ATTACHMENT - 6

Pacific Beach Community Planning Committee Appeal Application

City of San Diego
Development Services
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THE CITY OF SAN DIEGO www.sandiego.gov/development-services

Development Permit Appeal Application

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:
- ☐ Process Two Decision - Appeal to Planning Commission
- ☐ Process Three Decision - Appeal to Planning Commission
- ☐ Process Three Decision - Appeal to Board of Zoning Appeals
- ☐ Appeal of a Hearing Officer Decision to revoke a permit
- ☒ Process Four Decision - Appeal to City Council

2. Appellant Name *Please check one* ☐ Applicant ☒ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

PACIFIC BEACH COMMUNITY PLANNING COMMITTEE

Address: 720 LAW STREET City: SAN DIEGO State: CA Zip Code: 92109 Telephone: 858.483.2695

3. Applicant Name *(As shown on the Permit/Approval being appealed). Complete if different from appellant.*

PACIFIC BEACH INVESTMENT TRUST (MICHAEL E. TURK)

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:	Date of Decision:	City Project Manager:
NNID #41256; CDP #116352; PDP #116353	6.22.06	JEFF PETERSON

Decision (describe the permit/approval decision):
APPROVED PLANNING COMMISSION WITH THREE CONDITIONS: NO ALLEY ACCESS; INCREASE PARKING TO 48 SPACES; SOLAR PANELS NOT TO EXCEED 30-FOOT HEIGHT LIMIT.

5. Reason for Appeal
- ☐ Factual Error
- ☒ Conflict with other matters
- ☐ Findings Not Supported
- ☐ New Information
- ☐ City-wide Significance (Process Four decisions only)

Description of Reasons for Appeal (*Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.*)

THE PACIFIC BEACH COMMUNITY PLANNING COMMITTEE (PBCPC) AGREES WITH THE THREE CONDITIONS THAT THE SAN DIEGO PLANNING COMMISSION PLACE ON THIS PROJECT: NO ALLEY ACCESS; INCREASE PARKING TO 48 SPACES; AND SOLAR PANELS NOT TO EXCEED 30-FOOT HEIGHT LIMIT.
HOWEVER, THE PBCPC BELIEVES THIS PROJECT STILL HAS SIGNIFICANT CONFLICTS WITH THE PACIFIC BEACH COMMUNITY PLAN AND MUNICIPAL CODE AS PER ATTACHED LETTERS AND MOTIONS. THE PBCPC HOPES THE APPLICANT WILL WORK WITH US TO RESOLVE THE REMAINING ISSUES PRIOR TO THE APPEAL HEARING. SEE ATTACHED PBCPC LETTERS & MOTIONS FOR SPECIFIC ISSUES INCLUDED IN THIS APPEAL.
ATTACHMENTS: PBCPC LETTERS TO SAN DIEGO PLANNING COMMISSION DATED 6.22.06, PBCPC LETTER DATED 9/26/05 WITH ATTACHED MOTIONS FROM 7.26.04 AND 11.22.04

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: [signature] Date: 6.29.06

Note: Faxed appeals are not accepted.

PACIFIC BEACH COMMUNITY PLANNING COMMITTEE

June 22, 2006

PBCPC presentation to Planning Commission

Re: Mission at PB Drive Project #41256

Dear Planning Commissioners please allow this letter to be read in my absence for the position of the PBCPC to be heard with respect to the above referenced project.

Respectfully,
Mark Mitchell
PBCPC Chairperson

The PBCPC has unanimously denied this project twice based on several issues. After the first denial on July 26, 2004, the applicant refused to participate in subsequent community planning group meetings regarding this project. Revised project plans were reviewed and again denied on November 22, 2004. On September 26, 2005, the PBCPC wrote a letter summarizing the project issues and including previous motions and issues as attachments. You have received that letter with the attachments. I want to summarize the committee's highest priority concerns:

1) The commercial use provided in this project is not adequate. Despite staff's technical definition of the "front" of the lot being on Pacific Beach Drive, the Community Plan intent is clear that the "front" 30-ft requirement should be fulfilled ON Mission Boulevard not on PB Drive.

2) The project employs both bonus density and shared parking. The Community Plan clearly allows one OR the other, not both.

3) Project exit to substandard residential alley is not safe and should not be allowed

4) The parking area (spaces and lanes) exceeds the maximum (50% of lot) allowed. Plans do not show adequate dimensions; but our calculations indicate spaces and lanes do not meet required widths and lengths.

The committee's motions also describe concerns that this project does not conform to the Community Plan and Municipal Code in these additional areas:
5) Landscaping
6) Transit-oriented design standards
7) Pedestrian pathway on the north side of project
8) Need for a mix of sizes units: two, three and four bedroom units
9) Flood mitigation
10) Handicap accessibility
11) Traffic issues at driveway on PB Drive
12) PDP maximum coverage (60%)

More on Parking:
The parking provided by this project is a very important issue for the Pacific Beach Community. Forty-four parking spaces shared by 18 four-bedroom units (72 bedrooms!) and 3,350 sq ft commercial are not enough. The project is in the Beach Impact Area, which already has a shortage of street parking. This project will aggravate that shortage of street parking and make it more difficult for residents, visitors and customers to find parking.

