

Resolution for Approving/Denying Permits

(R-INSERT)

RESOLUTION NUMBER R-NUMBER
MITIGATED NEGATIVE DECLARATION NO. 6098

ADOPTED ON SEPTEMBER 27, 2005

WHEREAS, ROBERT MARSHALL, an Individual, Owner and HILLEL OF SAN DIEGO, a Religious Corporation, Permittee (Phase I) and CITY OF SAN DIEGO, a Municipal Corporation, Owner and HILLEL OF SAN DIEGO, a Religious Corporation, Permittee (Phase II), filed an application with the City of San Diego for a Planned Development Permit No. 158095 and a Site Development Permit No. 158094, to continue to use an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement and to develop a triangular shaped parcel with a 12,000 square-foot Jewish student religious center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement, located at 8976 Cliffridge Avenue (Phase I) and within the triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North (Phase II), and legally described as Lot 67, La Jolla Highlands, Unit No. 3, Map No. 3528 (Phase I) and a Portion of Lot 1299, Pueblo Lands, Miscellaneous Map No. 36, in the La Jolla Shores Planned District and La Jolla Community Plan area, in the SF (Single-family) zone; and

WHEREAS, on February 10, 2005, the Planning Commission of the City of San Diego considered Planned Development Permit No. 158095 and Site Development Permit No. 158094, and pursuant to Resolution No. 3676-PC voted to “Recommend City Council denial of the permits”; and

WHEREAS, the matter was set for public hearing on September 27, 2005, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 158095 and Site Development Permit No. 158094:

Planned Development Permit - Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

The proposed development consists of a Phase I plan to continue use of a single-family residence at 8976 Cliffridge Avenue as religious offices with the addition of six off-street required parking spaces until such time as the Phase II improvements are approved for occupancy, at which time the owner of the residence will revert it back to residential use and maintain two off-street parking spaces.

Phase II consists of the construction of a 12,000 square-foot Jewish student center above a subterranean 40-space parking garage of 17,000 square-feet of area. The Phase II site is a triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North. Development of the site will also require easement reservations and street vacations and dedication. A 10,000 square-foot landscaped area required by the City Council will be developed between the existing residence and new Hillel facility. To the north is the campus of the University of California at San Diego while a vacant area and youth athletic fields lie to the west with a detached single-family neighborhood to the immediate south and a Planned Residential Development to the east.

This development is located within the SF (Single-family) zone of the La Jolla Shores Planned District within the La Jolla Community Plan boundary. The SF zone permits use for churches, temples and buildings of a religious nature. The Hillel facility is for a Jewish student center, serving primarily the Jewish student population on the neighboring college campus, where religious services will take place on-site. The Planned Development Permit addresses specifically the inability to meet all parking needs on-site through the reasonable square-footage of the functionable space and the capability to supply all parking on the site. The City Council has required the retention of 10,000 square-feet of landscaping as a public amenity and the triangular shape of the parcel, even with the additional site area gained by the street vacations, constrains the ability to design sufficient parking on-site. The applicant is required to secure a shared parking agreement(s) for off-site parking prior to the issuance of building permits to meet the 67 off-street parking space requirement for Friday evening Shabbat services and for the 115 off-street parking spaces required for special event occurrences. Only 40 off-street

parking spaces are provided on-site. Additional off-site parking will meet needs for higher attendance religious services and occasional special events. Deviations from the Street Design Manual by the City Engineer address bikeway/pedestrian path width requirements from the intersection of La Jolla Village Drive/Torrey Pines Road to La Jolla Scenic Drive/Cliffridge Avenue, the intersection design for Cliffridge Avenue/La Jolla Scenic Drive North, for the back of sidewalk utility width area along the La Jolla Scenic Drive North frontage, and for driveway/curb cut widths at 8976 Cliffridge Avenue and the Phase II garage entry.

With development of the site in compliance with the approved Exhibit 'A' drawings and fulfillment of the conditions of approval, including monitoring of the parking needs, the development of this project will not adversely affect the applicable land use plans.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The development of the proposed Jewish student center, utilizing an existing single-family residence at 8976 Cliffridge Avenue and constructing a 12,000 square-foot facility over a 17,000 square-foot subterranean 40-space garage on a triangular parcel bounded by La Jolla Village drive, La Jolla Scenic Way and La Jolla Scenic Drive North, will not be detrimental to the public health, safety, and welfare.

