



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: April 12, 2006 REPORT NO: 06-035

ATTENTION: Council President and City Council  
Docket of April 18, 2006

SUBJECT: Appeal of India and Chalmers Village, Project No. 37165,  
Council District 2, Process 4

REFERENCE: Planning Commission Report No. PC-05-315

REQUESTED ACTION: Should the City Council approve or deny an appeal of the Planning Commission's decision to approve Tentative Map No. 228076 and Site Development Permit No. 107095?

STAFF RECOMMENDATION: Deny the appeal and approve Tentative Map No. 228076 and Site Development Permit No. 107095.

SUMMARY:

The project site is located at 3621-3649 India Street and is bordered by India Street to the west, Chalmers Street to the north, Columbia Street to the east and existing commercial and residential development to the south. The western half of the site is within the CN-4 zone of the Mid-City Communities Planned District, which allows commercial/mixed use development, and the eastern half of the site is within the MR-1500 zone of the Mid-City Communities Planned District, which allows multi-family residential development. The site is within the Uptown Community Plan which designates the entire site for mixed-use development.

The site is currently developed with four commercial structures which were built between 1926 and 1958, and a paved parking area behind the structures. Because of the age of the structures, the Environmental Analysis Section (EAS) of the Development Services Department required the preparation of a historical assessment of the existing structures. This report concluded that the existing structures are not historically or architecturally significant and no further action or mitigation is required.

The project site is located on a hillside that slopes primarily from east to west (towards India Street) but also from south to north (towards Chalmers Street). Onsite elevations range from approximately 74 feet above Mean Sea Level (aMSL) at the northwest corner of the lot at the corner of India Street and Chalmers Street to approximately 119 feet aMSL at the southeastern corner of the lot on Columbia Street, for an onsite grade differential of approximately 45 feet. The area behind the existing buildings on India Street has been excavated to provide a surface parking area and has an average elevation of approximately 84 feet aMSL. The existing topographic conditions of the site result in a situation that causes the rear development pad area to be substantially lower than the surrounding street and property elevations.

Surrounding uses include Interstate 5 to the west, commercial development adjacent to the property along the India Street frontage and single- and multi-family residential development to the north, south and east. The project site is located in the Airport Approach Overlay Zone (AAOZ), within the 55-65 dB CNEL noise contours. The San Diego County Regional Airport Authority has reviewed the project for consistency with the San Diego International Airport Land Use Compatibility Plan (ACLUP) and has determined that the project is consistent with the ACLUP.

### Project Description

The applicant proposes to demolish the four existing commercial structures and associated surface parking areas and construct a new, mixed-use building with five commercial condominium units totaling 10,219 square-feet, 25 residential condominium units totaling 30,606 square-feet and a 71-space substantially subterranean parking garage totaling 28,996 square-feet. The five, two-story commercial condominium units would be located along the India Street frontage at street level. The 25, one- to three-story residential units would be provided behind the commercial units, towards the east of the project site, and would consist of 19, two-bedroom units and six, three-bedroom units.

The project would provide an approximately 2,275-square-foot public plaza area on the second floor of the plan, creating an interior courtyard area open to the sky. The plaza would have pedestrian access from both the India Street and Chalmers Street frontages and elevator access to the upper floor residential units. The plaza would provide access to the second floor commercial units, a community and recreation room, pool, extensive landscaping and patio areas. Seventeen of the 25 residential units and their required usable outdoor open space areas front onto this plaza area, which allows them to be substantially screened from the India frontage and associated Interstate 5 traffic noise. The remaining eight units would be constructed as townhouse units along Columbia Street and would feature individual walk-up entrances.

As described in the *Background* section of this document, the existing topographic conditions of the site result in a situation that causes the rear development pad area to be substantially lower than the surrounding street and property elevations. Because of the sloping nature of the project site, the structure has been designed to “step” down the hillside to minimize the height of the structure as viewed from the existing rights-of-way

and adjacent properties. Overall structure heights from existing grade would range from approximately 24 feet at the corner of Columbia Street and Chalmers Street to approximately 45 feet at the top of the parapet at the mid-section of the structure. The height limit for both the MR-1500 and CN-4 Zones is 30 feet.

Due to the existing topographic features, complexities of the site, and to facilitate the provision of the partially subterranean parking areas, the applicant is requesting a height deviation, which is supported by City staff. The applicant is also requesting deviations to the pedestrian access, visibility area, street yard area and street side yard setback requirements, which are also supported by City staff. Please see the attached *Report to the Planning Commission* for more detailed information regarding the project and associated deviations.

### Planning Commission Decision

On January 19, 2006, the Planning Commission voted 4-0 to approve the project on the consent agenda. After this vote, a speaker slip in opposition to the project was turned in by the appellant, John Ashley. The Planning Commission then voted to reconsider the item so that it could be pulled from the consent agenda and heard. After a staff presentation and hearing testimony from the project applicant and the appellant, the Planning Commission voted 5-0 to approve the project.

### Appeal Issues

In reviewing the Development Permit Appeal Application submitted by the appellant, staff has determined that there are seven issue areas which are of concern to the appellant. A summarization of each issue area and staff's response is given below:

#### **1. Community Character Compatibility on Columbia Street:**

*The appellant states that the proposed three-story townhouses are not in keeping with the existing two-story residential structures fronting on Columbia Street. The appellant feels that the units are too tall and that the height has been measured incorrectly. The appellant also states that staff incorrectly identified that all existing buildings on Columbia Street are three-story structures.*

#### **Staff Response:**

The eight townhouse units proposed for the Columbia Street frontage would range in height from approximately 20 to 31 feet and would appear substantially as two- to three-story structures. Because Columbia Street slopes down approximately 20 feet from south to north, the Columbia Street building includes three "step-downs", which allow it to follow the slope of the hill, providing an overall height differential of 20 feet from south to north. The height of the proposed units fronting on Columbia Street was confirmed by comparing the average Mean Sea Level (aMSL) elevations of the street and subject property with the aMSL elevations of the proposed building.

