

DATE ISSUED: November 8, 2000 REPORT NO. 00-235

ATTENTION: Honorable Mayor and City Council
Docket of November 14, 2000

SUBJECT: International Gateway of The Americas, Tentative Map/Coastal
Development Permit/Site Development Permit/Street
Vacation/Community Plan Amendment/ Progress Guide and General Plan
Amendment/ Local Coastal Program Land Use Plan Amendment
No. 40-0338, Process 5

REFERENCE: Redevelopment Agency's Second Implementation Agreement Report
Number RA-00-19, November 14, 2000 and Redevelopment Agency's
Cooperation Agreement

SUMMARY

Issues -

- 1) Should the City Council state for the record that the final Environmental Impact Report certified on April 2, 1996 and the final Mitigated Negative Declaration certified on May 12, 1998 have been reviewed and considered prior to making a recommendation on the project?
- 2) Should the City Council approve the Amendment to the San Ysidro Community Plan, Progress Guide and General Plan and the Local Coastal Program Land Use Plan as shown in Attachment 3 of the Planning Commission Report No. P-00-196-PC?
- 3) Should the City Council approve the Tentative Map No. 40-0338, subject to the conditions in Attachment 11 of Planning Commission Report P-00-196-PC?
- 4) Should the City Council approve the Street Vacations as shown on Attachment 2 of Planning Commission Report P-00-196-PC?
- 5) Should the City Council approve the Coastal Development/Site Development Permit No. 40-0338, subject to the conditions indicated in Attachment 12 in Planning Commission Report P-00-196-PC including modifications to Conditions 26 and 49 as indicated in this report?
- 6) Should the City Council approve the Redevelopment Agency's Second Implementation Agreement Report and Cooperation Agreement as referenced above? These agreements are companion items to this report.

Manager's Recommendation - Approve the following actions:

- 1) State for the record that the final Environmental Impact Report and the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project,
- 2) Approve the Amendment to the San Ysidro Community Plan, Progress Guide and General Plan and the Local Coastal Program Land Use Plan as shown in Attachment 3 of the Planning Commission Report No. P-00-196-PC,

- 3) Approve the Tentative Map No. 40-0338, subject to the conditions in Attachment 11 of Planning Commission Report P-00-196-PC,
- 4) Approve the Street Vacations as shown in Attachment 2 of Planning Commission Report P-00-196-PC,
- 5) Approve the Coastal Development/Site Development Permit No. 40-0338 including and the following:
 - a) Approve modifications to Conditions 26 and 49,
 - b) Do not approve the proposed Changeable Message/ Animated sign that is visible from the right-of-way, over height and off-premise of the project site,
 - c) Do not approve the proposed **Alternate** Landscaping Plan. Approve the **Exhibit A** Landscaping Plan.
- 6) Approve the Redevelopment Agency's proposal as referenced above and make the changes necessary to the Coastal Development/ Site Development Permit and Tentative Map conditions to reflect this action.

Planning Commission Recommendation - On October 26, 2000, the Planning Commission voted 5-0-2 to recommend the following:

- 1) Approve the Manager's recommendation Items 1 through 5a above,
-2)..... Do not approve the Manager's recommendation Items 5b and 5c. Instead, recommend the following:
 - a).. Approve the Changeable Message/ Animated sign on Parcel 17 at 50 feet high if Proposition C passes on the November 7, 2000 ballot and at 30 feet high if Proposition C does not pass. Request that staff provide a legal mechanism to permit the installation of this sign,
 - b).. Approve the **Alternate** Landscaping Plan and amend the San Ysidro Community Plan, Progress Guide and General Plan and the Local Coastal Program Land Use Plan to delete the 10 foot landscaping buffer requirement along the Tia Juana River within the project site boundaries,

.....Community Planning Group Recommendation - On September 19, 2000, the San Ysidro Planning and Development Group voted 5-0-4 to recommend approval of the proposed project. The Changeable Message Sign and the **Alternate** Landscaping Plan was not proposed to the Community Planning Group and is not included in this vote.

.....Environmental Impact - The City of San Diego as Lead Agency under CEQA has reviewed and considered an Environmental Impact Report (EIR), dated March 1996, and a Mitigated Negative Declaration (MND), dated April 24, 1998, covering this activity. The EIR was adopted April 2, 1996, by Resolution No. R-287149. The MND was adopted May 12, 1998, by Resolution No. R-290105.

