

DATE ISSUED: September 21, 2005

REPORT NO. 05-193

ATTENTION: Honorable Mayor and City Council
Docket of September 27, 2005

SUBJECT: Hillel of San Diego, Project No. 6098, Council District One, Process 5

OWNER/

APPLICANT: Robert Marshall, Owner 8976 Cliffridge Avenue site; City of San Diego,
Owner Site 653; and Hillel of San Diego, Permittee for both sites.

SUMMARY

Issues - Should the City Council of the City of San Diego approve, modify or deny a two phased development utilizing an existing residence for religious offices and the construction of a Jewish religious student center requiring a Planned Development Permit No. 158095, Site Development Permit No. 158094, Street Vacations No. 158097, Right-of-Way Dedication No. 158098, and lot-Line Adjustment Parcel Map No. 188004 for the sites within and adjacent to the triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North in the SF zone of the La Jolla Shores Planned District and La Jolla Community Plan?

Staff's Recommendation:

1. **CERTIFY** Mitigated Negative Declaration No. 6098, and **ADOPT** Mitigation Monitoring and Reporting Program No. 6098; and
2. **APPROVE** Planned Development Permit No. 158095; and
3. **APPROVE** Site Development Permit No. 158094; and
4. **APPROVE** Public Right-of-Way Vacation No. 158097; and
5. **APPROVE** Public Right-of-Way Dedication No. 158098.

6. **APPROVE** Lot-line Adjustment Parcel Map No. 188004

Planning Commission Recommendation – On February 24, 2005, the Planning Commission voted 5-0 to recommend that the City Council deny the requested actions required to develop the subject site as proposed. Planning Commissioner Steele recused and did not participate in this consideration and Commissioner Griswold was not present.

The Planning Commissioners expressed interest in and focused upon the access, parking on- and off-site, the proposed Traffic Demand Management Plan and the occasional special events planned by Hillel for the facility.

The motion to recommend denial stated an incompatibility of the use with the single-family neighborhood where the Hillel site is located and that the Traffic Demand Management Plan, although believed by a majority of the Commissioners to be well prepared and responsive, did not resolve access and parking impacts for the normal operation of the project. The necessity for shared parking agreements off-site to serve the project was viewed as a problem. The Commissioners in discussion of the motion, put forward the following comments:

- Greater parking on or near the site (preferably at UCSD) is needed and the 40-spaces on-site were not sufficient

- The proposed deviations to parking regulations are significant. Defining and enforcing limitations on ‘special events’ is problematic. The size of the project should be tied to the amount of parking that can be provided on-site

- There is a lack of community support and use of public lands should take community direction into consideration. Another use of the site may be preferable

- Shared parking agreements should be secured prior to approval so that all parties can evaluate impacts related to the shared parking facility and shuttling of patrons between the project site and shared parking facility. Monitoring of the on- and off-site parking should be continuous and not limited to a 3-year period

Community Planning Group Recommendation - The project site is located within the La Jolla Shores Planned District within the boundaries of the La Jolla Community Planning area. The decision-maker is required to consider the recommendation of the La Jolla Shores Planned District Advisory Board (LJSPDAB) and City staff strongly recommends that all applicants seek the recommendation of the La Jolla Community Planning Association (CPG).

The LJSPDAB, on their agenda of Tuesday, January 18, 2005, passed three motions in recommending denial of the proposed project. Motion No. 1, stated that the Advisory Board believed that the project was not providing sufficient parking, did not comply with the ‘distinctive residential character’ as defined by the purpose and intent of the PDO, and stated concern over the loss of 12 on-street parking spaces and loss of a bike lane.

Motion No. 2, stated that the 'Findings' for the street vacation could not be made and that the right-of-way should be reserved for future traffic mitigation. Motion No. 3, stated that the use of the residence in Phase I is illegal.

The CPG considered this project on Thursday, February 3, 2005, and voted 10-2-0 to recommend denial of the proposed project on the basis of issues with parking, illegal use, loss of on-street parking, bikeway issues and other concerns not communicated.

Other Recommendations - None

Environmental Review - A Mitigated Negative Declaration, No. 6098, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared and will be implemented which will reduce the potential impacts to Paleontological Resources and Parking to a level below significant.

Fiscal Impact Statement - All costs associated with the processing of this project application are paid from a deposit account maintained by the applicant.