The PBCPC has attempted to address inadequate parking requirements in our community. In October 2004, the PBCPC passed two relevant motions:
1) Amend the Municipal code to require one parking space per bedroom in new multi-family units in Pacific Beach; and
2) Amend the Municipal Code so that if a project falls within both the *Transit Overlay Zone and the Parking Impact Overlay Zone,* the greater parking requirement of the two zones would apply.
These motions were submitted to our councilman at the time. As far as I know, neither amendment has been made.

Summary:
This project in its current form does not provide enough parking. It is too bulky and too dense. Bonus density should not be granted. It needs to provide fewer and smaller units, not all 4-bedroom. The alley exit is dangerous and should not be allowed. The commercial space needs to be increased to provide vibrant commercial use. Landscaping and other buffers need to be added to mitigate negative impacts on adjacent single-family homes. City Staff needs to listen to the community planning group on the issues of Community Plan intent and this project needs to conform to that intent.

The PBCPC wants to work with the applicant to revise this project to resolve the community issues while still maintaining a buildable and economically desirable project. If the applicant is not willing to work with the community, then we request that you deny this project.

Respectfully,

Mark Mitchell
PBCPC Chairperson

PACIFIC BEACH COMMUNITY PLANNING COMMITTEE
720 Law Street, San Diego CA 92109

FROM: Pacific Beach Community Planning Committee
TO: City Council, Planning Commission, Hearing Officer, Jeff Peterson and Coastal Commission
RE: Project #41256: Mission @ PB Drive (4105 & 4135 Mission Blvd.)
DATE: September 26, 2005

On September 26, 2005 the Pacific Beach Community Planning Committee (PBCPC) voted 16-0-0 in favor of sending this letter as a synopsis of PBCPC actions and recommendations. The applicant for this project was notified of the September PBCPC meeting and sub-committee meeting agenda, times and locations. The applicant declined to participate.

The first vote of the PBCPC regarding this project occurred on July 26, 2004. The committee voted 13-0-0 for denial. A summary of the issues is presented in attachment A. Following this meeting, the applicant and owner were invited to participate in subsequent plan reviews and discussions of issues. The applicant refused to participate in subsequent meetings of the PBCPC. The plans were resubmitted in November of 2004. On November 22, 2004 the PBCPC voted 14-0-0 to deny the revised project. The motion and issues are presented in attachment B.

Although all of the recommendations listed in the attachments are considered critically important four primary recommendations are highlighted below:

A. Provide commercial use on the ground floor on the front 30-foot of the lot along Mission Blvd., the intended corridor for transit and Visitor Commercial zoning.

B. The project employs both bonus density and shared parking and the community plan allows only one of these "if designed as a transit oriented development through a discretionary permit process". Do not allow both.

C. Do not allow vehicular circulation to residential alley.

D. Assure compliance with parking requirements. The parking area (spaces and lanes) exceed 50% of the lot size (SDMC 131.0540l). Plans do not show dimensions for parking spaces however, calculations indicate they do not meet requirements for width, length and aisle width.

Respectfully,

Mark Mitchell, Chairperson

Attachment A:

Jeff Peterson, Project Manager,
City of San Diego

On July 26, 2004, at a regularly scheduled meeting of the PBCPC, we reviewed the proposed mixed-use project located at 4105 Mission Blvd., Project #41256. A vote of 13-0-0 recommended denial of the plans as presented.

The Committee action was primarily based on the following issues:

A. Residential use and residential parking are prohibited on the ground floor in the front 30 foot of the lot. (131.0540). Applicant states front property line is on PB Drive and thereby compliant (113.0246). PBCPC Subcommittee members were not in agreement with this interpretation and noted that the building is oriented to Mission Blvd frontage and Mission Blvd, not PB Drive, is intended as the transit corridor and Visitor Commercial zoning.
B. Within the coastal overlay zone Required Parking cannot occupy more than 50% of ground floor in CV 1-2 (131.0540). Project is not in compliance.
C. Where commercial development abuts a residential zone, a 5 foot wide area along the entire property line shall be planted with trees to achieve a minimum of 0.05 points per square foot of area in addition to the points required in the remaining yard (142.0405 (c)3). This condition is not met.
D. Zone density is 29 DU/AC. Project is 36DU/AC. Project requests mixed use density bonus for Transit-oriented Development standards of the PBCP thereby allowing a density bonus up to 43DU/AC. The PBCPC did not determine that the bonus density should be granted.
E. Utilization of residential alley for traffic exiting from project site. The alleyway is 15 ft wide with a blind T and it should not be used for traffic circulation for this project due to the safety hazard. A traffic study is recommended for proposed circulation with two curbcuts on Mission Blvd and PB Drive.
F. Curb ramp at corner is needed and critical for pedestrian safety. Alternative methods to accomplish this should be further explored
G. Flood zone: The project is at a site where flooding occurs at least annually.

