

RESOLUTION NUMBER R-299818

ADOPTED ON **NOV 09 2004**

WHEREAS, The Robinson Family Trust and Frederick J. Brashear, Jr., Administrator of the Estate of Nancy M. Brashear, Owners and the Olson Company, LLC, Permittee, filed an application with the City of San Diego for a site development permit [SDP] to demolish five existing structures and construct a new 110-unit town-home style condominium project with 11 affordable housing units known as the Legacy Walk Project, located on the east side of South 43rd Street, south of Logan Avenue, in the Southcrest Neighborhood of the Southeastern San Diego Planning area, and legally described (see attached), in the MF-1500 and CT-2 zones. Those portions of the property zoned CT-2 are proposed to be rezoned to the to MF-1500 zone; and

WHEREAS, on September 30, 2004, the Planning Commission of the City of San Diego considered SDP Permit No. 98185, and pursuant to Resolution No. 3575-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on November 9, 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. 98185:

A. SITE DEVELOPMENT PERMIT

- 1. The proposed development will not adversely affect the applicable land use plan:**

The development site is approximately 7.0 acres. While approximately 2.6 acres of the site are designated as Medium-High Density Residential (15-30 dwelling units per acre), 4.4 acres fronting 43rd Avenue are designated as General Commercial. Previously the 4.4-acre portion of the site was designated as Residential. It was redesignated to General Commercial during the Community Plan update in order to allow for the development of retail and commercial business to serve the neighborhood, as at that time the community of Southcrest lacked retail and commercial land. However, the site was never developed as commercial, and later on the Imperial Market Place and Southcrest Park Plaza subsequently opened to serve the region.

As part of the Community Plan Amendment for the Imperial Market Place site from residential to commercial, the Southeastern Economic Development Corporation was required to complete a market demand evaluation in which they examined the affect of the reclassification on the vacant 43rd and National site and the community. The findings of the report suggest that after the completion of the new commercial center, the Southcrest area could not support additional retail/commercial development on a large scale without cannibalizing itself. At staff's request, the applicant studied the viability of commercial/retail on the site and came to the same conclusion. Furthermore, if commercial/retail were provided on the site, the development would take on a strip center appearance as the shape of the commercially zoned land runs along 43rd and Logan Avenue and the Community Plan does not advocate strip centers.

The proposed development of approximately 99 market rate townhomes and 11 affordable for-sale townhomes on the 7.0 acre site would be developed to be consistent with the Southeastern San Diego Community Plan by restoring residential uses to the community that were lost when the Imperial Market Place was developed. Therefore, no adverse impacts to the applicable land use plan would occur as a result of project implementation

The Community Plan encourages new housing development and states that it is clearly needed. The plan also calls for the development and redevelopment of the corridor along National Avenue and south of Logan Avenue with multi-family residential developments at up to 30 units per net acre. This recommended density is intended to provide higher residential densities along the transportation corridors of Logan Avenue and National Avenue. The Community Plan states that the level of owner occupancy in the community should be maintained or increased in order to increase maintenance of properties and pride in individual neighborhoods. It also states that a variety of residential density ranges should be provided in order to establish a range of housing types to accommodate various living styles. Additionally, the Plan encourages new infill development to be directed to vacant sites. This development would meet all of these goals.

The objectives of the Southeastern San Diego Community Plan include the provision that a variety of residential density ranges should be provided in order to establish a range of housing types to accommodate various living styles and family sizes. While residential development is not currently identified for a majority of this site, the proposed redesignation to residential development can provide an incentive for redevelopment along the 43rd Street Corridor, while at the same time reflecting the development intensities of the adjacent residential neighborhood.

2. The proposed development will not be detrimental to the public health, safety, and welfare:

The project proposes the construction of approximately 11 affordable for-sale townhomes within the Southcrest Community which would provide for affordable housing stock for Medium Income (at 100 percent Area Median Income [AMI]) families. The potential benefit of the proposed land use plan amendment is that it would allow for the development of housing stock at a density range comparable to adjacent recommended land uses as identified in the Southeastern San Diego Community Plan. The general/community plan amendment is proposed at a time when demand for an increase in housing supply is high.