Code Enforcement Impact - The owner/applicant converted the use of the existing single-family residence located at 8976 Cliffridge Avenue from residential to religious use without first obtaining a Site Development Permit (SDP). A Code Compliance Case was opened by the City of San Diego Neighborhood Code Compliance Department and the owner/applicant made application with the City for the SDP. This application has been combined with the applications for Site 653 and is included within this Report to the Planning Commission as the Phase I of the project. If approved by the City Council, the Code Enforcement action would terminate. If the project is not approved, the applicant could resubmit a Site Development Permit as required by the La Jolla Shores Planned District Ordinance if they choose to continue use of the residence for religious purposes.

Housing Impact Statement - The religious use of the single-family residence at 8976 Cliffridge Avenue has removed one residential dwelling unit from available housing but this situation would be temporary if the project applications are approved by the City Council. The use of the residence at 8976 Cliffridge Avenue would continue as a Phase I use and terminate when Site 653 is available for occupancy under the Phase II development. The owners of the residence would convert the dwelling back to residential use and the overall project would not have any permanent Housing Impacts.

Water Quality Impact Statement - 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 drainage system. The post development Best Management Practices (BMPs) incorporated into the project consist of site design, source control, and treatment. The project's post development runoff will be collected by a private drainage system and conveyed to the public drainage system. The post-construction BMP's detailed in the Water Quality Technical Report have been evaluated

and accepted by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

BACKGROUND

The 'Hillel' project site consists of a total area of 42,400 square-feet of area which includes a 8,882 square-foot single-family residential lot used for religious offices at 8976 Cliffridge Avenue and a 33,518 square-foot City owned site commonly referred to as 'Site 653'. The project site is located in a triangular shaped area bounded on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way, and on the south by La Jolla Scenic Drive North. The site includes areas proposed for street vacation, easement abandonment, and street right-of-way dedication. A City Council requirement that 10,000 square-feet of area at the intersection of La Jolla Scenic Drive North/Torrey Pines Road be landscaped as a neighborhood amenity, leaves an area of 23,518 square-feet for the proposed development. The property is zoned SF (Single-family residential) within the La Jolla Shores Planned District Ordinance and is within the boundaries of the La Jolla Community Plan. The campus of the University of California at San Diego (UCSD) lies to the north, vacant land and youth athletic fields are to the west, a detached single-family residential neighborhood is located to the south, and a Planned Residential Development to the east. Site 653 is currently vacant and is relatively level with the street grade of the residences on the south side of La Jolla Scenic Drive North. La Jolla Village Drive descends to the east from the intersection with Torrey Pines Road and La Jolla Scenic Way descends to the north from La Jolla Scenic Drive North to its intersection with La Jolla Village Drive making the low point of the project site the southwest corner of this intersection.

Site 653 is City owned property which, until 1995, was designated as residential land use in the La Jolla Community Plan and La Jolla Shores Precise Plan. In 1995, the land use designation for Site 653 was changed to open space and remained that way until February, 2004, when the La Jolla Community Plan was amended and the site was redesignated to residential use. The City Council approved the entering into an exclusive agreement (letter issued by the Real Estate Assets Department on January 27, 2003) with Hillel for development of the site and possible acquisition.

Separate from decisions in regard to Site 653, Hillel received permission from the owner of the single-family residence at 8976 Cliffridge Avenue to use it for religious offices. Subsequent complaints to the City's Neighborhood Code Enforcement Office led to the City issuing a violation notice to the owner and Hillel for changing the use without City approvals. The City determined that the religious use is permitted in the zone but the change of from single-family to religious use requires a Site Development Permit as required by the La Jolla Shores Planned District Ordinance (LJSPDO). Environmental staff, for CEQA compliances, determined that the residence and Site 653 proposal should be considered as a single project. Staff directed the applicant to combine the projects into one consolidated project application.

DISCUSSION

Project Description:

The 'Hillel' project is the proposed development of a Jewish religious student center off-campus from UCSD which lies directly to the north across La Jolla Village Drive. The project proposal consists of two Phases with Phase I being the continued use of the single-family residence at 8976 Cliffridge Avenue for religious offices and Phase II being the construction of the student center.

Phase I would permit the applicant to continue to use the single-family residence and detached garage for religious office use with six off-street parking spaces required to be provided. This use would continue until such time as the Hillel student center in Phase II is constructed and approved for occupancy, at which time Phase I would terminate the use of the residence and the owner of the property would restore the residential use, maintaining a minimum of two off-street parking spaces.

