

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, Voltaire Partners, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to construct 28 for-sale residential units and 6 commercial units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit 254753 and Site Development Permit 172879, on portions of a 0.97 acre site; and

WHEREAS, the project site is located at 4104-64 Voltaire and 4105-07 Whittier Street in the CC-3-5 and RM-2-5 of the Peninsula Community Planning Area; and

WHEREAS, the project site is legally described as Parcel A: Lots 13 and 14, Block 6, Loma Alta No. 1, City of San Diego, County of San Diego, State of California, according to map thereof No. 1078, filed in the office of the County Recorder of San Diego County, August 28, 1907; and Parcel B: Parcel 1 of Parcel Map No. 18318, City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, August 6, 1999; and Parcel C: Lot 12 in Block 6 of Loma Alta Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to the partition map thereof No. 1078, filed in the office of the County Recorder of San Diego County, August 28, 1907; and

WHEREAS, on July 13, 2006, the Planning Commission of the City of San Diego considered Planned Development Permit 254753 and Site Development Permit 172879 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 24, 2006, the Peninsula Community Planning Board appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on _____, 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 written findings with respect to Coastal Development Permit No. 116352 and Planned Development Permit No. 116353.

Planned Development Permit - Section 126.0604 - Findings

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

The proposed mixed use residential / commercial project would construct 28 multi-family for-sale condominiums with 6 commercial condominiums on a 0.97-acre site with parking exceeding the requirements of the Land Development Code.

The Peninsula Community Plan designates this location as an area in transition from single family to multi-family development, as an area that should be upgraded to a viable community commercial center, as an area within the Community Plan Implementation Overlay Zone, as within the North Bay Redevelopment Project Area, and specifically not within an area that is protected as single-family neighborhood. The Community Plan recommends 15-29 dwelling units per acre. The project proposes 28 new residential units on a 0.97 acre site for a density of 28.8 dwelling units per acre (du/ac) and therefore aligns with the density recommendations of the community plan.

The project location is central to the Peninsula Community at the junction of several neighborhood areas: Loma Palisades, Loma Alta, Loma Portal, Point Loma Highlands, and Ocean Beach Highlands. Due to this central location, the project is well-suited to provide pedestrian-oriented development opportunities. An analysis has been completed to study the walking distance from the project site to near-by amenities. The analysis finds approximately 114 local amenities within a five to ten minute walk from the project site. Amenities within walking distance include local commercial / business, recreation, restaurants, fire station, schools, and grocery stores.

The Peninsula Community Plan makes the following specific recommendations to which the project complies:

- Redevelop the stagnant Voltaire commercial strip allowing residential units on upper floors with densities up to 20 dwelling units per acre.
- Promote multi-family in-fill in areas proximate to transit lines.

- Promote sensitive redevelopment and neighborhood commercial uses in the Voltaire commercial district upgrading it to form a viable community commercial center.
- Encourage the evolution of the Voltaire strip into a more concentrated and compact neighborhood commercial district to encourage community-based and related recreational shopping and pedestrian interaction.
- Restrict new commercial uses to blocks between Venice and Worden Streets to encourage a concentrated and compact pattern of commercial development.
- Design parking facilities to be compatible with pedestrian circulation and screened from public view.
- Encourage pedestrian orientation and include pedestrian pathways.
- Control bulk and scale through use of vertical and horizontal offsets and architectural features which serve to break up building façades.
- Use interest nodes such as a chain of shops or plaza space, at reasonable walking distance can help entice pedestrian movement.

The Land Development Code (SDMC 131.0554) and the Peninsula Community Land Use Plan (Figure 28, pg 105) describes desired building height, scale, bulk and rhythm. The proposed development provides articulated and textured surfaces of the multifamily residential buildings which reduces their apparent size and reflects the pattern of the surrounding development. Building bulk is reduced by offsetting vertical and horizontal planes with street friendly articulation provided by balconies and windows. The mass along the building length is regulated by the reflection of the rhythm of the unit plan spacing, providing a similar rhythm to the existing surrounding buildings.

The subject site is part of a larger area identified as “blighted” by The North Bay Redevelopment Plan. This proposal creates an opportunity to “enhance the physical conditions of the existing neighborhood through rehabilitation and/or development” and an improvement needed to eliminate both physical and economical conditions of blight, one of the main objectives of the North Bay Redevelopment Plan. The project site is the location of a former junk yard, billboards (since removed), an auto storage yard (since removed) and transient camps. Providing 28 opportunities for the home ownership combined with mixed-use development along a transit line will provide a pedestrian orientation and “eyes on the street” to enhance the neighborhood character.

