



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: October 4, 2006 REPORT NO.: 06-136

ATTENTION: Council President and City Council
Docket of October 10, 2006

SUBJECT: Appeal of Upper Voltaire Mixed Use - Project No. 58800,
Council District 2, Process Four.

REFERENCE: Report to the Planning Commission No. PC-06-068 (Attachment 12),
Project Approved by the Planning Commission on July 13, 2006.

OWNER/
APPLICANT: Voltaire Partners, LLC (Michael D. Stevens and Steven L. Fortner)

REQUESTED ACTION: Should the City Council approve or deny the appeal of the Planning Commission's decision to approve a request for the construction of a mixed-use development containing 28 for-sale residential units and six commercial retail spaces on a 0.97-acre site located at 4105-4107 Whittier Street, and 4104-4064 Voltaire Street, within the Peninsula Community Plan?

STAFF RECOMMENDATION:

1. **DENY** the appeal;
2. **CERTIFY** Mitigated Negative Declaration No. 58800; and
3. **APPROVE** Site Development Permit No. 172879, and Planned Development Permit No. 254753, Vesting Tentative Map No. 341372, and Easement Abandonment 341383.

SUMMARY

Project Description:

The project proposes a mixed-use, infill development of 28 for-sale residential units and six ground-floor commercial units on a 0.97 acre site at 4104-64 Voltaire and 4105-07 Whittier Street within the Peninsula Community Planning Area. The site is centrally located in the Peninsula community along a transit corridor, is part of the North Bay Redevelopment Project Area (although not a recipient of Redevelopment Agency funds), and is located in an area designated by the community plan as in transition from residential to multi-family development. The site is also designated as a potential Smart Growth Area by the San Diego Association of Governments (SANDAG).

The project provides 13 surface commercial parking spaces and 71 subsurface parking spaces where 64 spaces total are required. The project scope includes landscaping (exceeding municipal code requirements); public improvements (sidewalk upgrades, curb cut removal along Voltaire Street, bus stop relocation and improvements, fire hydrant installation on Whittier Street, undergrounding of a 12 kV San Diego Gas and Electric distribution line); and street improvements (re-striping and intersection improvements along Voltaire and Whittier Streets). The project would remove a commercial building (Dominos Pizza), two single-family houses, and a storage yard.

The project includes vacation of an un-used 15-foot sewer easement of 0.395 acres to be summarily vacation, subject to City Council approval. The summary vacation was not required to be brought forward to the Planning for a recommendation approval and is before the City Council in conjunction with the appeal.

The project is within the Peninsula Community Plan Implementation Overlay Zone and is designed specifically to conform with the community plan recommendations: (1) the project is below the recommended density (28 dwelling units per acre (du/ac) proposed whereas 29 du/ac allowed), (2) the project provides infill development in a transition area from single to multi-family; (3) the project furthers Redevelopment goals to remove blight and revitalize the stagnant Voltaire commercial strip; (4) the project promotes in-fill development along a bus line and within walking distance of local community amenities, and (5) the project provides off-site traffic and public improvements to benefit the community. However, the Peninsula Community Planning Board disagrees that the project conforms with the community plan.

The project requests deviations from the requirements of the San Diego Municipal Code (SDMC) for wall height, and reduction in setbacks. Staff supports the deviations due to site restrictions and the desire to bring the project / pedestrian interface as close as possible to the street frontage to encourage pedestrian interaction with the storefronts.

The project is located within the Coastal Height Overlay Zone and therefore complies with the 30 foot coastal height limit. The project proposes a Floor Area Ratio of 1.5 where 1.76 is allowed. The project has not yet received a consistency determination from the Airport Land Use Commission (ALUC), although city staff believes the project to be consistent with the San Diego International Airport Airport Land Use Compatibility Plan. Staff anticipates the ALUC will hear the item on September 7, 2006.

A traffic study was not required for the project since the project scope does not trigger the City of San Diego 1,000 daily trip threshold. However, the applicant elected to prepare a traffic study because of known local community concerns with traffic and circulation. The proposed project is anticipated to generate a net total of 254 daily trips with 15 in the morning peak hour and 23 in the afternoon peak hour. Traffic issues are the largest concern of those opposed to the project and the community disagrees with the methodology and findings of the traffic study. As such, the unanimous approval of the Planning Commission was appealed by the Peninsula Community Planning Board expressing concerns over density and traffic. Staff responses to the issues raised in these appeals are attached within the Report to the City Council.

Planning Commission Recommendation:

On July 13, 2006, the Planning Commission heard the proposed project and voted unanimously 6-0 to approve staff's recommendation. Public testimony in opposition to the project at this hearing focused primarily on traffic and density concerns.

Appeal (Attachment 6):

One appeal application was filed by the Chair of the Peninsula Community Planning Board (July 24, 2006). The reasons for the appeal are listed as: factual error, conflict with other matters, and findings not supported. Each of the appeal issues are discussed below.