This site is centrally located at the gateway to the Southcrest community. But instead of exhibiting a sense of pride for the community, the site has been a blight on the neighborhood for several decades. Transients frequent the site and the site has become a dumping ground for trash. Several complaints about the condition of the property have been made to the City. With the development of the site, all of the above health and safety concerns will be eliminated.

Additionally, public services are available to serve the proposed change in density and intensity of use. Library, police, and fire department services are in place and are provided by the City of San Diego. Public water facilities necessary to provide service to the proposed project exist adjacent to the project site. Recreational services are in place in the way of several neighborhood parks, and several elementary schools are located within several blocks. The proposed project would be served by Baker Elementary School, located on T Street in the Southcrest neighborhood. According to San Diego City Schools, the current 2004 student enrollment is 565 students, as compared to the school's capacity of up to 650 students. Therefore, there appears to be adequate school facilities in place to service the proposed project.

Currently there are over 50 acres of neighborhood and community parks within several blocks of the project site, with over 10 additional acres expected to be completed in the immediate future as part of the Chollas Creek Enhancement Project. Current parks include: Mountain View, Kennedy, Willie Henderson and Southcrest Park. There are presently 2 libraries within the project vicinity, Beckwourth and Malcolm X.

The Southcrest neighborhood is served by the Southeastern Division of the San Diego Police Department. In addition to the division headquarters, there are two substations within the community, the Southeastern Storefront and the Paradise Valley Satellite substation. As for fire stations, there are presently three (Station numbers 7, 12, and 19) to serve the immediate vicinity.

Numerous public transit services are located within walking distance of the proposed project site, including bus lines 11 and 955, which would provide residents with easy accessibility to all of San Diego County.

The permit for the project will include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development regulations in effect for the subject property as described in Site Development

Permit No. 98185, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code.

Further, the project includes mitigation measures to offset potential impacts to the environment in the areas of Traffic, Water Quality, Air Quality and Noise. The project has been designed in accordance with the Crime Prevention Through Environmental Design Guidelines. In addition, the proposed development will be required to obtain Building Permits to show that all construction will comply with all applicable Building and Fire Code requirements. Therefore, the proposed development will 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 project conforms with the purpose and intent of the Southeastern San Diego Community Plan by providing new, higher density, residential units, as well as 11 units affordable to households earning 100% AMI or less.

The project proposes deviations to the development standards of the City of San Diego Land Development Code [LDC] for parking, façade/design orientation, and loading spaces. The MF 1500 Zone allows for the development of 172 residential units on the 7.0 acre site.

The parking requirement for this project consisting of 56 three-bedroom units and 54 four bedroom units is 220 spaces of which two spaces are accessible parking spaces in addition to 11 motorcycle spaces. The project proposes to deviate from the parking requirements by proposing 128 garage spaces in the traditional side-by-side configuration, 92 garage spaces in a tandem configuration, an additional 19 guest spaces and 11 motorcycle spaces. In general, the concern with tandem parking is that residents park only one car in the garage and create a shortage of on-street parking with their second car. The applicant will address this issue by recording Covenants, Conditions, and Restrictions as part of the development which will require residents to park in their assigned garage spaces, and a Homeowners Association and Management Company will be set up to police the issue. With these measures in place, tandem parking is a viable alternative to conventional side-by-side parking.

Three buildings have entry doors oriented perpendicular to 43rd Street and only one centrally located loading space is provided while two are required. Requiring the orientation of the buildings and another loading space would reduce the number of units, including the number of affordable units, thus minimizing the positive impact on the City's shortage of entry-level and affordable housing.

The proposed development would provide approximately 11 affordable for-sale townhomes. The mix of three and four bedroom units would house individuals, small, and large families earning 100 percent of AMI.

Each of the requested deviations would be necessary to allow 10% of the units to be affordable housing units, given the site size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City

of San Diego Land Development Code. Therefore, the proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

Supplemental Findings—Deviations for Affordable/In-Fill Housing Projects:

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City:

The project is subject to and meets the requirements of the Inclusionary Housing Ordinance. The developer will enter into an agreement with the San Diego Housing Commission to ensure the construction and occupancy of 11 affordable housing units, to be sold at prices affordable to households earning no more than 100% of the Area Median Income. The applicant has stated that 11 plan type 1 (three bedrooms and three baths) units would be reserved for individuals, small and large families earning 100% of the area median income. The 11 units would be spread throughout the project. Therefore, the proposed development will material assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