The 42,400 square-foot site that includes the residence, area of City owned property known commonly as Site 653 and the area of proposed street vacations, is zoned SF (Single-family) within the boundaries of the La Jolla Shores Planned District and the La Jolla Community Plan. The use is specifically listed as a permitted use in the SF zone. The proposed development is requested to be a 2 phase project with the religious office use of the single-family residence terminating with occupancy of Phase II and the residence reverting back to residential use. The City Council required 10,000 square-foot landscaped area and a bike/pedestrian path required by City staff will separate the new religious student center from the adjacent single-family residence. The new structure lies across La Jolla Scenic Drive North from other residences. The design is a one-story elevation with mounded landscape area, a single entry point and minimal windows. The use inherently represents a larger structure for its different purpose but the overall design is relatively consistent to the neighborhood in low profile, materials, setbacks and landscape buffer. The subterranean garage is accessed from La Jolla Scenic Way on the east and the full impact of building mass is visible on the northeast corner of the site away from the residential neighborhood to the south.

A Mitigated Negative Declaration (MND) No. 6098, was completed on January 20, 2005, which determines that the development could have a significant environmental effect in the areas of Paleontological Resources and parking. A number of conditions for mitigation to a level below significance are incorporated in the environmental document and made conditions of approval for the project requested for development. Also considered during the preparation of the MND were Archaeological Resources, Biological Resources, Noise and Water Quality/Hydrology.

Additional consideration was given to compatibility requirements of the La Jolla Shores Planned District Ordinance. A survey of development within a 300-foot radius indicated that the Hillel facility, with its use of earth tone colored stucco, stone cladding, masonry blocks, earth tone colored concrete, wood siding, dual-glazed windows, metal trellis and metal roof, together with a one-story low profile elevation facing the residential neighborhood, would be compatible and in keeping with the intent of the Ordinance given that this use is different but in the same zone/neighborhood.

With conditions of approval and plans and exhibits on file for the development of the site, the development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

The proposed development of this two phased Jewish student center in an existing residence and adjoining vacant City owned tract of land generally located on the south side of La Jolla Village Drive and north side of La Jolla Scenic Drive North, complies with all regulations of the Land Development Code. The guiding land use regulations are contained in the La Jolla Shores Planned District Ordinance and the applicable SF zone regulations. The religious use of the site for religious services and as a Jewish student center, is a permitted use in the SF zone. The design of the new structure and associated site improvements is consistent with other development within the neighborhood, recognizing that the use is different from that of a single-family detached residence. The main project issue for this option constrained triangular shaped parcel, has been the ability to meet parking requirements on-site. While the facility will meet parking needs on-site for the Phase I religious office use of an existing single-family residence, the 40 parking spaces provided for the Hillel facility fall 27 spaces short of the 67 space requirement. The City staff has considered off-site parking through secured shared parking agreements and the applicant is required to obtain those prior to the issuance of building permits, to the satisfaction of the City Engineer, for the additional off-site parking for Friday evening Shabbat religious services and occasional special events. This situation will require extra procedures for Hillel to perform to assure that the parking is utilized and works without negatively impacting the adjoining neighborhood. Monitoring by the City will be done and the parking situation can be re-evaluated for modifications to assure Hillel meets its parking needs.

With buildout compliance in accord with the approved Exhibit 'A' plans and compliance with all conditions of approval, the development will comply with all provisions of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community.

Although the development site for the proposed Hillel Jewish student center is within the SF zone of the La Jolla Shores Planned District and La Jolla Community Plan area, the 'community' includes the neighboring campus of the University of California at San Diego to the north within the boundaries of the University Community Plan which also

extends southerly on the east side of Gilman Drive. Communities within the confines of the City of San Diego have felt churches and places of a religious nature to be beneficial within the residential neighborhoods of the population they serve. Traditionally, churches have been permitted uses in the multi-family residential zones and by Conditional Use Permits in the single-family zones. When the La Jolla Shores Planned District was established, the SF zone covered all the prior existing City-wide residential zones and those previously developed church sites. The SF zone specifically permits churches, temples and buildings used for religious purposes. To meet the needs of students attending the neighboring college campus, other churches have established similar student centers or utilized previously church facilities in the area. Development within the La Jolla Shores Planned District requires a Site Development Permit to assure public review and compliance with land use development regulations. Increased landscaping, a bike/pedestrian pathway, non-contiguous sidewalks and parking access from La Jolla Scenic Way, all provide for a safer pedestrian scale project and lessens the direct impact of motor vehicles on the neighborhood.

