

000725 REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 54 01/06					
TO: Attorney	2. FROM (ORIGINATING DEPARTMENT): Development Services	3. DATE: 11/7/08					
4. SUBJECT: City Heights Square Amendment - Project No. 146605 <i>(Companion to Redevelopment Agency Item)</i>							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Michelle Sokolowski, 446-5278, MS 501	6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Paul Godwin, 446-5103, MS 501	7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>					
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND	DEPT.	9. ADDITIONAL INFORMATION / ESTIMATED COST: No cost to the City. All costs are recovered through a deposit account funded by the applicant.					
ORGANIZATION	AMOUNT						
OBJECT ACCOUNT							
JOB ORDER							
C.I.P. NUMBER							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	KELLY BROUGHTON <i>[Signature]</i>	11/10/08	8	DEPUTY CHIEF	WILLIAM ANDERSON <i>[Signature]</i>	11-12-08
2	EAS <i>[Signature]</i>	JENNIFER GARDNER <i>[Signature]</i>	11/10/08	9	COO	<i>[Signature]</i>	
3	WCCP- EXEMPT			10	CITY ATTORNEY	<i>[Signature]</i>	11/15/08
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT	MIKE WESTLAKE <i>[Signature]</i>	11/10/08
5	REDEVELOPMENT AGENCY	JANICE L. WEINRICK <i>[Signature]</i>	11/12/08	DOCKET COORD: _____ COUNCIL LIAISON: _____ COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input checked="" type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Certifying that the Information contained in Project No.146605 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Subsequent Addendum to MND No. 146605 reflects the independent judgment of the City Of San Diego as Lead Agency. 2. Council resolution approving Amendments to the General Plan and the Mid-City Communities Plan. 3. Ordinance approving the rezone of the site from CT-2-3 and CU-2-3 to CU-2-4 (Central Urbanized Planned District). 4. Council resolution approving Planned Development Permit No. 514696, Neighborhood Use Permit No. 518933, Conditional Use Permit No. 518932, and Site Development Permit No. 519775.							
11A. STAFF RECOMMENDATIONS: 1. Certify Subsequent Addendum to Mitigated Negative Declaration No. 146605; and 2. Approve General/Community Plan Amendment No. 518922, Rezone No. 518921, Planned Development Permit No. 514696, Neighborhood Use Permit No. 518933, Conditional Use Permit No. 518932, and Site Development Permit No. 519775							

COUNCIL DISTRICT(S): 3

000726

COMMUNITY AREA(S): City Heights community of the Mid-City Communities Plan

ENVIRONMENTAL IMPACT: A Subsequent Addendum to the Mitigated Negative Declaration (Project No. 146605) was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Based upon a review of the current project, it was determined that there are no new significant environmental impacts not considered for the previous Mitigated Negative Declaration; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance to the project. Therefore, in accordance with Section 15164 of the State CEQA guidelines, an Addendum was prepared. All mitigation measures (paleontological resources, health and safety, transportation/circulation/parking, and waste management) included in the previous Mitigated Negative Declaration No. 40960 and in the No. 95232 Addendum have been incorporated into this Subsequent Addendum. These mitigation measures

HOUSING IMPACT: The majority of the project site is currently designated in the Mid-City Communities Plan for Commercial and Mixed-Use (approx. 2.65 acres), at a density of 29 dwelling units per acre and up to 43 dwelling units per acre as a density bonus for mixed-use development. Additionally, the northern portion of the project site is designated Residential (approx. 0.13 acres) at a density of 21 to 25 dwelling units per acre. Under the current land use designations, 79 to 116 dwelling units would be allowed on the project site.

The project proposes a General/Community Plan Amendment to increase the maximum allowable density to 73 dwelling units per acre for the entire project site. The proposed amendment would allow 209 dwelling units to be developed on site. In an earlier phase of this project, a residential building consisting of 150 affordable senior housing units and one manager's unit was constructed on the northern section of the project site utilizing a 21% density bonus for affordable housing. This current phase of the project would provide an additional 92 dwelling units in a residential/retail building on the southern portion of the site, consisting of 78 market-rate and 14 affordable rental units. The final total of dwelling units proposed for the entire project would be 243 units, which includes a 35% density bonus for providing more than 30% affordable units. The senior residential building is owned by City Heights Square, LP, a partnership of Senior Community Centers and Chelsea Investment Corporation. The retail/residential building would be owned by City Heights Realty, LLC, and the designated affordable units within would be operated in accordance with an agreement with the City of San Diego Redevelopment Agency.