In addition, the Southeastern San Diego Community Plan encourages new housing development and states that it is clearly needed. The objectives also state that the level of owner occupancy in the community should be maintained or increased in order to increase maintenance of properties and pride in individual neighborhoods and that an economically and ethnically balanced community should be achieved. The proposed plan amendment to redesignate approximately 4.4 acres of primarily vacant land from General Commercial to Medium-High Density Residential (15-30 DU/AC) would allow for approximately 58 multi-family dwelling units on the portion of the site where none are currently allowed, with an additional 52 multi-family dwelling units on the remainder of the site. These units would be for-sale, thus meeting the Community Plan objective to increase owner occupancy. In addition, the City's Inclusionary Housing Ordinance would be met on-site as ten percent of the units will be designated as affordable, thus meeting the plan's objective for economically balanced communities.

2. The development will not be inconsistent with the purpose or the underlying zone:

The purpose of the residential zones is to provide for areas of residential development at various specified densities throughout the City. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego. The proposed development would provide 10 % of the units as affordable for-sale units. The units would house individuals, small and large families earning 100 percent of AMI, thus accommodating a variety of housing types and encouraging the provision of housing for all citizens of San Diego.

As an incentive for providing affordable housing, the San Diego Municipal Code (Section 143.0920 governing Deviation Requirements for Affordable/In-Fill Housing) allows a developer of an affordable housing project to request deviations from the applicable development

regulations of the underlying zone pursuant to a Site Development Permit decided in accordance with a Process 4, providing that the required findings can be made.

The project proposes deviations to the development standards of the City of San Diego Land Development Code [LDC] for parking, façade/design orientation and loading spaces. The MF-1500 Zone allows for the development of up to 172 residential units on the 7.0-acre site. However, due to the shape of the lot, utility easements that run through the site, and the proposed roadway realignment of 43rd Avenue which necessitate larger setbacks along 43rd Street, the density of the MF-1500 Zone can not be achieved in any meaningful way without the requested deviations. To achieve the desired density without deviations would require the units to be smaller, building without any architectural character, a bland layout of the site or the height of the buildings would need to be increased dramatically and thus, out of scale with the surrounding uses.

The parking requirement for this project consisting of 56 three-bedroom units and 54 four bedroom units is 220 spaces of which two spaces are accessible parking spaces in addition to 11 motorcycle spaces. The project proposes to deviate from the parking requirements by proposing 128 garage spaces in the traditional side-by-side configuration, 92 garage spaces in a tandem configuration, an additional 19 guest spaces and 11 motorcycle spaces. In general, the concern with tandem parking is that residents park only one car in the garage and create a shortage of on-street parking with their second car. The applicant will address this issue by recording Covenants, Conditions, and Restrictions as part of the development which will require residents to park in their assigned garage spaces, and a Homeowners Association and Management Company will be set up to police the issue. With these measures in place, tandem parking is a viable alternative to conventional side-by-side parking.

Three buildings have entry doors oriented perpendicular to 43rd Street and only one loading space is provided while two are required. Requiring the orientation of the buildings and another loading space would reduce the number of units, including the number of affordable units, thus minimizing the positive impact on the City's shortage of entry-level and affordable housing.

Each of the requested deviations would be necessary to allow the 10% affordable housing units proposed, given the site size and constraints. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Municipal Code. Therefore, the development will not be inconsistent with the purpose or the underlying zone.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone:

The project proposes to deviate from the San Diego Municipal Code [SDMC] requirements covering parking, facade/design orientation and loading space.

The parking requirement for this project consisting of 56 three-bedroom units and 54 four bedroom units is 220 spaces of which two spaces are accessible parking spaces in addition to 11

motorcycle spaces. The project proposes to deviate from the parking requirements by proposing 128 garage spaces in the traditional side-by-side configuration, 92 garage spaces in a tandem configuration, an additional 19 guest spaces and 11 motorcycle spaces. In general, the concern with tandem parking is that residents park only one car in the garage and create a shortage of on-street parking with their second car. The applicant will address this issue by recording Covenants, Conditions, and Restrictions as part of the development which will require residents to park in their garages and a Homeowners Association and Management Company will be set up to police the issue. If side-by-side garages were required for all homes, the number of units would be significantly decreased and home prices would be higher. However, with these measures in place, tandem parking is a viable alternative to conventional side-by-side parking that allows for affordable homes.

