

RESOLUTION NUMBER R-299161

ADOPTED ON MAY 4, 2004

WHEREAS, D.R. Horton/Western Pacific Housing, Owner/Permittee, filed an application with the City of San Diego for a site development permit to develop a mixed-use project including 224 residential units, 18,500 square-feet of street level commercial space and subterranean parking known as the North Park Condominiums project [Project], located at on the south side of Lincoln Avenue between 30<sup>th</sup> Street and Ohio Street and legally described as Lots 5 through 13, the northerly 20 feet of Lot 14, the northerly 20 feet of Lot 33, and Lots 34 through 48, Block 207 of the University Heights D'Hemercourt Map, County of San Diego, State of California, in the CN-1 zone of the Mid-City Communities Planned District Ordinance within the Greater North Park Community Plan area; and

WHEREAS, on December 18, 2003, the Planning Commission of the City of San Diego considered Site Development Permit No. 10176 [SDP] and Encroachment Maintenance Removal Agreement No. 10178, and Tentative Map No. 10175, and pursuant to Resolution No. 3448-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on May 4, 2004, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 10176:

**A. SITE DEVELOPMENT PERMIT**

**1. The proposed development will not adversely affect the applicable land use plan** The project site is within the Greater North Park Community Planning Area and is designated for neighborhood commercial land use with an emphasis on mixed use development. The community plan provides for a density bonus for projects that include parcel accumulation with the provision that the development comply with the plan's Urban Design Guidelines Element. The 2.06-acre project site is comprised of twenty-six lots that would be consolidated into two parcels with the approval of the proposed Tentative Map and the design of the project implements many of the goals and recommendations of the Community Plan. The project proposes 224 dwelling units and 18,500 square-feet of retail space therefore, both the proposed use of the site and density would be consistent with the mixed use land use designation within the Greater North Park Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project is consistent with the prescribed land use and residential density of the Greater North Park Community Plan and would comply with the applicable zoning and building codes regulating this type of development. A deviation to the required street wall has been conditioned as part of the Site Development Permit that would provide the recommended aerial ladder access to the roof for fire safety personnel. A Mitigated Negative Declaration was prepared for the project and a Mitigation, Monitoring and Reporting Program [MMRP] would be adopted to mitigate potential impacts to paleontological resources during grading activities and noise impacts to the dwelling units associated with the ambient street noise. The MMRP would be implemented as a part of the project both in the pre-construction and building phase. The project has been designed to activate and revitalize the street by incorporate transparencies along the frontages using windows and courtyard openings and some of the ground floor residential units are designed with stoops. The activation of a street presence would provide a pedestrian friendly environment and provide for additional security in the neighborhood. Adequate off-street parking would be provided for both the residential and commercial components with access taken from the alley eliminating curb cuts and reducing the interaction between vehicles and pedestrians. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development would comply with all of the applicable development regulations of the Land Development Code with the exception of minor deviations from the minimum transparency and street wall requirements. The project is requesting the proposed deviations via a Site Development Permit in accordance with Section 126.0504 of the San Diego Municipal Code. The deviations have been reviewed by the appropriate staff and determined to be minor when evaluating the project as a whole. The deviation to the transparency would provide 43% transparency along two street frontages where 50% is required. The 7% deviation is off-set by the provision of openings between the units providing access to courtyard areas and the overall design meets the purpose and intent of the transparency requirement. The deviation to the street wall would allow the structure to be developed closer to the street above the second story where a 15 foot setback would normally be required. The deviation is required to provide the Fire Department aerial ladder access to the roof while still

providing the type of project and prescribed density within the Community Plan. The requested deviations could be permitted with an approved Site Development Permit, therefore, the proposed development complies with the applicable regulations of the Land Development Code.

**B. MID-CITY COMMUNITIES DEVELOPMENT PERMIT**

**1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Greater North Park Community Plan.** The proposed project is consistent with the goals and recommendations for mixed-use development within the Greater North Park Community Plan and the use and design of the site implement the purpose and intent of the Mid-City Communities Plan District Ordinance. The proposed structures incorporate the objectives of the Urban Design Element with the use of off setting planes, articulation, varied exterior building materials, enhanced landscape and pedestrian interest at the street level. The proposed use of the site is consistent with the purpose and intent of the Mid-City Communities Planned District in that the project is appropriately located in a high activity area near a major intersection and provides an attractive developments with a diverse and active street environment. The proposed use and design would assist the revitalization of the North neighborhood by increasing residential opportunities and providing quality business activity in the community. The project would be compatible with the residential and commercial development within the existing neighborhood, and the scale of the project would be consistent with the type of development envisioned for this area in the Community Plan. Therefore, the proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Greater North Park Community Plan.

**2. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community.** In addition, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible and the use of the site would be consistent with the existing development in the area by providing a mixed-use project with a multi-family residential component and new commercial retail space along 30<sup>th</sup> Street. The proposed scale and design of the project would be consistent with the planned mixed-use, higher density land uses prescribed for this area within the Greater North Park Community Plan. The proposed development would be compatible with existing and planned land use on adjoining properties and would not constitute a disruptive element to the neighborhood and community. The scale and design of the project would be consistent with the development regulations of the underlying CN-1 zone that allows for zero yard setbacks and unlimited structure height. The project provides a contemporary design with Spanish influences utilizing off-setting planes and articulation in conjunction with large glass windows, arches, enhanced entry accents and varied exterior finishes. The project landscape treatment would enhance the streetscape and strengthen the pedestrian environment along 30<sup>th</sup> Street, Ohio Street and Lincoln Avenue by providing large new street trees, acorn style light fixtures and replicating the historic sidewalk scoring patterns. Therefore, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible.

**3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.** The proposed project is consistent with the prescribed land use and residential density of the Greater North Park Community Plan and conditions have been applied to the permit that would ensure compliance with the applicable zoning and building codes regulating this type of development. A deviation to the required street wall has been conditioned as part of the Site Development Permit that would provide the recommended aerial ladder access to the roof for fire safety personnel. A Mitigated Negative Declaration was prepared for the project and a MMRP would be adopted to mitigate potential impacts to paleontological resources during grading activities and noise impacts to the dwelling units associated with the ambient street noise. The MMRP would be implemented as a part of the project both in the pre-construction and building phase. The project has been designed to activate and revitalize the street by incorporate transparencies along the frontages using windows and courtyard openings and some of the ground floor residential units are designed with stoops. The activation of a street presence would provide a pedestrian friendly environment and provide for additional security in the neighborhood. Adequate off-street parking would be provided for both the residential and commercial components with access taken from the alley eliminating curb cuts and reducing the interaction between vehicles and pedestrians. In total, the project will enhance and assist in the revitalization of the North Park community by providing an attractive mixed-use project including new residential ownership opportunities, an affordable housing element and new commercial retail options. Therefore, the proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.

**4. Adequate Public Facilities (Park deficient neighborhoods).** The development is not located in a park deficient neighborhood, therefore, this finding does not apply to this project.

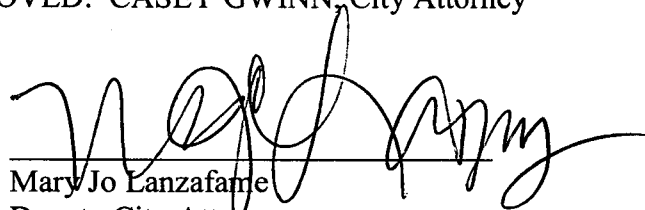
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 10176 is granted to D.R.Horton/Western Pacific

Housing, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By

  
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Mary Jo Lanzafame  
Deputy City Attorney

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Or.Dept: DSD  
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