

DATE ISSUED: July 28, 2004 REPORT NO. 04-165

ATTENTION: Honorable Mayor and City Council
Docket of August 3, 2004

SUBJECT: Fashion Walk, Planned Commercial Development, Resource Protection Ordinance Permit, and Tentative Map – Appeal of Planning Commission Decision to Approve - Project No. 4301. District 6. Process 4.

REFERENCE: Planning Commission Report Nos. PC-04-059 and PC-04-075 dated March 5, 2004 and April 16, 2004 respectively. Planning Commission decision of April 22, 2004, to approve development of 161 residential units.

OWNER/
APPLICANT: BFC-Fashionwalk, LLC, a California Limited Liability Company; Fashion Walk, L.P., a California Limited Partnership and American Property Enterprises; Eric C. Luna, Manager (Attachment 14).

SUMMARY

Issues - Should the City Council UPHOLD the Planning Commission's decision to approve a Planned Commercial Development (PCD) and Resource Protection Ordinance (RPO) Permit to allow construction of a 161-unit, multi-family residential development with a Tentative Map to allow the units to be sold as condominiums, on a 1.8-acre portion of a vacant 8.0-acre site located on Friars Road within the Linda Vista Community Plan Area?

Staff's Recommendation –

1. CERTIFY Mitigated Negative Declaration No. 99-1356 and ADOPT the Mitigation Monitoring and Reporting Program prepared for the Project; and

2. DENY the appeal and APPROVE PCD Permit No. 80170, RPO Permit No. 80579 and Tentative Map No. 80580, subject to the terms and conditions contained in the draft permit and resolutions.

Community Planning Group Recommendation - On January 27, 2003, the Linda Vista Community Planning Group voted 13-0-0, to recommend approval of the Project (Attachment 12).

Other Recommendations - Although the project site is located within the Linda Vista Community Plan (LVCP) Area, it is also adjacent to the northerly boundary of the Mission Valley Community Plan (MVCP) Area (Attachment 2). Vehicular access to the project site is proposed from Friars Road, therefore, as a courtesy, the project plans were distributed to the Mission Valley Unified Planning Organization and the Mission Valley Community Council.

On December 4, 2002, the Mission Valley Unified Planning Organization voted 16-0-1, to recommend approval of the project with a condition that the sidewalk along the project frontage on Friars Road be extended westward, to connect with the existing sidewalk located in front of property developed with detached office buildings (Attachment 13).

Environmental Review - Mitigated Negative Declaration No. 99-1356, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact - All staff costs associated with processing this project are recovered from a separate deposit provided and maintained by the Applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The project is proposing 161 multi-family units for the site which currently contains no housing. The Linda Vista Community Plan designates the site for CO (commercial office) and OS (open space) land uses (Attachment 1), but allows residential development to occur on the portion of the site designated CO, subject to approval of a PCD (Attachments 1.a. and 1.b.). The CO Zone allows a maximum density of 29 dwelling units per acre (one unit per 1,500 square-feet of lot area/medium

density), which would allow for a total of 232 residential units on the site. The total number of units proposed, 161, is 71 less than the maximum allowed under the LVCP and CO Zone.

As allowed by Municipal Code Section, 142.1310, the Applicant has chosen the option to pay an in lieu fee for the affordable housing requirements. This fee is based upon square footage of the residential use and will be collected prior to issuance of building permits.

Water Quality Impact Statement –

The project is classified as a priority project as defined by the City Storm Water Standards, and is required to comply with the State Water Resources Control Board Order No.92 08 DWQ (NPDES General Permit No. CAS0000002). During construction, this project will comply with Best Management Practices (BMP's) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public storm drain system.

The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The project's post development runoff will be collected and conveyed by a private drainage system, incorporating a combination of filtration media for inlets and a hydrodynamic separator device, upstream of the connection to the public storm drain system. The property owner(s)/homeowner(s) association (HOA) will be responsible for the long term maintenance of all private drainage facilities.