Phase II is the development of Site 653 with the student center. The square-footage of the vacated rights-of-way comprise 21,278 square-feet of the total 33,518 square-foot site. The area to be dedicated along the La Jolla Village Drive frontage comprises 2,183 square-feet. The City Council, in agreeing to permit Hillel to proceed with the presentation of development plans for the site and acquisition, required that Hillel landscape a 10,000 square-foot area near the intersection of La Jolla Village Drive and Torrey Pines Road on the west portion of the site as a neighborhood amenity. The proposed student center would include a 17,000 square-foot subterranean garage for 40 vehicles, storage, trash enclosure and elevators to the upper level so that users can directly access the building. The upper floor would have a floor area of 12,000 square-feet and contain a multi-use area, a lounge, restrooms, breakroom, computer room and offices. The upper floor would be a one-story elevation structure at street grade on La Jolla Scenic Drive North consistent with the residences on the south side of the street. The main pedestrian entry faces La Jolla Village Drive and the UCSD campus to the north while a secondary pedestrian access faces La Jolla Scenic Drive North. Parking access is on La Jolla Scenic Way with a stairway and elevator providing direct access to the student facility. The La Jolla Scenic Drive North elevation includes minimal window openings facing the street and mounded landscaping softens the building mass facing the residences opposite the site to allow for a measure of privacy and reduced impact to the residents. An outdoor patio area is on the northeast corner of the site at the high point of the building mass overlooking the intersection of La Jolla Village Drive and La Jolla Scenic Way.

City staff has evaluated the on-site parking requirements and needs for this religious facility assuming the multi-purpose area as "sanctuary" for parking calculations. Seating for 200 persons requires a total of 67 parking spaces on-site (one space/three seats). Physical constraints limit the underground off-street parking to 40 spaces. The additional 27 required spaces would be required through a shared parking agreement.

Staff also required the applicant to list their schedule of activities, hours of operation and frequency in order to determine any additional event driven parking demand. It was determined that religious services (Shabbat) and limited occasional special events, not to exceed 12 per year, would increase attendance on the premises and that additional parking over the 67 spaces would be required for these events. Hillel had secured three separate agreements for shared parking off-site with the basic 27 spaces required located at a Lutheran Church in the area that also provides

assistance for Lutheran students on the U.C. campus, and two additional to cover the Shabbat services and limited occasional special events. Following the Planning Commission hearing, Hillel has secured an off-site parking agreement with UCSD to cover the required 67 parking spaces required and 75 off-street parking spaces necessary for the maximum of the 12 special events planned yearly. Conditions in the accompanying permit require monitoring of the parking for this project to assure no significant negative parking impacts on the neighborhood. When Shabbat and the special events take place, signage will be provided on- and off-site, a shuttle service provided with verbal communication to assure adequate and timely service is provided, and frequent users will be educated on the parking services provided in order to alleviate the neighborhood of parking problems. The City will review the adequacy of the parking supply and success of the Transportation Demand and Parking Management Plan and to bring it back to the Hearing Officer for amendment if needed.

A pedestrian/bicycle path will meander through the vacated right-of-way and landscaped area from the intersection of La Jolla Village Drive and Torrey Pines Road to Cliffridge Avenue/La Jolla Scenic Drive North. Non-contiguous sidewalks will be installed on the streets adjoining the project site.

The public right-of-way being vacated on La Jolla Scenic Drive North is unimproved and excess right-of-way. The right-of-way adjacent to Site 653 is right-of-way dedicated from the parcel of City owned land and would revert back to City ownership. Likewise, the portion of right-of-way lying between Site 653 and the adjacent single-family residence on Lot 67, would revert from the center-line to the two adjoining owners. A Lot-line Adjustment Parcel Map will allow the owner of Lot 67 to transfer title of his portion of the vacated right-of-way to Hillel while retaining sufficient right-of-way to assure access to the required off-street parking for the Phase I use and the subsequent reversion back to residential use when Phase II obtains occupancy approval.

Community Plan Analysis:

The subject properties are designated as Low Density Residential (5-9 du/ac) in the La Jolla Community Plan. Religious uses are commonly found to fit within residential areas without adversely affecting the Land Use Plan. Additionally, the proposed use is permitted by the La Jolla Shores Planned District Ordinance which was adopted specifically to implement the Land Use Plan. The Hillel center is located directly across the street from the University of California and on the northern edge of the adjacent residential neighborhood, making it an appropriate location for student-related activity.