.....Fiscal Impact - None.

BACKGROUND

The subject project proposes the demolition of approximately 18,425 square-feet of existing

commercial residential developments and the construction of 654,830 square-feet of commercial development. The project site is located south of Camino De La Plaza, west of Virginia Avenue and north of the Tia Juana River and is within the Coastal Zone, Coastal Height Limit Zone, CT 2-3 Zone, the San Ysidro Planned Development District and within the San Diego Redevelopment area. The site is designated border commercial in the San Ysidro Community Plan.

The 57.25 acre site will be subdivided into 17 lots plus one remainder lot. The vacation of various streets and alleys is included within the proposed subdivision. The amendment to the Progress Guide and General Plan, the Local Coastal Program Land Use Plan and the Community Plan is necessary for the deletion of Tia Juana Street and a bikeway along Tia Juana Street from the circulation element of the Community Plan within the subdivision boundaries to accommodate the proposed International Gateway commercial project. Refer to Planning Commission Report Number P-00-196-PC (attachment 1) for additional information regarding the details of this project.

On May 12, 1998, the Redevelopment Agency entered into a Disposition and Development Agreement (DDA) for this project along with a second phase of the project. Subsequent to the DDA, on February 22, 2000, the Agency entered into the First Implementation Agreement to the DDA which provided for the commencement of the retail portion phase one of the overall project which is discussed in this report. On November 14, 2000, a Second Implementation Agreement (see Redevelopment Agency Report Number RA-00-19) and a Cooperation Agreement will be proposed to the City Council for approval to amend the Agreements to revise the Scope of Development to add certain off-site public improvements. These improvements are proposed to be constructed by the Developer and/or the Agency in connection with development of the site, to change the phasing of construction of certain off-site public improvements, and to make other changes deemed appropriate by the parties. If the Redevelopment Agency's recommendations are approved, staff will ensure that the Coastal Development/ Site Development and Tentative Map conditions reflect the changes identified in the Agreements.

DISCUSSION

On October 26, 2000, the Planning Commission voted 5-0-2 to recommend the approval of the Amendment to the San Ysidro Community Plan, Progress Guide and General Plan and the Local Coastal Program Land Use Plan, the Tentative Map, the Street Vacations and the Coastal Development/Site Development Permit No. 40-0338 with the following modifications:

-a)..... Approve modifications to Conditions 26 and 49 in the Coastal Development and Site Development Permit No. 40-0338 as shown below.
- ~~.....~~ **Condition No. 26:** ~~No~~ All mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, and visible from any public right-of-way or public vantage point (public plaza or public bridge) ~~unless all such equipment is shall~~ be contained within a completely enclosed architecturally integrated structure. The top and sides of the enclosing structure may include grillwork, louvers, and latticework.
- ~~.....~~ **Condition Number 49:** The parking spaces on the project site shall be used for International Gateway of the Americas patrons only and ~~not rented out to others~~ shall not be leased to other private parties.
-b)..... Approve the Changeable Message/ Animated sign on Parcel 17 at 50 feet high if Proposition C passes on the November 7, 2000 ballot and at 30 feet high if Proposition C does not pass. Request that a legal mechanism be found to permit the installation of this sign. The Planning Commission expressed that because there are unique circumstances due to its proximity to the International Border and the heavy pedestrian use area at this location, special circumstances should be granted to permit the installation of this sign. They also stated that this sign along with the improvements proposed in the area would improve the appearance of a blighted pedestrian area. As discussed at the Planning Commission Hearing, even though current regulations do not allow this type of sign anywhere in the City, the Planning Commission requested that staff provide a legal mechanism to permit the installation of this sign as proposed.
-c)..... Approve the **Alternate** Landscaping Plan and amend the San Ysidro Community Plan, Progress Guide and General Plan and the Local Coastal Program Land Use Plan to delete the 10 foot landscaping buffer requirement along the Tia Juana River within the project site boundaries to accommodate this **Alternate** Landscaping Plan.