BACKGROUND

The application for this proposed development, previously titled “JPI Fashion Valley”, was submitted on December 22, 1999, under the regulations of the Municipal Code in effect at that time (Old Code). The application included a Planned Commercial Development and Resource Protection Ordinance Permit to develop an approximate 1.8-acre lower portion of an 8.0-acre hillside property with 170 multi-family, for rent apartment units. The current Applicant, American Property Enterprises, assumed responsibility for the application in March, 2002, and renamed the Project, “Fashion Walk”. The proposal was revised to reflect the reduction of nine units, to a total of 161 dwelling units. A Tentative Map was added which would allow for sale of the units as condominiums.

Planning Commission Report Nos. PC-04-059, issued March 5, 2004, and PC-04-075, issued April 16, 2004, discuss the proposed project in depth and are included as Attachments 15 and 17 respectively.

On March 11, 2004, the Planning Commission discussed the proposal and expressed several concerns. The Commissioners voted to continue the item until April 22, 2004, to allow staff to provide an update to the Linda Vista Community Planning Group (LVCPG) and to work with the Applicant in an effort to consider potential project enhancements pertaining to pedestrian access,

pedestrian integration, public transit, and public right-of-way. The approved minutes of this hearing are included as Attachment 16. On March 22, 2004, staff updated the LVCPG, informed them of the Planning Commissioners' concerns and indicated that ongoing discussions with the Applicant were occurring to consider and implement potential project enhancements.

As a result of these efforts, the Applicant agreed to – 1) pay costs to enhance crosswalk markings and signage to the extent permitted by City standards; 2) provide on-property signage directing pedestrians to the Trolley Station; 3) implement the extension of a five-foot wide sidewalk along the north side of Friars Road from the project's western boundary approximately 380-feet to the west to connect with the existing sidewalk at Fashion Valley Road; 4) move the pedestrian entrance from the garage to a new entrance lobby at street level; 5) add enhanced paving at the main driveway entrance to the building and on the sidewalks; 6) shorten the existing retaining wall behind the bus stop located on Friars Road in front of the proposed development and enhance the area with landscaping; 7) include a ground floor pedestrian lobby; 8) provide a noncontiguous sidewalk from the project's western driveway to the northeastern property line located on Ulric Street; and 9) provide an irrevocable offer of dedication to accommodate two eastbound left turn lanes onto northbound Ulric Street (included with the SR 163/Friars Road interchange project). Revised Plans are included as Attachment 6 – 1.a. through 1.f., and reflect these modifications.

On April 22, 2004 the Planning Commission voted 4-3 to certify Mitigated Negative Declaration LDR No. 99-1356, adopt the Mitigation, Monitoring and Reporting Program and approve the Planned Commercial Development, Resource Protection Ordinance Permit and Tentative Map to implement the project. As the approved minutes (Attachment 18) reflect, the Commission encouraged staff to “send a strong message to the City Council that the traffic improvements of Hazard Center Drive (extension) and the interchange improvements be expedited and looked at on a regional level”.

On April 28, 2004, two residents of condominiums located uphill and to the north of the proposed development filed appeals of the Planning Commission decision. The appeals (Attachments 11 a. and b.) specify disagreement with the environmental process, that this is the wrong time and location for the proposed development, and that the environmental document is insufficient.

The Mitigated Negative Declaration (MND) LDR No. 99-1356 was prepared by city staff in accordance with California Environmental Quality Act Guidelines. The MND analyzed potential project related impacts to Biological, and Paleontological Resources, Geology, Noise, and Traffic. Subsequent revisions in the project proposal include the incorporation of mitigation measures, which are identified in MND LDR No. 99-1356. The revised project avoids or mitigates the potentially significant environmental effects previously identified.