The proposed development incorporates a number of specific design features which would allow the religious student center to achieve compatibility with the existing residential development in the vicinity. The center utilizes variations in height, textures, and rooflines in order to create the appearance of a series of smaller, individual structures. In addition, lower portions of the structure are concealed behind landscaped berms which reduce the overall scale of the structure as viewed from the adjacent residential neighborhood. Torrey Pine trees are proposed as both street trees and in informal groupings around the periphery of the project, and would further

screen and soften the structure at maturity. Parking for the facility is located within a subterranean garage. The garage is also equipped with a loading area, trash and recycling area, and a service elevator, so that any noise and visual impacts associated with these activities would be screened from surrounding residents.

In order to further minimize impacts to the adjacent residential neighborhood, staff has proposed specific conditions limiting the hours of operation for the center and the frequency of large events. The center would be permitted to be open from 7:00 AM to 10:00 PM daily, while all post-event cleanup and securing of the center must conclude by 11:00 PM. Religious observances with large attendances would be limited to no more than 12 times per calendar year, in accordance with the parking mitigation measures identified by the Mitigated Negative Declaration, and would be subject to the same time limits.

The project also implements policies of the La Jolla Community Plan which recommend enhanced pedestrian-orientation. Non-contiguous sidewalks are located along the La Jolla Village Drive and La Jolla Scenic Drive North frontages, with Torrey Pine trees and other landscaping planted between the curb and sidewalk. While screening the project from the adjacent residential neighborhood, this configuration would also buffer pedestrians from automobile traffic to create an environment conducive to walking and transit use. As such, students would be encouraged to use transit or walk from the UC San Diego campus to the student center, reducing automobile traffic and demand for parking at the center. By incorporating the cited design features and the conditions regarding operation of the center, the project implements the policies of the La Jolla Community Plan and would not adversely affect the residential land use designation of the subject properties.

Environmental Analysis:

The Environmental Initial Study (EIS) identified potential significant impacts to Paleontological Resources and Parking on the project site for the proposed student center. The application for the single family residence located at 8976 Cliffridge Avenue was submitted after the application for the proposed student center. According to the State of California Environmental Quality Act (CEQA), Section 15165, “segmenting or piecemealing” a project is not permitted. Since the single family residence and the proposed student center were both parts of the same overall project, the two applications were combined for review under CEQA.

The determination within the EIS was based on the amount (7,000 cubic yards) of soil proposed to be exported from the site during the grading activity for the subterranean parking garage. A Mitigation, Monitoring and Reporting Program (MMRP) is established as part of the Mitigated Negative Declaration that mitigates potential impacts to paleontological resources and parking to below a level of significance. The MMRP includes specific monitoring requirements including preconstruction meetings, full-time on-site monitoring by a qualified Paleontologist and discovery and curation protocols. The MMRP includes specific parking requirements including providing additional off-site parking spaces during special events and Shabbat Services; providing adequate signage at the student center and the off-site parking location that indicate the location of the parking and that the spaces are for use by the applicant; shuttle service between

the off-site location and the student center; and that a shared parking agreement be provided satisfactory to the City of San Diego prior to the issuance of the first building permit. The parking mitigation measures have been expanded and clarified since the Planning Commission hearings. Additional environmental issues considered during the project review that were determined to not be significant included Archeological Resources, Biological Resources, Noise, and Water Quality/Hydrology.

Deviations:

In order to develop this triangular shaped site, setting aside a 10,000 square-foot landscaped area over the western area, the project application and design requires a number of deviations from the Land Development Code (LDC). The Planned Development Permit (PDP) allows for the decision-maker to consider granting these deviations which are described as follows:

