

CITY COUNCIL
RESOLUTION NO.
Planned Commercial Development Permit 57551
MISSION VILLAGE

WHEREAS, MISSION VILLAGE PROPERTIES, L.P., Owner/Permittee, filed an application with the City of San Diego for a permit to construct a new 160-unit apartment complex with a minimum of 15,000 square feet of ground floor commercial retail space, including redevelopment of the existing gas station to 7,000-square feet of commercial retail use. The existing gas station is permitted via Conditional Use Permit (CUP) 87-0297. CUP 87-0297 is being amended to add an expiration date of February 28, 2012. On February 28, 2012 operation of the gas station is required to cease. The existing 32,124-square foot office will be retained. The project is described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit 57551 on portions of a 9.1-acres site and;

WHEREAS, the project site is located at 9160 Gramercy Drive in the CA Zone of the Serra Mesa Community Plan area and;

WHEREAS, the project site is legally described as Lot No.1 and 2, Parcel Map 8791, and;

WHEREAS, on March 30, 2004, the City Council of the City of San Diego considered Planned Commercial Development Permit 57551 pursuant to Section 101.0910 of the Municipal Code (Old Code) of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego as follows:

That the City Council adopts the following written Findings, dated March 30, 2004.

PLANNED COMMERCIAL DEVELOPMENT PERMIT FINDINGS:

1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted Community Plan.

The Mission Village site is 9.1-acres located at the northwest corner of Gramercy Drive and Ruffin Road, within the Serra Mesa Community Planning area. The Serra Mesa Community Plan designates the site Neighborhood Commercial. This designation allows a wide range of land uses including residential apartments not to exceed 29 dwelling units per acre (du/ac). The site is zoned CA (Area Shopping Center) which also allows for residential development at one dwelling unit per 1500 square feet of lot area.

ATTACHMENT 26

The project is proposing a minimum commercial retail development of 15,000-square feet with 32,125-square feet of existing office and 160 multi-family apartments at a density of 17.6 dwelling units per acre. The proposed project is consistent with the Serra Mesa Community Plan by implementing the direction of the plan to provide a neighborhood commercial retail development combined with multi-family units not exceeding 29 dwelling units per acre. The residential component of the project will also fulfill a community need by constructing additional housing and by providing an affordable housing type (apartments).

2. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Municipal Code in effect for the project site; and that such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing or working in the area. These conditions include standards which pertain to best management practices, traffic circulation, engineering, utilities, and landscaping. Furthermore, Negative Declaration 6547 has determined that the project will have no impact on the environment.

3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.

The proposed development consists of seven buildings to be constructed in two phases. Phase One would consist of the construction of 156 residential units which would be split amongst five buildings ranging in size between 9 units and 34 units. Of these five buildings, four would include only residential space while Building 1 would contain both residential and 8,000 square-feet of ground floor retail space fronting Ruffin Road. The five buildings would not exceed three-stories in height. Buildings 1 and 7 will be 32-feet; Building 2 will be 28-feet- 34-feet in height; Buildings 3, 4 and 5 will be 39-feet in height; and Building 6 will be 18-feet -34-feet in height (Attachment 14). The existing office building is two-and-one-half stories above grade and is approximately 30-feet in height.

Phase One also incorporates the construction of covered and non-covered surface parking, a pool area, courtyard, and a clubhouse consisting of a community gathering room, exercise room, conference room, leasing office and lobby. The proposal for Phase Two consists of the redevelopment of the existing 4,954-square-foot gas station site into four, one-bedroom, residential units and 7,000 square feet of ground floor retail space in two buildings. The exterior elevation plan indicates the buildings would be constructed in an Arts and Crafts style.

The CA Zone permits residential development at R-1500. Pursuant to the CA Zone (old code) Section 101.0428.D.5, “...*whenever the residential density of a project is in excess of 70 percent of the total gross square footage of the structures (s) on the lot or premises a Planned Development Permit shall be required*”. The residential component of the project is 81 percent (205,635-square feet, residential use) of the total gross square footage of all structures on site. The project also includes 32,124-square feet of office and 15,000-square feet of office.

The PCD Ordinance requires a minimum of 50 percent of all gross ground floor or principal pedestrian level area shall be utilized for retail commercial and personal services. Principal pedestrian level area was used and is defined as that portion of a building located closest to the public right of way or oriented toward pedestrians. For this project the principal pedestrian level area is 29,700-square feet. The project is proposing 15,000-square feet for retail commercial and personal services which equal 51 percent.

The project meets all of the requirements of the PCD Ordinance except for setbacks. Residential development within the CA Zone is required to meet the development regulations of the R-1500 Zone (Attachment 19). The front yard setback along Gramercy Drive is required to be minimum 15-feet along 50 percent of lineal footage of the yard and a 20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard. Building 6, fronting Gramercy Drive, observes an 8-foot setback where a minimum yard setback is required to be 15-feet along 50 percent of lineal footage of the yard and a 20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard. The street yard setback along Ruffin Road is required to be minimum 5-feet along 50 percent of lineal footage of the yard and a 10-foot standard side yard setback for the remaining 50 percent of the lineal footage of that yard. Building 1 observes a 4-foot, 9-inch setback where a minimum setback of 5-feet along 50 percent of lineal footage of the yard and a 10-foot standard side yard setback for the remaining 50 percent of the lineal footage of that yard is required.

The reduced setbacks are supported because they will provide a street presence for the commercial retail and residential unit and fosters an urban village atmosphere which would not be possible if strict adherence to the setback regulations of the CA and R-1500 Zone were followed.

DEVIATIONS

a. Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification:

Residential development within the CA Zone is required to meet the development regulations of the R-1500 Zone. The front yard setback along Gramercy Drive is required to be a minimum 15-foot along 50 percent of lineal footage of the yard and a 20-foot standard front yard setback for the remaining 50 percent of the lineal footage of that yard.

Deviations to the setbacks are supported because they provide a street presence for the commercial retail and residential units which would not be meet if strict adherence to the CA and R-1500 Zones were followed.

b. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which property is situated because of the conditions

imposed.

A deviation to setback requirements does not grant the property any special privilege compared to other CA zoned properties.

c. The granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego, or any adopted community or precise plan of the City, or the adopted plan of any other appropriate governmental agency.

The requested deviations do not adversely affect the Progress Guide and General Plan or the Serra Mesa Community Plan because the setback deviations will enable the commercial retail and residential units to have a street presence which would not be possible if strict adherence to the CA and R-1500 Zones setback regulations were followed.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council that Planned Commercial Development Permit 57551 is hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit 57551, a copy of which is attached hereto and made a part hereof.