Three buildings have entry doors oriented perpendicular to 43rd Avenue and only one centrally located loading space is provided while two (2) are required.

As an infill location, the 7.0 acre odd shaped site is constrained by existing streets and developed properties as well as by existing utility easements and a proposed road realignment of 43rd Street, National Avenue and Logan Avenue. In addition, the Southcrest community desires an increase in owner occupied units with a wide range of housing types to accommodate various living styles and family sizes. Requiring the orientation of the buildings and another loading space would reduce the number of market rate and affordable units, thus minimizing the positive impact on the City's shortage of entry-level and affordable housing. Allowing these deviations allows for additional units, which assists in providing affordable housing options to City of San Diego residents.

Therefore, the proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

Findings for Site Development Permit (Southeastern San Diego Planned District):

1. The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council;

The proposed project conforms to the purpose and intent of the Southeastern San Diego Community Plan and Planned District Ordinance by providing new, higher density, quality market rate and affordable residential units (11), affordable to households earning 100% AMI or less.

The project proposes deviations to the development standards of the City of San Diego Land Development Code [LDC] for parking, façade/design orientation, and loading spaces. The MF-1500 Zone allows for the development of 172 residential units on the 7.0-acre site.

The parking requirement for this project consisting of 56 three-bedroom units and 54 four bedroom units is 220 spaces of which two spaces are accessible parking spaces in addition to 11 motorcycle spaces. The project proposes to deviate from the parking requirements by proposing 128 garage spaces in the traditional side-by-side configuration, 92 garage spaces in a tandem configuration, an additional 19 guest spaces and 11 motorcycle spaces. In general, the concern with tandem parking is that residents park only one car in the garage and create a shortage of on-street parking with their second car. The applicant will address this issue by recording Covenants, Conditions, and Restrictions as part of the development which will require residents to park in their assigned garage spaces, and a Homeowners Association and Management Company will be set up to police the issue. With these measures in place, tandem parking is a viable alternative to conventional side-by-side parking.

Three buildings have entry doors oriented perpendicular to 43rd Street and only one centrally located loading space is provided while two are required. Requiring the orientation of the buildings and another loading space would reduce the number of units, including the number of affordable units, thus minimizing the positive impact on the City's shortage of entry-level and affordable housing.

The proposed development would provide approximately 11 affordable for-sale townhomes. The mix of three and four bedroom units would house individuals, small, and large families earning 100 percent of AMI.

Each of the requested deviations would be necessary to allow 10% of the units to be affordable housing units, given the site size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

The development site is approximately 7.0 acres. While approximately 2.6 acres of the site are designated as Medium-High Density Residential (15-30 DU/AC), 4.4 acres fronting 43rd Avenue are designated as General Commercial. Previously the 4.4-acre portion of the site was designated as Residential. It was redesignated to General Commercial during the Community Plan update in order to allow for the development of retail and commercial business to serve the neighborhood, as at that time the community of Southcrest lacked retail and commercial land. However, the site was never developed as commercial and later on the Imperial Market Place and Southcrest Park Plaza subsequently opened to serve the region.

As part of the Community Plan Amendment for the Imperial Market Place site from residential to commercial, the Southeastern Economic Development Corporation was required to complete a market demand evaluation in which they examined the affect of the reclassification on the vacant 43rd and National site and the community. The findings of the report suggest that after the completion of the new commercial center, the Southcrest area could not support additional retail/commercial development on a large scale without cannibalizing itself. At staff's request, the applicant studied the viability of commercial/retail on the site and came to the same conclusion. Furthermore, if commercial/retail were provided on the site, the development would

take on a strip center appearance as the shape of the commercially zoned land runs along 43rd and Logan Avenue and the Community Plan does not advocate strip centers.