The architectural character of the buildings in this development exceed the LDC requirements for building detail and facade variations. The center is designed to provide landscaped entry drives and pedestrian walkways leading to an open-air pedestrian mall. Courtyards and entry plazas provide seating and landscaping for improved pedestrian orientation. The Planning Commission expressed satisfaction with this project and felt that it will enhance the area and be a significant benefit to the community. Staff concurs with the Planning Commission's assessment of the project with the exception of two project features that are not supported by staff. The two project features, however, were recommended by the Planning Commission for approval.

The two project features are a request for a Changeable Message/Animation sign and an **Alternate** Landscaping Plan. The Planning Commission report outlines staff's reasons for not supporting each of these project features. In summary, the following are reasons staff is not supporting these two project features:

Changeable Message/ Animated Sign

The request is to install a 50 foot high Changeable Message sign (30 feet high if Proposition C is not approved on the November 7, 2000 ballot) which would display color video “Diamond Vision,” and animated figures and advertise the businesses in the proposed commercial center. The applicant has also stated that community events may also be displayed on the sign which is proposed with a display area of 288 square-feet (12 feet high x 24 feet wide).

The Land Development Code permits signs consisting of changeable messages only on primary ground or wall signs and shall not be visible from a public right-of-way. The maximum height of a primary ground sign is 30 feet (regardless of the passage of Proposition C). The LDC also states that permanent or changeable messages on signs shall contain on-premises or public interest messages only.

The location of the sign is proposed to be on Parcel 17 which is located to the east of Virginia Avenue. This parcel is not considered a part of the premises of the proposed commercial center due to its separation from the project site by a public street (Virginia Avenue). Therefore, this sign is an off-premise sign.

The San Ysidro Community Plan states “To prevent visual clutter, all signage should meet the requirements of the City Sign Ordinance with no additional signs or increases in surface area or height permitted. Do not permit roof-top, tall free standing, or off-premise signs and billboards.” The proposed changeable message sign is considered a tall free standing and off-premise sign.

In summary, staff does not support this sign because it is a changeable message sign that is visible from the public right-of-way, it exceeds 30 feet in height, it is an off-premise sign and is not consistent with the Community Plan or the Citywide Regulations.

The Planning Commission has expressed that there are unique circumstances due to its proximity to the International Border and the heavy pedestrian use in the area. They stated that the location of this sign would improve the appearance of a blighted pedestrian area and the sign could be a resource for community messages. The Planning Commission has requested that staff find a legal mechanism to permit this sign to be installed on Parcel 17.

In order to permit this sign, the applicant would need to initiate an amendment to the Municipal Code to amend the Citywide Sign Regulations or create a special sign district. In addition, the applicant would need to apply for a lot tie agreement to address the off-premise issue of Parcel 17.

The decision process for establishing a special sign district is through a public hearing and recommendation by the Planning Commission and an action by the City Council. The sign district would also be subject to Coastal Commission approval. If approved, a special sign district could allow for deviations from the underlying zone regulations and the City wide sign regulations, and the lot tie agreement could address the off-premise issue with the location of the sign.

Although applying for an amendment to the Municipal Code is an option for the applicant, staff has concerns that amending the City wide sign regulations or creating a sign district solely for the purpose of installing this particular sign would establish a precedent throughout the City as a way for individual properties to override the Citywide regulations. Historically, special sign districts have been used for multiple ownership areas where there are special needs or within Planned Districts. In addition, allowing a lot tie agreement to Parcel 17 could result in future challenges to the sign regulations that prohibit off-site advertising (billboards): a business owner could buy a strip of land located close to a freeway, request that the City approve a lot tie agreement and install a sign.

The final issue is whether the sign should be approved with automatic changeable messages. This type of sign is permitted only with a discretionary permit (Neighborhood Use Permit). As per the LDC Regulations, certain conditions are applied to these signs, including a condition stating that the changing messages or animated portion of the sign shall not be visible from the public right-of-way. The applicant does not propose any means of screening this sign from the adjacent streets and freeways.

Alternate Landscaping Plan

The applicant has submitted two Landscaping Plans. One we have labeled **Exhibit A** which is recommended by staff because it conforms with the regulations of the Land Development Code (LDC) and the goals of the Community Plan. The second Landscaping Plan is labeled the **Alternate** Landscaping Plan. This plan is not recommended by staff because it does not meet the spacing regulations of the Land Development Code and does not conform with the goals of the Community Plan. The following table summarizes what it required in the LDC and the Community Plan.