The previously disturbed and currently vacant project site (Attachment 1) is located at the northwest corner of Friars Road and Ulric Street, west of SR-163, east of Fashion Valley Road and north of the Fashion Valley Shopping Center. The CO-1-2 Zoned (Commercial-Office) property is within the Linda Vista Community Plan Area and designated for commercial-office (CO) and open space (OS) land uses. The Zone allows for development of commercial and

mixed residential/commercial uses. The Plan allows residential development to occur on the approximate 1.8-acre portion of the project site designated CO, subject to approval of a PCD. The remaining approximate 6.2-acres are designated as Open Space.

Surrounding land uses include multi-family residential development to the north (Fashion Hills/City Scene condominiums), commercial office development to the west along the north side of Friars Road, commercial retail uses to the south (Fashion Valley Shopping Center), and single-family residential development to the east across Ulric Street and SR-163.

Development of the site is constrained by a 100-foot wide SDG&E utility easement along a northerly portion of the site, a 20-foot wide drainage easement located at a mid-portion of the site, and a slope easement of varying widths along the easterly and southeasterly portions of the site, adjacent to Ulric Street. The existing topography comprises steep south- and southeast-facing slopes, which extend upward from the project frontage on Friars Road to the northernmost portions of the property. The proposed development is located on a previously disturbed, lower westerly portion of the site. The remaining two-thirds of the site is rectangular-shaped and consists of an approximately 120-foot high slope extending from an easterly portion of the site fronting on Friars Road to Ulric Street along the eastern property boundary, up to the northernmost portion of the site.

DISCUSSION

Project Description

The five-story building covers approximately 1.4-acres (17%) of the 8.0-acre site, and includes approximately 331,000 square-feet of gross floor area comprised of the residential dwelling units (181,500 square-feet), associated occupied space (35,000 square-feet) and off-street parking garage (114,650 square-feet). The residential building would be approximately 74-feet in height with the roof partially visible from the residential land uses located up-hill to the north of the site. Lattice would cover the mechanical equipment located on the roof of the proposed development to minimize view impacts of the equipment from the north.

Plans as initially submitted and considered at the Planning Commission hearing on March 11, 2004, are included as Attachments 7, and 7.a. through 7.v. As a result of Planning Commission's discussion, several of these plans were subsequently revised. These revised plans were included in Planning Commission's approval on April 22, 2004, and are included as Attachment 6, 1.a. through 1.f., together with those plans submitted initially which did not require revision.

The dwelling units include 11 one-bedroom units, 140 two-bedroom units and 10 three bedroom units ranging in size from 732 to 1,421 square-feet. Private recreational facilities include a clubhouse with fitness/exercise facilities, pool and spa. Open south-facing courtyards are located between each wing of the residential building to allow for passive recreation. Patios and fenced balconies with minimum areas of 36 square-feet are provided for at least 82 of the units. A minimum of 100 cubic feet of storage space is included with each individual unit.

The project includes a total of 334 off-street parking spaces in addition to disabled accessible spaces, motorcycle and bicycle spaces. The parking garage is located below the multi-family residential building within a two-story subterranean parking structure, with one-half of the second-story above ground. Stairs and elevators would provide access to all floors of the residential building. Bicycle racks and lockers would also be provided. Access to the parking garage is provided via Friars Road from two driveways, both of which are proposed to be gated. One driveway would be located at the southwestern corner of the building and would provide “right-turn-in” and “right-turn-out” vehicular access from westbound Friars Road. The second driveway would be located at the southeastern corner of the building, and would form the north leg of the Friars Road/Avenida De Las Tiendas signalized intersection. This driveway would provide vehicular access via Friars Road to/from either direction (east/west) and also to/from Fashion Valley Mall. The access gates are located at a sufficient distance from Friars Road so as to avoid potential vehicle queuing conflicts.