The proposed development will serve Jewish students at the U.C. campus which represents a segment of the population of this 'community'. The scope of activities, hours of operation, no alcohol policy, requirement to keep the site cleaned up and monitoring of parking for the larger attendance programs assist in keeping this use a benefit to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The 'Hillel' project is a Jewish student religious center currently using a single-family residence at 8976 Cliffridge Avenue for religious offices but planned to terminate with the anticipated development of the Phase II development and occupancy of a 12,000 square-foot facility over a 17,000 square-foot subterranean garage for 40 vehicles. The total site area of 42,400 square-feet of area will decrease to 33,518 square-feet when the residence reverts back to single-family residential use. A further reduction in developable area to 23,518 square-feet results from the development of the 10,000 square-feet of landscaped area required by the City Council at the intersection of La Jolla Village Drive/Torrey Pines Road, as a neighborhood amenity. Design and use of the site is further constrained by its triangular shape and maintaining a design profile compatible with the adjacent single-family neighborhood to the south, as required by the La Jolla Shores Planned District Ordinance.

From the start of negotiations with the City Council to develop this site and preliminary reviews with City staff, parking was recognized as problematic from the standpoint of providing the required minimum parking on-site to meet the needs of the projects multi-use area. The City will consider off-site shared parking if it is secured through agreements, meets criteria and can be conditioned and monitored to assure parking needs are satisfied. Parking for the facility has been calculated as 67 on-site parking spaces required but the architect cannot provide more than 40 on-site spaces in the garage and

meet minimum floor area needs to all functions of the facility. This Planned Development Permit allows the City to evaluate off-site parking which the applicant must secure prior to the issuance of building permits, for the additional 27 spaces required for Friday evening Shabbat services and for the higher attendance occasional special events. The City's Transportation staff has carefully analyzed the parking needs as well as the Planning Department staff, and it is felt that these agreements, if implemented and performed properly per the conditions of the accompanying permit, will serve the needs of the facility and not impose a burden on the neighborhood. A shuttle service will be implemented, signage posted, the users of the facility informed and communication between sites maintained. The City will monitor this situation and consider modifications to the conditions, uses and other aspects if warranted.

For the planned or anticipated highest use of the project, 115 off-street parking spaces are required. Only 40 spaces are accommodated on-site. For Friday evening Shabbat services, 67 off-street spaces are required based on the calculation of 200-seats for the worship area. To comply solely with the number of parking spaces available on-site, the worship area would have to be reduced to 120 seats. For the occasional special events, the 115 off-street parking spaces are only available if shared parking agreements are secured and operated by the parameters contained within the Site Development Permit.

The deviations are appropriate, assure parking needs met, allows for a better project given site constraints and landscaping required, and allows for the project to be considered beyond the strict application of development criteria for this unique site.

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The proposed two-phased project site is located within the La Jolla Shores Planned District and the La Jolla Community Plan area. The combined site is 42,400 square-feet in area including public rights-of-way to be vacated. Phase I is an existing single-family residence on a 8,882 square-foot lot (post lot-line adjustment) currently in use as a religious office and related uses and Phase II is a 33,518 square-foot site required by the City Council of the City of San Diego to landscape a 10,000 square-foot area as a public benefit and a 23,518 square-foot development area proposed for a 12,000 square-foot Jewish student religious center with a 17,000 square-foot parking garage below.

The sites are zoned SF (Single-family) and designated for residential use. The SF zone permits single-family residences and Churches, Temples and buildings for religious purposes as permitted uses in conformity to the zone and Planned District Ordinance. The Phase I religious use of a single-family residence will terminate upon occupancy approval of the Phase II development and revert back to use as a residence. The project site is not within the Coastal Overlay Zone.

The City Council entered into exclusive negotiations with Hillel of San Diego for use and acquisition of the Phase II site more commonly known as 'Site 653'. The development

permits submitted to show and review the proposed development also include easement reservations and street vacations and dedications. Staff has determined that the project can meet City design and zoning development criteria through deviations considered under the Planned Development Permit for off-site parking and from the Street Design Manual. The Site Development Permit is required to measure compliance with the La Jolla Shores Planned District Ordinance.

