the use of the required loading zone. Assuming that sufficient space was available within the project site, one centrally located loading zone for deliveries and/or moving vans in a residential project would not likely be utilized. Nearly one-third of the project units have frontage on one of two public streets, and multiple pedestrian accesses on those frontages into the project site, which would provide a closer and/or more convenient access location. Moreover, the subject condominium project is likely to have a lower resident turnover rate than an apartment project, and is therefore less likely to utilize the loading space, since the proposed drive aisles will provide an acceptable loading area. In addition, the project contains no commercial or recreational elements that could necessitate such a facility.

The requested deviation would be beneficial to the community by allowing for the provision of larger living areas within the units, and ensuring the development of the 77 multi-family residential units when the City is experiencing a housing shortage. Therefore, staff supports the requested off-street loading area deviation.

Height Exception – The San Diego Municipal Code allows an applicant to request an exception from the Clairemont Mesa Height Limit by applying for a Site Development Permit in accordance with Process Five, with the City Council as decision maker. Exceptions may be made to the height limit if the City Council can make the supplemental Site Development Permit findings governing the CMHLOZ.

The Maximum height allowed in the proposed RM-3-7 Zone is 40 feet; however, the project site is within the Clairemont Mesa Height Limit Overlay Zone (CMHLOZ) which has a height limit of 30 feet. The applicant is requesting a maximum building height of 33.5 feet, and a maximum structure height (considering proposed grade) of 38.5 feet.

The purpose of the Clairemont Mesa Height Limit Overlay Zone is to provide supplemental height regulations for western Clairemont Mesa. The intent of these regulations is to ensure that the existing low profile development in Clairemont Mesa will be maintained and that public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean are protected.

An Exception to the height limit is requested in order to enhance the project architecture and provide energy-generating photovoltaic roofs throughout the development. The exception would

permit roofline and façade variations while not increasing proposed floor area. The varied roofline would provide for more interesting interior spaces while, more importantly, allowing for increased efficiency of roof-tile solar panels. The building roofs would be constructed with energy-generating photovoltaic materials that optimize solar access with pitched roof forms.

Currently, a 40-foot building Height Limit Overlay Zone is located immediately north of the project site. In addition, the elevation of the project site is higher than that of the developments to the east and south; therefore, allowing the deviation will not significantly interfere with public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean within the surrounding area. For the reasons described above, staff supports the height exception request and believes that the required supplemental findings can be made.

Community Opposition – In May of 2005 two letters of opposition were received for the subject project, and one letter was received on August 8, 2005 (See Attachment 21). In summary, the two letters were concerned about the loss of recreational facilities, the loss of commercial land, and the loss of employment generators in the community.

The project site is lacking several vital elements for viable commercial use, including lack of storefront visibility, street frontage and access from Clairemont Drive. Additionally, the adjacent commercial shopping center, Clairemont Village, consists of 21.6 acres of community-serving retail uses, including a grocery store, restaurants, dry cleaners, day care and a wide variety of other retail establishments. For further information, please see the Community Plan Analysis.

On-Site Telecommunications Facility – A minor telecommunication facility currently exists on-site and is allowed by Permit No. 94-0330-110, Telecommunication Antenna Approval. Should the requested Rezone to residential be approved, the telecommunication facility would no longer be allowed in the residential zone.

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 exception 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 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 Clairemont Mesa Community Plan, and City of San Diego Progress Guide and General Plan.

ALTERNATIVES

1. Recommend that the City Council **Certify** Negative Declaration 57744; **Approve** Amendments to the Progress Guide and General Plan, and the Clairemont Mesa Community Plan, No. 174254; **Approve** Rezone No. 224754; **Approve** Site Development Permit No. 174389; **Approve** Planned Development Permit No. 169110; **Approve** Vesting Tentative Map No. 189901 with modifications.
2. Recommend that the City Council **Not Certify** Negative Declaration 57744; **Deny** Amendments to the Progress Guide and General Plan, and the Clairemont Mesa Community Plan, No. 174254; **Deny** Rezone No. 224754; **Deny** Site Development Permit No. 174389; **Deny** Planned Development Permit No. 169110; **Deny** Vesting Tentative Map No. 189901, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department

Daniel Stricker
Customer Support and
Information Division
Development Services Department

Betsy McCullough
Deputy Director
Planning Department

HALBERT/DES

Attachments:

1. Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Vesting Tentative Map (Includes Civil Sheets)
6. Floor Plans (Plan Types 1, 2, and 3)
7. Building Composite Plans (Building Types A, B, C, D)

8. Building Elevations (Building Types A, B, C, D)
9. Pool Building Plan and Elevations
10. Landscape Development Plans
11. Draft Vesting Tentative Map Conditions and Subdivision Resolution
12. Draft Permit with Conditions
13. Draft Permit Resolution with Findings
14. Draft Rezone Ordinance with B Sheet
15. Planning Commission Community Plan Amendment Initiation Resolution No. 3593-PC (November 4, 2004)
16. Draft Community Plan Amendment Resolution, City Council, including Text and Graphics
17. Draft Planning Commission Recommendation to City Council Resolution
18. Ownership Disclosure Statement
19. Project Chronology
20. Draft Environmental Resolution
21. Opposition Letters