Grading required to accommodate the proposed development involves approximately 31,000 cubic yards of cut and approximately 1,200 cubic yards of fill (29,200 cubic yards exported). The project grading encroaches into approximately 0.5 acres of steep slopes (slopes greater than 25 percent) at the northern edge of the building site. No grading is proposed in the eastern two-thirds of the site which is proposed to be retained as natural open space. Three retaining/crib walls would be constructed to support the residential building and subterranean parking garage. These walls are located along the northern portion of the development area and partially along the eastern and western sides of the building. The above-ground portions of the retaining wall range from one- to 24-feet in height (at the northeasterly and northwesterly portions of the structure respectively). These walls are embedded into the north slope of the site and therefore are not visible from adjacent public rights-of-way.

The development area would be landscaped and feature a variety of street trees, slope trees and shrubs along the north and east sides of the building foundation, and various groundcover types. Landscaping of interior courtyards includes a variety of palms, trees and shrubs. Shrubs and trees are to be located along the southern perimeter of the project site and would screen views from Friars Road into the courtyards. Additional landscaping would be provided along segments of Ulric Street and Friars Road fronting the site; including a mix of trees, shrubs and turf. All landscaping would be privately maintained.

A Brush Management Program (Attachment 6-1.c.) has been designed for the project which includes the establishment of an 85-foot wide Brush Management Zone. Brush Management Zone 1 would be 25-feet wide, and Zones 2 and 3 would each be 30-feet wide. Zone 1 includes native trees, shrubs and groundcover, to be irrigated, trimmed, thinned and maintained to City standards. Brush Management Zone 2 would be maintained and thinned. Zone 3 includes existing thinned vegetation. Portions of these Zones need to extend off-site which requires permission from the surrounding land owner(s). If permission from the owner(s) is not granted, the project would implement alternative Brush Management compliance satisfactory to the City Fire Marshall.

Community Plan Consistency –

The proposed project is in compliance with a number of the Linda Vista Community Plans general community goals; including a pertinent statement noted on Page 7, to “Maintain Linda Vista as a primarily residential community including diverse neighborhoods”. Construction of the proposed condominium units on the site would comply with this goal and will provide needed multi-family housing in the Linda Vista/Mission Valley area.

The project would also comply with the LVCP Open Space policies noted on Pages 59 and 60, by preserving approximately 5.6-acres of natural open space located on the existing slope to the east of the proposed development pad, which is consistent with the Plan’s goal of conserving “natural amenities of the community, including the slopes along Friars Road, Ulric Street, and SR-163”.

Although the project site is located within the LVCP area, it is also adjacent to the northerly boundary of the MVCP area, which lies south of Friars Road. Goals and objectives of the MVCP would also be relevant to the project due to the close proximity of the site to that planning area. The proposed development would be in compliance with the land use goals noted on Page 37 of the MVCP, which recommends that residential development “provide a variety of housing types and densities within the community” and to “provide amenities for residents such as recreation, shopping, employment, and cultural opportunities within or adjacent to the residential development”.

Due to the close proximity of an existing Class II Bicycle Lane along Friars Road, development of the project site would fulfill a stated objective noted on Page 89 of the MVCP to “encourage bicycle use in the valley”. Further, the project is located within walking distance (less than one-half mile) of two existing transit lines, bus and trolley, which is a recommended guideline (noted on Pages 41 and 42) of the MVCP for residential development.

Deviation of PCD Ordinance Standards

The project is consistent with the land use designation of the LVCP, which allows multi-family residential development on the project site. However, residential development at a density higher than one dwelling unit per 1,500 square feet of lot area is required to process a Planned Commercial Development. The PCD Ordinance includes a requirement that a minimum of 50 percent of all gross ground floor or principal pedestrian level area shall be utilized for retail commercial and personal services (SDMC Section 101.0910.E.13, Attachment 19). The project proposes no commercial component, as the policies for commercial areas of the LVCP identify this site for residential only development. Should a commercial component be included with the project for the minimum 50 percent of gross ground floor area (approximately 21,500 square-feet), it would result in an impact of approximately 772 additional vehicle trips for the development which would require an additional 75 off-street parking spaces be provided.