Goals of the Redevelopment Project Area include promoting and enhancing diverse housing opportunities by improving housing stock and improving the growth and vitality of the Redevelopment Project Area’s business environment. Housing goals included in the Second Implementation Plan, call for a 987 net increase in residential units within the Project Area between 2004 and 2008. Furthermore, the Second Implementation Plan encourages the construction of sidewalk improvements to enhance the Project Area for residents. The proposed project would construct new sidewalks and lighting. The project would also generate additional

tax increment revenues that could be used to assist in funding future public and private improvements and development projects within the Redevelopment Project Area.

The project provides six new ground-floor commercial spaces in an area identified as “stagnant” and provides more than the required parking (13 surfaces spaces where 7 are required) to serve the commercial area.

In addition, the proposed project would not adversely affect the Peninsula Community Plan because it would implement policies and recommendations of the community plan related to incorporating defensible space techniques into the design of multifamily projects by providing architectural detailing and individual unit features which will promote pride of ownership and delineate public, semiprivate, and private space. The proposal features a landscaped courtyard with a meandering path through the interior of the project site fronting the units and providing surveillance over a common area. Visual and spatial orientation of recreational and open space areas is linked to the residential units within the project. The proposal would improve the neighborhood streetscape by providing pedestrian connectivity and landscaped buffers and paths to the residents of this project and future residents.

The proposed project would also not adversely affect the Progress Guide and General Plan as one of the goals in the General Plan encourages in-fill development and revitalization. The proposed project would accommodate in-fill development by allowing additional housing in the community. The plan also discusses the importance of improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. The proposed project would develop much needed multi-family housing to help improve the neighborhood and its surroundings. The proposed project is within the North Bay Redevelopment Area, an area identified as blighted. The proposed project would also not adversely affect the Housing Element of the Progress Guide and General Plan, as the proposed use would be ensuring the development of new housing to help meet the City’s housing needs.

The project scope includes public improvements of sidewalk upgrades, and removal of existing curb cuts along Voltaire. Double Acorn style street lights would be provided along Voltaire Street consistent with the Community Plan. The existing bus stop along Voltaire Street would be relocated to the westerly end of the Voltaire right-of-way adjacent to the project site and configured to Americans With Disabilities Act (ADA) specifications.

The following traffic improvements would be implemented by the project. The first set of improvements includes providing a median opening to allow eastbound left turns only into the project driveway. The second set of improvements includes removing the median to provide full access for both the project driveway and San Clemente Street. Create (restripe) a 10-foot center turn lane along Famosa Boulevard between Whittier Street and Nimitz Boulevard to provide for storage for vehicles waiting to turn left from Famosa Boulevard onto Whittier Street.

This project also provides for traffic signal interconnect and central communications to 35 traffic signals in the Point Loma and Ocean Beach areas as part of the Point Loma / Ocean Beach Traffic Signal Interconnect System. Completion of this broader Interconnect project will result in improved Level of Service (LOS) during peak periods.

Therefore, for the above-listed reasons, the proposed development would not adversely affect the applicable land use plan.

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

The proposed mixed use residential / commercial project would construct 28 multi-family for-sale condominiums with 6 commercial condominiums on a 0.97-acre site with parking exceeding the requirements of the Land Development Code.

A Mitigated Negative Declaration (MND) has been prepared pursuant to the California Environmental Quality Act (CEQA) and found the site to be acceptable for residential use considering, among other issues, land use consistency, adequate removal of previous environmental contamination, and geologically suitable substrate.

The MND specifies mitigation for noise impacts due to the project's location in proximity to Nimitz Boulevard and Voltaire Street. Future cumulative noise impacts along the Voltaire Street frontage were calculated to be at 70 decibel (dB) Community Noise Equivalent Level (CNEL). Therefore, noise walls for balconies for all residential units that face either Voltaire Street or Nimitz Boulevard would be required noise mitigation to bring the noise level to 65 dB CNEL.

The project is subject to the Airport Environs Overlay Zone in accordance with SDMC 132.0302(a). Per 132.0306(b)(1), "the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45db. The applicant will be required to spend no more than 10% of construction costs to meet noise attenuation requirements."