OTHER ISSUES: Redevelopment Agency staff is preparing a Second Implementation Agreement to the Disposition and Development Agreement (DDA) with the developer for the City Heights Square office and retail project to reflect a change from an office and retail project to a commercial and residential project. This document will also be docketed as a companion item to this project on the same City Council docket. This item should be scheduled first, with the Redevelopment item second. The Redevelopment Agency is preparing their item and coordinating the docketing.

000727

PROPOSED REZONING



PAR 1,2,3 & 4 BLK 46 LOTS 25-28

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST CU-2-4
 PLANNING COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION

CASE NO. 146605

Miculla S. ...
 DEVELOPMENT SERVICES MANAGER

B- 4274

APN: 471-452-27,30, 37,38,40, & 42

(212-1737U) 10-23-08 LDJ

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.17 ACRES LOCATED IN THE BLOCK BOUNDED BY UNIVERSITY AVENUE, 43RD STREET, FAIRMOUNT AVENUE AND POLK AVENUE, WITHIN THE CITY HEIGHTS NEIGHBORHOOD OF THE MID-CITY COMMUNITIES PLAN AREA IN THE CITY OF SAN DIEGO FROM THE CT-2-3 AND CU-2-3 ZONES OF THE CENTRAL URBANIZED PLANNED DISTRICT, INTO THE CU-2-4 ZONE OF THE CENTRAL URBANIZED PLANNED DISTRICT, AS DEFINED BY CHAPTER 15, ARTICLE 5, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE; AND REPEALING ORDINANCE NO. O-18855 (NEW SERIES), ADOPTED OCTOBER 2, 2000, OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

This ordinance approves the rezoning of 4.17 acres from the CT-2-3 and CU-2-3 zones of the Central Urbanized Planned District, into the CU-2-4 zone of the Central Urbanized Planned District, in connection with property located in the block bounded by University Avenue, 43rd Street, Fairmount Avenue and Polk Avenue, within the City Heights Neighborhood in the Mid-City Communities Plan, in the City of San Diego, California.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

000730

(O-2009-78)

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

ARW:cw
11/18/08
Or.Dept:DSD
O-2009-78
MMS#7055

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.17 ACRES LOCATED IN THE BLOCK BOUNDED BY UNIVERSITY AVENUE, 43RD STREET, FAIRMOUNT AVENUE AND POLK AVENUE, WITHIN THE CITY HEIGHTS NEIGHBORHOOD OF THE MID-CITY COMMUNITIES PLAN AREA IN THE CITY OF SAN DIEGO FROM THE CT-2-3 AND CU-2-3 ZONES OF THE CENTRAL URBANIZED PLANNED DISTRICT, INTO THE CU-2-4 ZONE OF THE CENTRAL URBANIZED PLANNED DISTRICT, AS DEFINED BY CHAPTER 15, ARTICLE 5, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE; AND REPEALING ORDINANCE NO. O-18855 (NEW SERIES), ADOPTED OCTOBER 2, 2000, OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, 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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 4.17 acres, roughly bounded by University Avenue, 43rd Street, Fairmount Avenue and Polk Avenue, and legally described as Parcels 1 through 4, inclusive of Parcel Map No. 19854; together with Lots 25 through 28, inclusive in Block 46 of City Heights, per Map thereof No. 1007, excepting therefrom the easterly 10 feet; together with the easterly 10

feet of the vacated unnamed alley abutting said Lots 25 through 28, in the City Heights neighborhood of the Mid-City Communities Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4274 filed in the office of the City Clerk as Document No. OO- _____, are rezoned from the CT-2-3 and CU-2-3 Zones of the Central Urbanized Planned District into the CU-2-4 Zone of the Central Urbanized Planned District; as the zones are described and defined by San Diego Municipal Code Chapter 15 Article 5 Division 2. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

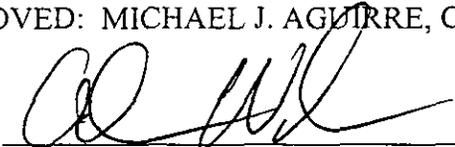
Section 2. That Ordinance No. O-18855 (New Series), adopted October 2, 2000, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By:



Adam Wander
Deputy City Attorney

ARW:cw
11/18/08
Or.Dept:DSD
O-2009-78
MMS#7055