In accordance with Municipal Code Section 101.0910.M.2 (Attachment 19), deviations from this requirement may be granted provided specific findings can be made to substantiate the requested deviation. The requested deviation can be supported due to the following:

a. The policy of the LVCP is to permit residential-only development in areas designated for Commercial Office uses; b. The subject site is identified for a "specific proposal" in the LVCP to permit residential development; c. Commercial uses on this site would result in higher trip generation rates and increased traffic volumes along this segment of Friars Road (beyond the number of vehicle trips/traffic which would be generated by the proposed residential project); and d. Commercial uses on the site would be incompatible with existing residential development to the north.

Staff concurs with the preceding arguments provided by the Applicant relevant to the infeasibility of accommodating commercial floor area on this site and has substantiated support for the proposed code deviation in the draft "PCD Deviation – Findings of Approval" (Attachment 23).

Discussion of Issues

Traffic Impacts

The 161 dwelling unit project is calculated to generate approximately 970 Average Daily Trips (ADT) at a rate of 6 ADT/dwelling unit, with 15 inbound trips/65 outbound trips during the AM peak hour and 60 inbound/30 outbound trips during the PM peak hour. A traffic impact study was prepared in order to assess traffic impacts associated with the project and analyzed key intersections and street segments within the project area. Two cumulative projects were identified for inclusion in the near-term analysis in addition to the proposed project. These projects included Presidio View located north of Hotel Circle North and west of Fashion Valley Road, and Rio Vista East Lot 4 located south of Friars Road, north of Rio San Diego Drive, east of Rio Bonito Way and west of I-805. The project was also analyzed for traffic impacts considering the horizon year of 2020. Further information regarding analysis of traffic impacts is contained within the MND.

In order to reduce cumulatively significant impacts calculated for the Friars Road/Ulric Street/SR 163 Southbound Ramps intersection, mitigation measures are incorporated into the project which requires street improvements that would involve widening the southbound approach at the Friars Road/Ulric Street/SR 163 southbound ramps intersection and provide dual southbound left-turns. With these improvements, the resultant project increase in delay at Year 2020 would be less than 2.0 seconds. As such, the project contribution to cumulative significant traffic impacts would be reduced to a level below significance.

Access Impacts

Vehicle access to the development is proposed via the construction of two driveways along the project frontage on Friars Road, at each end of the proposed parking garage. The main access to the site is proposed to be an addition of a north leg to the existing Friars Road/Avenida De Las Tiendas signalized "T" intersection. A secondary right turn in/right turn out only access is proposed from Friars Road to the west of the Friars Road/Avenida De Las Tiendas intersection. The City will require that an Irrevocable Offer of Dedication (IOD) be granted by the Applicant to the City for the future widening of Friars Road to accommodate a 66-foot half-width

right-of-way north of the existing centerline of Friars Road along the project frontage (Condition No. 58, Attachment 22). Additionally, the project would be required (Condition 59, Attachment 22) to modify the existing Friars Road/Avenida De Las Tiendas traffic signal as necessary to construct the north leg to that intersection. The west driveway would be restricted to right-turns in-and-out only (Condition 60, Attachment 22).

Encroachment of Biologically Sensitive Resources

As noted on the Grading Plan, the majority of the proposed development would occur on the disturbed, flatter portion of the site and would result in minimal impacts to existing native habitat and sensitive vegetation species located in this area. The remaining portions of the property would not be disturbed in order to construct the proposed development and, therefore, the native habitat in this portion of the site would remain in its natural state and retained as open space, consistent with the land use goals of the LVCP.

Compliance with the Resource Protection Ordinance (Attachment 20)

The project requires approval of a RPO Permit due to the existence of approximately 400 square-feet of erosional drainage features in the central portion of the site, as identified in the City's 1999 RPO Wetlands Delineation Map. The source of the drainage is the convergence of two brow ditches that convey runoff into the project site from the existing housing development to the north. The topography of these drainage features indicates a "non-natural" condition, since the alignment curves to the east when naturally it would flow directly south or toward the west.