During the Planning Commission hearing, staff stated that the existing development on Columbia and Chalmers Streets consists of primarily multi-family structures ranging from one to three stories in height, which has been confirmed by several site visits.

The subject site contains two zoning designations including CN-4, which is a commercial/mixed use zone and MR-1500, which is a multi-family zone and the Uptown Community Plan designates the site for mixed-use development. The proposed mixed use development, which includes the townhouse units on Columbia Street, is considered compatible with the existing multi-family residential development on Columbia Street. The subject parcel represents a transition from the primarily residential uses to the east and the primarily commercial uses on India Street to the west. Long-Range Planning staff have reviewed the proposed project and determined that it is compatible with the Uptown Community Plan and surrounding uses.

**2. Offsetting Building Planes:**

*The appellant states that there are no offsetting building planes on the Columbia Street frontage.*

Staff Response:

The Columbia Street elevation features recessed front doors with architectural pop-outs above to create a covered porch area, projecting balconies, individual front door steps which extend from the building to the sidewalk for each unit and varied building heights which include three “step-downs” to accommodate the slope of Columbia Street. The design has been reviewed and approved by LDR-Planning staff and meets the requirements and intent of the applicable regulations.

**3. Height Limit Exceeded:**

*The appellant states that too much deviation from the 30-foot height limit has been allowed for this project. The appellant also states that the building height has been incorrectly measured with regard to the existing excavated area located at the rear of the project site and refers to a height level of 52-feet, 9-inches which is contained on the plans.*

Staff Response:

The project would provide a maximum height of 45 feet where 30 feet is allowed by the site zoning. Staff is supportive of the proposed height deviation due to the extreme site topography, which includes two sloping planes and an overall site elevation differential of 45 feet. Allowing the proposed height deviation also facilitates the provision of the underground parking. The project has been designed to appear substantially as a two- to three-story structure when viewed from all adjacent street frontages, with maximum visible building heights of 30.5 feet on Columbia Street, 31.5 feet on India Street and 35 feet on Chalmers Street.

The south elevation, which is adjacent to the existing commercial development on India Street and is not adjacent to any roadway, would incorporate the maximum height deviation of 45 feet.

Of the 185 lineal feet of building frontage on the south elevation, approximately 70 feet (38%) would utilize a building height deviation of 38 to 45 feet and would occur towards the middle of building. Please note, the Report to the Planning Commission incorrectly lists the maximum height deviation as 40 feet. The correct deviation is 45 feet, which was clarified during staff's presentation at Planning Commission.

In calculating the heights listed in the appeal application, it appears that the appellant is including portions of the subterranean garage area in his height calculations, which would not be required in this particular development scenario. The project has been reviewed by LDR-Planning staff and all project height measurements were performed in accordance with the municipal code requirements.

#### **4. Excessive Square-Footage:**

*The appellant states that by adding a third story to the townhouses, the project would be allowed to develop excessive square-footage.*

Staff Response:

As described above, the requested height deviation for the Columbia Street frontage is minimal, approximately 30.5 feet where 30 feet is required. Based on the extreme topographic variations of the site and the project design, staff is supportive of the project design and proposed variations. Additionally, the project as designed meets the Floor Area Ratio (FAR) requirements of the underlying zones.

#### **5. Landscaping:**

*The appellant states that the palm trees which are proposed for the Columbia Street frontage are not consistent with the existing development on Columbia Street. The appellant would prefer the use of a lower-growth species, such as Hong Kong Orchid trees, along the Columbia Street elevation.*

Staff Response:

The proposed landscape plan has been reviewed and accepted by LDR-Landscaping staff. Although the landscape plan as proposed is acceptable, the applicant has indicated they would consider alternatives to the palms on Columbia Street.

#### **6. Community Planning Group and City Staff Responsiveness:**

*The appellant states that he made eight calls to the Uptown Community Planning Group that were never returned. The appellant also states that the Development Project Manager, Paul Godwin, did not keep him informed of the project's progress.*

Staff Response:

Staff is unable to comment on the responsiveness of the Uptown Community Planning Group, as they are a citizen volunteer organization. During the course of project review, the appellant met with the Project Manager, Paul Godwin, on three occasions and was provided with all public notices and reports in a timely fashion.

Additionally, the Project Manager provided the appellant with the applicant's contact information, which resulted in a meeting between the applicant and the appellant prior to the Planning Commission hearing.

ALTERNATIVES:

1. Deny the appeal and approve Tentative Map No. 228076 and Site Development Permit No. 107095, with modifications.
2. Approve the appeal and deny Tentative Map No. 228076 and Site Development Permit No. 107095.

FISCAL CONSIDERATIONS:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None associated with this project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 7, 2004, the Uptown Community Planning Group voted 13-0-1 to recommend approval of the project with no recommendations.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Stakeholders: Pacifica REO, LLC, Owner (Attachment 4), Carrier Johnson Architects, Applicant and John Ashley, Appellant.

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Gary Halbert  
Director  
Development Services Department

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James T. Waring  
Deputy Chief of Land Use and  
Economic Development

HALBERT/PBG

Note: Attachments 1 and 3 5, 6 and 7 are available in electronic format. A complete copy for review is available in the Office of the City Clerk.

Attachments:

1. [Project Location Map](#)
2. Copy of Appeal
3. [Planning Commission Report No. PC-05-315](#)
4. Ownership Disclosure Statement
5. Draft Site Development Permit
6. Draft Site Development Permit Resolution
7. Draft Tentative Map Resolution