1. **Issue:** *The traffic document presented to the Peninsula Community Planning Board and to the Planning Commission to influence votes in favor of the project, was misrepresented as a "traffic impact study." A formal traffic impact study is now needed to give all the decision makers accurate information on which to judge the impact of this project.*

Staff's Response: A formal traffic impact study was conducted, although not required, since the project scope does not trigger the City of San Diego 1,000 daily trip threshold. The proposed project is anticipated to generate a net total of 254 daily trips with 15 in the morning peak hour and 23 in the afternoon peak hour. However, the applicant elected to prepare a traffic study because of known local community concerns with traffic and circulation. Katz, Okitsu & Associates was retained to prepare a thorough traffic analysis for the project consistent with the City of San Diego Traffic Impact Study Manual. The final revised report to the City dated April 17, 2006 (accepted by the City on April 24, 2006), contains the results of the traffic analysis and recommended improvements. The report analyzes opening year and build-out conditions (year 2030) consistent with the City of San Diego's Traffic Impact Study Manual and provides the information needed to assess potential impacts of this project, and cumulative build-out conditions. Although the community planning group would like further study of the area, the project elected to conform to the Traffic Impact Study Manual. The project did agree to several requests from the City for additional analyses.

2. **Issue:** *Replacing the light at Wabaska and Voltaire with a three-way stop sign makes no sense because Voltaire carries 13,400 cars a day at that location and Wabaska only carries 2800.*

Staff's Response: As reported in the traffic study, the build-out scenario of a signalized intersection at Voltaire Street and Wabaska Drive gives an intersection level of service (LOS) A averaged over the morning and afternoon peak periods. The build-out scenario of an unsignalized all-way stop controlled intersection at Voltaire Street and Wabaska Drive gives an intersection LOS B averaged over the morning and afternoon peak periods. This change in the LOS is acceptable and begins the process of traffic calming Voltaire Street between Catalina and Chatsworth Boulevards. Traffic calming for this corridor is encouraged in the Peninsula Community Plan which states that this corridor lacks a unifying character and streetscape amenities, has vehicular access and parking problems, and that businesses have had a lack of vitality and promotion. The plan encourages the evolution of a more concentrated and compact neighborhood commercial district. The Voltaire Street Master Plan of the neighboring community of Ocean Beach seeks a safe and pleasant environment for pedestrians and bicyclists. Under existing conditions, traffic frequently accelerates across the Voltaire Street Bridge (currently two lanes) headed toward

a sudden merge to one lane after the signal at Voltaire Street and Wabaska Drive, frequently at unsafe speeds, only to slow down at the Catalina Boulevard intersection. A similar unsafe driving behavior occurs in the opposite direction.

- 3. Issue:** *Adding more traffic to Whittier Street and Catalina Blvd, will negatively a street [sic] already at a Level of Service of E and F. The ADT for this area is from 14,500 to 20,500 for a street with a design capacity of 10,000 ADT now. The developer's striping proposal will not solve this problem.*

Staff's Response: While the traffic study did not take credit for the increase in capacity, according to the City of San Diego Traffic Impact Study Manual, the addition of a center turn lane on Voltaire Street (which the applicant has accepted as a condition) will increase the capacity of Voltaire Street from 10,000 daily vehicles to 15,000 daily vehicles. The proposed center turn lane on Famosa Boulevard between Whittier Street and the Nimitz ramps (which the applicant has also accepted as a condition) has the same effect and extends the center turn lane that exists between the ramps.

- 4. Issue:** *The project proposes two alternative traffic mitigation measures for Voltaire St., a new median with a left turn pocket into the project or a new center turn lane. The choice has not been made. Neither has been selected. A median would be unacceptable.*

Staff's Response: The permit conditions for the project reflect the construction of a median on Voltaire Street for left-in only access to the project. This median is an extension of the exiting median and will preclude illegal U-turns that are made today. However, the build-out conditions do not support this solution and the applicant is also conditioned to remove the signal at Voltaire Street and Wabaska Drive, to remove all of the median on Voltaire Street between Wabaska Drive and Catalina Boulevard, and to install an all-way stop and a center turn lane. The Voltaire Street Bridge retrofit project is progressing and will require the City's timely coordination of the improvements for the Voltaire Street corridor. The type and timing of improvements to Voltaire Street will be at the direction and to the satisfaction of the City Engineer.

- 5. Issue:** *The parcel of land is small and is geographically constrained as it faces only one city street, Voltaire. Voltaire is a very busy connector street in this area, there are no easy or nearby alternatives.*

Staff's Response: The development parcel actually borders on three streets, Voltaire Street, Whittier Street, and Nimitz Boulevard, and can gain access to both Voltaire Street and Whittier Street. Both access points were studied closely and an appropriate balance has been achieved to minimize overall impacts. This small parcel has triggered the desired Voltaire Street corridor traffic calming and improved access while at the same time increasing capacity and enhancing mobility including for pedestrians and bicyclists.