ALTERNATE LANDSCAPING PLAN:

FRONT OF PROPERTY	
Required	Proposed
Parking Lot Tree Spacing: Approx. one tree/ 68 feet	Parking Lot Tree Spacing: Varies Up to Approx. one tree/ 88 feet
Street Tree Spacing: Approx. one tree/ 30 feet	Street Tree Spacing: Approx. one tree/ 40 feet
17,296 tree points	17,405 tree points

REAR OF PROPERTY	
Required	Proposed
Community Plan Requires: 10 foot landscaping buffer w/ bond agreement for parking structure area	No landscape buffer
Parking Lot Tree Spacing: Approx. one tree/ 68 feet	No trees

The LDC requires tree spacing at approximately one tree per 68 feet in the parking lot and one tree per 30 feet along the street frontage. The spacing proposed in the **Alternate** Plan (varies up to one tree per 88 feet in the parking lot and approximately one tree per 40 feet along the street frontage) is greater than what is required in the LDC.

The **Alternate** Landscaping Plan, however, meets the minimum “points” required in the LDC. When evaluating landscape plans, a certain number of points are assigned to each tree according to its size; the larger the tree, the more points assigned to it. The LDC requires that both the tree

spacing and number of points be met in order to provide evenly distributed planting throughout the parking lot and along the street frontage. This results in even shading and visual buffering of the parking lot. The conformance with the number of “points,” but not the tree spacing results in a plan with a distribution of larger trees concentrated along the driveway entrances of the parking lot but deficient within the parking area.

In reference to the rear of the property, the San Ysidro Community Plan requires that a 10 foot landscaping buffer be provided along the levee to mitigate visual impacts from the Border Patrol operations. The tree spacing requirement is also approximately one tree per 68 feet. A parking structure in the southeast area of the rear of this property may be constructed in the future but is not a part of this project. Staff has agreed to allow for the execution of a bond for the landscaping within the boundaries of the future parking structure. However, the area outside the future parking structure in the rear of the project does not meet the goals of the Community Plan or the LDC requirements for the tree spacing or tree points. The **Alternate** Landscaping Plan does not propose any trees in this area.

Due to a proposal of no trees in the rear of the property, if the **Alternate** Landscaping Plan is approved, the San Ysidro Community Plan, Progress Guide and General Plan and Local Coastal Program Land Use Plan will need to be amended to delete the 10 foot landscaping buffer requirement along the Tia Juana River within the project site boundaries.

On September 19, 2000, the San Ysidro Planning and Development Group voted 5-0-4 to recommend approval of the proposed project. The Changeable Message Sign and the **Alternate** Landscaping Plan was not proposed to the Community Planning Group and is not included in their recommendation.

ALTERNATIVES

1. Approve the Tentative Map/Coastal Development Permit/ Site Development Permit/ Street Vacation/ Community Plan Amendment/ Progress Guide and General Plan Amendment, and Local Coastal Program Land Use Plan Amendment No. 40-0338 with further conditions and/or modifications.
2. Deny the Tentative Map/ Coastal Development Permit/ Site Development Permit/ Street Vacation/ Community Plan Amendment/ Progress Guide and General Plan Amendment, and Local Coastal Program Land Use Plan Amendment No. 40-0338.

Respectfully submitted,

Tina P. Christiansen, A.I.A. Approved: George I. Loveland.....
Planning and Development Review Director Assistant City Manager....
CHRISTIANSEN/LJM

- Attachments:
1. Planning Commission Report Number P-00-196-PC
 2. Resolution for Tentative Map, Coastal Development Permit/ Site Development Permit, and Street Vacation
 - ...3.....Resolution for an Amendment to the San Ysidro Community Plan/ Progress Guide and General Plan/ Local Coastal Program Land Use Plan
 4. Addendum to the Community Plan Amendment if the **Alternate** Landscaping Plan is approved
 5. San Ysidro Community Plan Recommendation
 6. Letters from the Public

Note: The attachments are not available in electronic format. The attachments are available for review in the Office of the City Clerk.