Historical photo evidence indicates that before the large fill slope and brow ditches were constructed on the site (in approximately 1974), no historical wetland was present in this location. These factors combine to provide evidence that the drainage in question is actually an artificially created wetland which is exempt from the City's RPO regulations. However, prior to the issuance of any grading permits from the City, the Applicant is responsible for consulting with the California Department of Fish and Game to determine if the drainage features on the site are jurisdictional and require additional permit approval(s).

CONCLUSION

Staff supports the siting and design of the multi-family residential development proposed on this site. Staff has determined (via the draft "Findings of Approval" in Attachments 23 and 24) that the Project is consistent with the various land use, housing objectives, development standards and goals/policies in effect for this site per the Linda Vista and Mission Valley Community Plans and the existing Zone, and therefore would be compatible with existing development in the surrounding area.

A traffic study concluded that measures to reduce cumulatively significant impacts to a level below significance could be incorporated into the project. These measures include modifications to the existing Friars Road/Avenida De Las Tiendas signalized "T" intersection and provision of right-turn-in, right-turn-out only access west of the Friars Road/Avenida De Las Tiendas intersection. An Irrevocable Offer of Dedication (IOD) will facilitate the future widening of

Friars Road to accommodate increased right-of-way along the project frontage. Modifications will also be made to existing traffic signals to accommodate these improvements. Therefore, staff can support the project which is intended to increase the housing supply to accommodate an existing regional demand.

Staff supports those modifications to the project which have been agreed to by the Applicant, and approved by the Planning Commission. These modifications are intended to enhance the pedestrian walkability to surrounding transportation and retail uses, the project appearance and functionality, and address traffic related concerns.

ALTERNATIVES

1. DENY the Appeal and APPROVE Planned Commercial Development Permit No. 80170, Resource Protection Ordinance Permit No. 80579 and Tentative Map No. 80580, with modifications.
2. UPHOLD the Appeal and DENY Planned Commercial Development Permit No. 80170, Resource Protection Ordinance Permit No. 80579 and Tentative Map No. 80580, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Gary Halbert
Acting Development Services Director

Approved: George I. Loveland
Assistant City Manager

HALBERT/WCT

Note: Attachments 1 – 7 and 11-21 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

1. Community Plan Land Use Map
 - a. Linda Vista Community Plan, Page 45
 - b. Linda Vista Community Plan, Page 52
 - c. Aerial Photograph
2. Community Plan Land Use Map – Mission Valley
3. Project Location Map
4. Project Data Sheet
5. Project Chronology
6. Revised Plan(s), (1.a. through 1.f.)
7. Project Site and Development Plans (7.a. through 7.v.)
8. [Approved PCD/RPO Permit \(Planning Commission\)](#)
9. [Approved PCD/RPO Resolution \(Planning Commission\) No. 3502-PC](#)

10. [Approved Planning Commission Tentative Map and Resolution No. 3502-PC](#)
11. Copy of Appeal(s)
12. Linda Vista Community Planning Group Recommendation
13. Mission Valley Unified Planning Organization Recommendation
14. Ownership Disclosure Statement
15. Planning Commission Report No. PC-04-059
16. Approved Planning Commission Minutes, March 11, 2004
17. Planning Commission Report No. PC-04-075
18. Approved Planning Commission Minutes, April 22, 2004
19. "Old Code" Section 101.0910 (PCD Ord.)
20. "Old Code" Section 101.0462 (RPO Ord.)
21. PCD Permit No. 83.0420.1 (Expired)
22. [Draft City Council PCD/RPO Permit](#)
23. [Draft City Council PCD/RPO Resolution](#)
24. [Draft City Council TM Resolution](#)