The proposed development of approximately 99 market rate townhomes and 11 affordable for-sale townhomes on the total 7.0 acre site would be developed to be consistent with the Southeastern San Diego Community Plan by restoring residential uses to the community that were lost when the Imperial Market Place was developed. Therefore, no adverse impacts to the applicable land use plan would occur as a result of project implementation

The Community Plan encourages new housing development and states that it is clearly needed. The plan also calls for the development and redevelopment of the corridor along National Avenue and south of Logan Avenue with multi-family residential developments at up to 30 units per net acre. This recommended density is intended to provide higher residential densities along the transportation corridors of Logan Avenue and National Avenue. The Community Plan states that the level of owner occupancy in the community should be maintained or increased in order to increase maintenance of properties and pride in individual neighborhoods. It also states that a variety of residential density ranges should be provided in order to establish a range of housing types to accommodate various living styles. Additionally, the Plan encourages new infill development to be directed to vacant sites. This development would meet all of these goals.

The objectives of the Southeastern San Diego Community Plan include the provision that a variety of residential density ranges should be provided in order to establish a range of housing types to accommodate various living styles and family sizes. While residential development is not currently identified for a majority of this site, the proposed redesignation to residential development can provide an incentive for redevelopment along the 43rd Street Corridor, while at the same time reflecting the development intensities of the adjacent residential neighborhood.

Therefore the proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council.

2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable;

The site is primarily vacant, with the exception of a small auto garage, a welding shop, and 3 dilapidated homes. This property is surrounded by vacant land and a neighborhood park to the north, low density residential to the south, medium density residential to the east, and vacant and dilapidated commercial properties to the west.

The Community Plan encourages new housing development and states that it is clearly needed. The plan also calls for the development and redevelopment of the corridor along National Avenue and south of Logan Avenue with multi-family residential developments at up to 30 units per net acre. This recommended density is intended to provide higher residential densities along the transportation corridors of Logan Avenue and National Avenue. The Community Plan states

that the level of owner occupancy in the community should be maintained or increased in order to increase maintenance of properties and pride in individual neighborhoods. It also states that a variety of residential density ranges should be provided in order to establish a range of housing types to accommodate various living styles. Additionally, the Plan encourages new infill development to be directed to vacant sites. This development would meet all of these goals.

The objectives of the Southeastern San Diego Community Plan include the provision that a variety of residential density ranges should be provided in order to establish a range of housing types to accommodate various living styles and family sizes.

The proposed development of approximately 99 market rate townhomes and 11 affordable for-sale townhomes on the total 7.0 acre site would be developed to be consistent with the Southeastern San Diego Community Plan by restoring residential uses to the community that were lost when the Imperial Market Place was developed.

The development would consist of eighteen individual buildings, from two to three stories in height, with three distinct layouts (Buildings 'A', 'B', and 'C'): Building 'A' would have four units per building, and there would be four Building 'A's on the project site for a total of sixteen (16) units. Building 'B' would house six units per building, with nine Building 'B's proposed for a total of 54 units. Building 'C' would consist of eight units per building, with five Building 'C's proposed for a total of 40 'C' units. The 110 units in the three building types would also be comprised of 4 different floor plans (Plan 1, 2A, 2B, and 3).

The 110 units would also vary in size and layout. Forty-Six of the units proposed (Plan 1) would be approximately 1,417 square feet, with three bedrooms and three bathrooms. Ten of the units (Plan 2A) would be approximately 1,473 square feet, with three bedrooms, three bathrooms, plus a loft. Thirty-Six of the units (Plan 2B) would be approximately 1,473-square-foot units with four bedrooms and two and one-half bathrooms. The remaining 18 units (Plan 3) would be approximately 1,976-square-foot units, with four bedrooms, two and one half bathrooms, and a loft.

The 110 townhome style condominium units would be constructed of quality building materials with a sand stucco finish, decorative corbels, wrought iron railings, decorative shutters and gable end details, with composite shingle roofs.

Therefore, the proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

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 property in the vicinity; and

The project proposes the construction of approximately 11 affordable for-sale townhomes within the Southcrest Community which would provide for affordable housing stock for Medium

Income (at 100 percent Area Median Income [AMI]) families. The potential benefit of the proposed land use plan amendment is that it would allow for the development of housing stock at a density range comparable to adjacent recommended land uses as identified in the Southeastern San Diego Community Plan. The general/community plan amendment is proposed at a time when demand for an increase in housing supply is high.

This site is centrally located at the gateway to the Southcrest community. But instead of exhibiting a sense of pride for the community, the site has been a blight on the neighborhood for several decades. Transients frequent the site and the site has become a dumping ground for trash. Several complaints about the condition of the property have been made to the City. With the development of the site, all of the above health and safety concerns will be eliminated.