- 6. Issue:** *The parcel of land is too small for 28 residential units and six businesses.*

Staff's Response: The 0.97 acre project site is acceptable according to both the zone and the community plan for the proposed 28 residential units and six commercial units. The zone allows for 28 dwelling units where 28 are proposed. The community plan allows for

29 dwelling units where 28 are proposed. The commercial units are regulated in terms of parking and floor area ratio (FAR). Thirteen parking spaces are proposed whereas seven commercial spaces are required. The project FAR is calculated at 1.5 where 1.76 is allowed. The project therefore meets both the community plan and the zone requirements for density and intensity of the proposed development on this site.

7. **Issue:** *There is an abundance of dense multi-family housing along this corridor, more will only add more pressure to the neighborhood in what already is a 'bottleneck.'*

Staff's Response: The Peninsula Community Plan clearly contemplates increased growth in this location. The Plan specifically designates the proposed project location commercial and multi-family (Figure 5, page 12); as an area in transition from single to multi-family use (Figure 4, page 10); and specifically excludes this area from a protected single family neighborhood (Figure 7a, page 31). Furthermore, the San Diego Association of Governments (SANDAG) recognizes the project location as a potential Smart Growth site. The proposed increase in density is therefore clearly recognized by the land use plan and by regional planning agencies.

8. **Issue:** *Six new businesses will only have 1.17 parking spaces each for clientele.*

Staff's Response: The project proposes 13 commercial parking spaces whereas only seven are required by the Municipal Code. The six new commercial units will therefore have 2.1 spaces per unit, not 1.17.

9. **Issue:** *The surrounding area will have to absorb parking for people visiting the businesses and residences. Parking on neighboring streets is already a major problem.*

Staff's Response: The project as proposed exceeds the Municipal Code requirements for commercial parking. Thirteen (13) commercial parking spaces are proposed whereas only seven (7) are required.

10. **Issue:** *This area is becoming so impacted that fire department, paramedic, and police response times are being affected.*

Staff's Response: The City of San Diego Fire Department was consulted to provide response time data for the project. The data are reflected in the Staff Report to the Planning Commission and were verified in person at the public hearing of the Planning Commission. The data show the response times would be less than the five-minute standard for four of the five responding stations. The Fire Department has stated verbally and in writing that it is not concerned that the project would adversely affect response times as the dispatch center is able to respond real-time to any traffic congestion.

11. **Issue:** *This area is already a serious traffic hazard zone before adding the impact of this project. Accidents, serious accidents, are a common occurrence at Catalina and Voltaire.*

Staff's Response: The traffic study for this project has not demonstrated a significant traffic impact resulting from the project.

12. **Issue:** *This corridor is a “Class 3 Bike Lane,” the only level path to the beaches. The width is unsafe for Bicycles with either new “mitigation.”*

Staff’s Response: The Peninsula Community Plan currently designates the corridor as a proposed Class 3 bike lane; it does not exist as such at present (Figure 17, page 67, Peninsula Community Plan). The curb-to-curb width of Voltaire Street from Catalina to Wabaska is 50 feet. The recommended improvements along this segment of Voltaire Street will fit within the existing curb-to-curb allowing for 11- to 12- foot travel lanes and 8-foot parking lanes. The proposed center turn lane will provide additional capacity for vehicles and meets the City design standards.

Conclusion:

The proposed project would implement the recommendations of the Community Plan by providing infill development at a central growth node and would implement the recommendations of the Redevelopment Plan by revitalizing an area of stagnant growth and blight. The proposed project is in conformance with the Local Coastal Program Land Use Plan, the Progress Guide and General Plan, the Strategic Framework Element, and the Housing Element.

FISCAL CONSIDERATIONS: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: On October 20, 2005, the Peninsula Community Planning Board heard the proposed project and voted 5-3-0 to recommend denial of the project following a failed motion to approve 3-5-0 (Attachment 10).

KEY STAKEHOLDERS (& Projected Impacts if applicable):

Voltaire Partners, LLC: Michael D. Stevens, and Steven L. Fortner

Gary Halbert
Director
Development Services Department

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

ATTACHMENTS:

1. [Location Maps](#)
2. [Aerial Photographs](#)
3. [Community Plan Land Use Maps](#)
4. [Zoning Maps](#)
5. [Project Plans as Presented to the Planning Commission](#)
6. [Peninsula Community Planning Board Appeal Application](#)
7. [Draft Permit with Conditions](#)
- 8a. [Draft Resolutions with Findings](#)
- 8b. [Draft Resolutions with Findings](#)
- 8c. [Draft Resolutions with Findings](#)
- 9a. [Draft Environmental Resolution](#)
- 9b. [Community Planning Group Recommendation](#)
10. [Community Planning Group Recommendation](#)
11. [Report to the Planning Commission No. PC-06-163](#)
12. [Memo to the Planning Commission dated July 6, 2006, with attachments](#)
12. Additional Letters in Support, Opposition, and e-mails received since July 6, 2006
(NOT AVAILABLE ON THE WEB)