We request that you require the applicant to make the listed adjustments and re-submit the proposal to the PBCPC. Please call if you ~~should~~ have any questions. We would appreciate being kept advised as to any City actions on this project as we see this development significantly impacting the design of future mixed use developments in our community.

Mark Mitchell, Chairperson PBCPC

Attachment B:
Action of the Pacific Beach Community Planning Committee, November 22, 2004

Project #41256: Mission @ PB Drive (4105 & 4135 Mission Blvd.)

Vote on Motion: 14 Approve motion, 0 deny motion, 0 abstained

Motion: Deny the Proposed project. Denial based upon non-compliance with Municipal code as described below. Additionally, project is seeking a Coastal Development Permit, which requires compliance with Community Plan. Project is noncompliant with the Community Plan as described below in items A thru L:

A. **Project does not comply with142.0405 (c)**, where a commercial development abuts a residential zone, a 5-foot-wide area along the entire property line shall be planted with trees

   Recommendation: Provide tree planting as per code and do not allow vehicular parking in this 5-foot buffer zone. Set back trees due to shallowly buried drainage pipe.

B. **Project does not comply with (131.0540)** requiring commercial use on the ground floor on the front 30-foot of the lot along Mission Blvd as per Community Plan (p. 41, para 6; p. 3, para 3).

   Recommendation: Comply with the 30-foot requirement as applied to Mission Blvd, the intended corridor for transit and Visitor Commercial zoning.

C. **Project proposes bonus density but does not met requirements:** Community Plan allows bonus density OR shared parking, not both (p. 41, #4); **2)** project does not meet transit oriented standards (p. 41, #4; p. 45, #9 para 3); and **3)** project's med-high density negatively impacts adjacent low-density residential zone which is protected by Community Plan (p. 41, #2; p. 45, para 6).

   Recommendation: Do not allow Bonus Density

D. **The project does not comply with Visitor Commercial focus** (p. 22, para 5; p. 44, #6). Project proposes to reduce commercial space from 5,200 (existing) to 3,350 square feet.

   Recommendation: Provide at least 5200 square feet of commercial space.

E. **Project does not comply with Transit Oriented Standards (TOD)** (p. 45-46):

   1) **Provide bicycle racks** in areas visible and easily accessible from identified bicycle routes

      Recommendation: Provide additional bicycle racks near commercial business entrances along Mission Blvd and within 100 feet of PB Drive (class III bikeway)

2) **Articulate building facades** to provide variety and interest, especially along north & east

Recommendation: Setback third floor to meet TOD and to provide a project scale more sympathetic to the predominately one and two story residences in the adjacent single-family neighborhood.

F. **Project does not create safe and pleasant pedestrian linkages** to residential neighborhoods, commercial facilities and other neighborhood destinations (p. 6, para 11).

Recommendation: At northern property line, remove walled-off tunnel effect that promotes criminal activity and provide pedestrian-oriented arcade, courtyard, public plaza or storefront.

G. **Project does not provide Single Room Occupancy and Living Unit quarters along Mission Boulevard** (p. 42, #7; p. 55, #3; p. 22, para 8). Eighteen 4-bedroom units are proposed.

Recommendation: reduce the scale of the proposed units to a mixture of studios, and one- and two-bedroom living quarters.

H. **Proposed use of substandard, perpendicular residential alley is unnecessary, unsafe, and radically intrusive and disruptive** and to the adjacent, protected single-family residential area (p.121, para 9; p. 88, para 4; p. 87, para 5).

Recommendation: Do not allow vehicular circulation to residential alley.

I. **Project plan contains no provisions to mitigate flooding** that frequently occur on the site. The project site last flooded on October 27th, 2004.

Recommendation: Raise grade level or use other methods to mitigate the inevitable flooding. However, do not exacerbate flooding issues for adjacent residences.

J. **There is no provision for handicap accessibility at the corner of Mission Blvd and PB Drive**

Recommendation: City staff to revisit and consider creative alternatives to accomplish a curb ramp on this corner.

K. **Traffic exiting the project driveway to east bound PB Drive and entering the project driveway from eastbound PB Drive will cause traffic back up on PB Drive and Mission Blvd.**

Recommendation: The driveway on Pacific Beach Drive to be for right turns in/out only.

L. **The coverage of the building structure may exceed the requirement (SDMC 143.0420 (d)) and the parking area may exceed 50% of the lot size (SDMC 131.0540 l)**

Recommendation: City staff to review and verify compliance with code.