Additionally, public services are available to serve the proposed change in density and intensity of use. Library, police, and fire department services are in place and are provided by the City of San Diego. Public water facilities necessary to provide service to the proposed project are existing adjacent to the project site. Recreational services are in place in the way of several neighborhood parks, and several elementary schools are located within several blocks. The proposed project would be served by Baker Elementary School, located on T Street in the Southcrest neighborhood. According to San Diego City Schools, the current 2004 student enrollment is 565 students, as compared to the school's capacity of up to 650 students. Therefore, there appears to be adequate school facilities in place to service the proposed project.

Currently there are over 50 acres of neighborhood and community parks within several blocks of the project site, with over 10 additional acres expected to be completed in the immediate future as part of the Chollas Creek Enhancement Project. Current parks include: Mountain View, Kennedy, Willie Henderson and Southcrest Park. There are presently 2 libraries within the project vicinity, Beckwourth and Malcolm X.

The Southcrest neighborhood is served by the Southeastern Division of the San Diego Police Department. In addition to the division headquarters, there are two substations within the community, the Southeastern Storefront and the Paradise Valley Satellite substation. As for fire stations, there are presently three (Station numbers 7, 12, and 19) to serve the immediate vicinity.

Numerous public transit services are located within walking distance of the proposed project site, including bus lines 11 and 955, which would provide residents with easy accessibility to all of San Diego County.

The permit for the project will include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development regulations in effect for the subject property as described in Site Development Permit No. 98185, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code.

The project has been designed in accordance with the Crime Prevention. Through Environmental Design Guidelines. In addition, the proposed development will be required to obtain Building Permits to show that all construction will comply with all applicable Building and Fire Code requirements. 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 property in the vicinity.

4. The proposed use will comply with the relevant regulations of the Municipal Code.

The proposed project conforms with the purpose and intent of the Southeastern San Diego Community Plan by providing new, higher density, residential units, as well as 11 units affordable to households earning 100% AMI or less.

The project proposes deviations to the development standards of the City of San Diego Land Development Code [LDC] for parking, façade/design orientation, and loading spaces. The MF-1500 Zone allows for the development of 172 residential units on the 7.0 acre site.

The parking requirement for this project consisting of 56 three-bedroom units and 54 four bedroom units is 220 spaces of which two spaces are accessible parking spaces in addition to 11 motorcycle spaces. The project proposes to deviate from the parking requirements by proposing 128 garage spaces in the traditional side-by-side configuration, 92 garage spaces in a tandem configuration, an additional 19 guest spaces and 11 motorcycle spaces. In general, the concern with tandem parking is that residents park only one car in the garage and create a shortage of on-street parking with their second car. The applicant will address this issue by recording Covenants, Conditions, and Restrictions as part of the development which will require residents to park in their assigned garage spaces, and a Homeowners Association and Management Company will be set up to police the issue. With these measures in place, tandem parking is a viable alternative to conventional side-by-side parking.

Three buildings have entry doors oriented perpendicular to 43rd Street and only one centrally located loading space is provided while two are required. Requiring the orientation of the buildings and another loading space would reduce the number of units, including the number of affordable units, thus minimizing the positive impact on the City's shortage of entry-level and affordable housing.

The proposed development would provide approximately 11 affordable for-sale townhomes. The mix of three and four bedroom units would house individuals, small, and large families earning 100 percent of AMI.

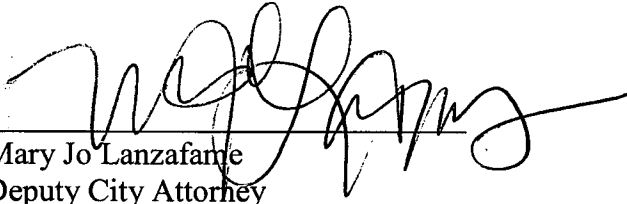
Each of the requested deviations would be necessary to allow 10% of the units to be affordable housing units, given the site size and constraints of the site. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

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. 98185 is granted to The Robinson Family Trust and Frederick J. Brashear, Jr., Administrator of the Estate of Nancy M. Brashear, Owners and The Olson Company, 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


Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq
12/06/04
Or.Dept:DSD
R-2005-554