1. Parking requirement for religious assemblies per Table 142-05F of LDC Section 142.0530 of the LDC required is 30 spaces per 1000 square feet of assembly areas without fixed seats. Therefore, the parking requirement for 3,541 square feet assembly area is 106 parking spaces. However, the parking analysis for Hillel indicates a need for 38 parking spaces during Shabbat Services. Hillel is proposing to have no more than 200 movable seats for weekly Shabbat services which would require 67 parking spaces. Hillel is also proposing to provide 40 on-site parking spaces and 27 off-site parking spaces through a shared parking agreement. The parking analysis also indicates a need for 113 parking spaces during special events. Hillel is proposing to provide a total of 115 parking spaces for occasional special events including the 40 on-site spaces and 75 off-site parking spaces through a shared parking agreement. Therefore, Hillel is requesting a deviation through the PDP from the parking requirement in LDC section 142.0530.
2. LDC Section 142.0545(a) does not allow shared parking in single-family residential zones. Hillel is located in the SF (single-family) zone of the La Jolla Shores Planned District and is proposing a deviation through the PDP for the required off-site shared parking agreement.
3. LDC Section 142.0545 (a)(2) requires all off-site parking spaces to be provided within 600 feet of the project site. Hillel is requesting the provision of off-site parking spaces at UCSD outside the 600 feet required distance and is proposing to provide shuttle services between the off-site location(s) and project site during Shabbat services and special events. Therefore, Hillel is requesting a deviation for location of the off-site parking requirement as required in LDC Section 142.0545(a)(2).
4. Table 142-05L of LDC Section 142.0560 requires non-residential uses to provide a minimum 24-foot wide driveway. Hillel is proposing a 20-foot wide temporary driveway under Phase 1 'Parking Alternative 2' for the office use of the building located at 8976 Cliffridge Avenue site. Therefore, Hillel is requesting a deviation through the PDP for this driveway width.
5. Table 142-05L of LDC Section 142.0560 requires non-residential uses to provide a minimum 24-foot wide driveway. Hillel is proposing a 12-foot wide driveway under Phase 1 'Parking Alternative 1' for the office use of the building located at 8976 Cliffridge Avenue site. This

building will be converted to a single family home after construction of Site 653 and would require a 12-foot wide driveway. Therefore, Hillel is requesting a deviation through the PDP for this driveway width.

6. Table 142-05L of LDC Section 142.0560 requires non-residential uses to provide a minimum 24-foot wide driveway. Hillel is proposing a 22-foot wide driveway for the subterranean parking garage for Site 653. Therefore, Hillel is requesting a deviation through the PDP for this driveway width.

Additionally, there are two additional deviations requested from the Street Design Manual that the City Engineer may approve. These deviations are:

1. The connection of La Jolla Scenic Drive North and Cliffridge Avenue does not provide a 100-foot curve radius. The City Engineer believes that the proposed design is preferable given all conditions relative to the site.
2. The Street Design Manual indicates that the pedestrian/bike path connecting La Jolla Scenic Drive North to Torrey Pines Road should have a 12-foot width where 10-feet is proposed. This path would overlap and be a portion of the City Council required landscaped area.

Conclusion:

The proposed project was submitted by the applicants after actions by the City Council authorizing Hillel to proceed with presenting a development proposal to the City and exploring purchase of the site. Legal actions to date have not invalidated any of these actions.

The La Jolla Community Plan designates this site as low density residential and the property is zoned SF. The SF zone of the La Jolla Shores Planned District allows the proposed religious student center and place of worship through a Site Development Permit.

Staff recommends that the City Council Certify the environmental Mitigated Negative Declaration No. 6098 and Adopt the Mitigation Monitoring and Reporting Program (MMRP) and Approve the Planned and Site Development Permits, Right-of-Way vacations and dedication and the Lot-line Adjustment to permit the development of the proposed student center.

ALTERNATIVES

1. **Approve** Planned Development Permit No. 158095, Site Development Permit No. 158094, Public Right-of-Way Vacation No. 158097 and Public Right-of-Way Dedication No. 158098, **with modifications.**
2. **Deny** Planned Development Permit No. 158095, Site Development Permit No. 158094, Public Right-of-Way Vacation No. 158097 and Public Right-of-Way Dedication No. 158098, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Gary W. Halbert
Development Services Director

Approved: Ellen Oppenheim
Deputy City Manager

Halbert/RMK

Note: Attachments 4, 7-9, and 13 are available in electronic format. A complete copy for review is available in the Office of the City Clerk.

Attachments:

1. Aerial Photograph(s)
2. Community Plan Land Use Map
3. Project Location Map
4. [Project Data Sheet\(s\)](#)
5. Project Site Plan(s)
6. Reduced Project Plans (Reduced 11x17 for Planning Commission only)
7. [Draft Planned and Site Development Permit with Conditions](#)
8. [Draft Planned and Site Development Permit Resolution with Findings](#)
9. [Draft Street Vacation/Dedication Resolution](#)
10. Hillel Sample Event Schedule
11. Community Planning Group Recommendation(s)
12. Ownership Disclosure Statement
13. [Project Chronology](#)