The proposed development, subject to conformity to the Exhibit 'A' drawings and materials and subject to all approval documents and conditions, will not adversely affect the adopted General Plan and Land Use, the La Jolla Shores Planned District and the La Jolla Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed two Phase development, that retains use of an existing single-family residence for religious offices until occupancy of Phase II is completed and the facilities approved for occupancy, has been evaluated by City staff for compliance with adopted land use documents, zoning, development guidelines and principles. A Mitigated Negative Declaration No. 6098, has been prepared and evaluated impacts in the areas of Paleontological areas and Parking. The La Jolla Shores Planned District zoning and land use designation of SF, permits churches, temples and buildings used for religious purposes as well as the prevalent use for single-family residential development. The satisfaction of on-site parking to meet the needs of the scope of the development has long been a concern of the City staff and the community. The applicant has provided the City with information on the proposed sanctuary area seating, the schedule of events held at the Hillel center (as well as on-campus and off-site in various other locations) and for Shabbat and special events. The days, hours and frequencies have been evaluated and off-site shared parking agreements have been assured and evaluated by the City to sufficiently determine that parking will not be detrimental to the public health, safety, and welfare. An evaluation of the parking will be conducted to assure its implementation and to evaluate the need to amend conditions should problems be determined to exist. The design of the site and structure has been determined by City staff to conform to the neighborhood given that single-family detached residences exist to the south and a planned residential development (under a Conditional Use Permit) lies to the east and that this project is within the same zone but an entirely different use with inherent, and expected, design differences. The property to the north contains the campus of the University of California at San Diego and the property to the west is within the La Jolla Community Plan but not the Planned District.

Mitigated Negative Declaration (MND) No. 6098 has evaluated impacts of the development on this site and has determined that in the two areas of Paleontological Resources and Parking, that mitigation is required to avoid a significant impact. Conditions of approval have been included in the accompanying Site Development Permit and are referenced as conditions as they are described in the MND.

The overall proposed project will not be detrimental to the public health, safety, and welfare subject to development consistent with approved conceptual plans and subject to all conditions of approval.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project application consists of a two Phase land use proposal with Phase I being the continued use of a constructed single-family residence at 8976 Cliffridge Avenue in the SF zone of the La Jolla Shores Planned District as religious offices until such time as the Phase II Jewish student center on the triangular shaped parcel adjoining to the east is constructed and approved for occupancy. The existing single-family residence was constructed according to all codes and regulations in effect at the time and the only requirement for the change of use is an increase in off-site parking. Prior to its use as religious offices, the residence was required to maintain two off-street parking spaces but a previous owner had converted the garage to an office in violation of regulations and the religious office use has not complied to date with the parking requirements. With this approval, six parking spaces will be provided at the residence and when the religious office use terminates with occupancy of Phase II, two off-street parking spaces will be maintained for its reuse as a residence.

The Phase II development consists of a main entry level of 12,000 square-feet of floor area containing the multi-use area by which off-street parking needs are measured, lounge, library, restrooms, offices, computer room, break room, elevators and patio areas. Below is a 17,000 square-foot subterranean garage for 40 vehicles, storage, trash and driveway entry/exit to La Jolla Scenic Way. The remaining 66 required off-street parking spaces for Friday evening Shabbat services are required by off-site shared parking agreements and an additional shared parking agreements for 75 parking spaces for the higher attendance occasional special events. Both of these events require shuttle services and monitoring of attendees use of the off-site parking. Parking will be evaluated as conditioned in the accompanying permit conditions.

The religious use of the development is a permitted use in the SF zone of the La Jolla Shores Planned District and the development of the site conforms to the regulations and land use criteria of the codes. City staff has evaluated the development and has formulated the conditions of approval to assure compliance with City's applicable regulations of the Land Development Codes. Through implementation of the buildout consistent with the Exhibit 'A' plans, compliance with conditions and the continued monitoring of the parking needs and implementation, this project will comply.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is reversed, and Planned Development Permit No. 158095 and Site Development Permit No.

158094 is granted to ROBERT MARSHALL, Owner Phase I and the CITY OF SAN DIEGO, Owner Phase II and HILLEL OF SAN DIEGO, Permitte Phases I and II, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUERRE, City Attorney

By _____
NAME
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

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Reviewed by Robert Korch