Public concern has been raised about the safety of children who play in Whittier Street which is a dead-end street. The project would not open Whittier Street for through access. Residents on Whittier Street have the existing option to use the Cleator Park tot lot and public recreation amenities afforded therein rather than use of a public right-of-way for recreation.

The permit prepared for the project would include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Such conditions, as determined by the decision-maker, are intended to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area.

The project would comply with the development regulations in effect for the subject property as described in Planned Development Permit No. 254753, and Site Development Permit 172879, and other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code. The proposed development would be required to obtain Building Permits to show that all construction will comply with all applicable Building, Fire Code, and American with Disabilities Act requirements.

The project would be constructed with a fire alarm system in each building and in accordance with fire code. For Fire Department response time, the first in engine company (Engine 15), is able to reach the project site within the national standard of five minutes, and is not over capacity for yearly incidents by national standard.

Therefore, for these reasons, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The proposed mixed use residential / commercial project would construct 28 multi-family for-sale condominiums with 6 commercial condominiums on a 0.97-acre site with parking exceeding the requirements of the Land Development Code.

The project site is regulated by two zones: CC-3-5 and RM-2-5. The CC-3-5 zone covers 26,866 square feet (64%) of the project site along the Voltaire Street frontage in the Community Plan Implementation Overlay Zone. The RM-2-5 zone covers 15,287 square feet (36%) of the project site along the Whittier Street frontage. The CC-3-5 zone is a Commercial Community designation to accommodate community-serving commercial services intended for high-intensity, pedestrian orientation. Residential use and residential parking are allowed within this zone only as part of a mixed-use development. Residential development within the CC zone is governed by the RM zone (131.0540(d)). As such, the CC zone portion of the site (as governed by the RM-2-5 zone) would allow one unit for each 1,500 square feet of lot area. At 26,866 square feet, the CC portion of the project site could have up to 18 residential units per the zone where 22 are proposed. The RM-2-5 zone permits medium-density multiple dwelling units at one dwelling unit for each 1,500 square feet of lot area. At 15,287 square feet, this portion of the project site could have 10 units, whereas six are proposed within this zone. However, density re-allocation is permitted as part of the Planned Development Permit (PDP) per SDMC 143.0410 (b)(2) without regard to zone boundaries. This is allowed by the Municipal Code and is not a deviation.

The project proposes a total of 63,312 GFA on a 42,153 square foot (0.97 acre) site. The Floor Area Ratio (FAR) is therefore calculated as 1.5. The allowable FAR is 1.76 calculated as $(1.35 \text{ FAR RM-2-5} \times 15,286 \text{ sf} + 2.0 \text{ FAR CC-3-5} \times 26,866 \text{ sf}) / 42,153$. The FAR therefore complies with the Municipal Code requirement of 1.76 allowed, and 1.5 proposed.

The project is located within the Coastal Height Overlay Zone and therefore must comply with the 30 foot coastal height limit. For the purpose of measuring height, building clusters A, B, and C, are all considered as one structure. The finish grade would be approximately 77 feet above mean sea level with the top of parapet at 106 feet above mean sea level (29 feet) changing gradually to a finish grade of approximately 78 feet above mean sea level with the top of parapet at 108 feet above mean sea level (30 feet).

The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed use will comply with the applicable regulations of the San Diego Municipal Code in effect for this site.

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

The proposed mixed use residential / commercial project would construct 28 multi-family for-sale condominiums with 6 commercial condominiums on a 0.97-acre site with parking exceeding the requirements of the Land Development Code.

The development will provide for public health, safety and welfare of the residents by stabilizing the eroding slope along the Nimitz Blvd. Visible in the eroding slope along Nimitz Blvd. are remnants of deteriorating retaining walls and illegal dumping which will all be removed during stabilization of the slope. In its place, native plant material mimicking the native plant garden to the north will be planted along the Nimitz Blvd slope.

The project exceeds private exterior open space and common open space requirements functional to residents (per Table 143-04B). There are two common open spaces available to residents and guest with a barbeque area and picnic tables.

This mixed-use project reaches out to the public in several ways. The development will provide a pedestrian path that connects Whittier Street residents to Voltaire Street through the project site. There will be public outdoor courtyard spaces and outdoor café seating on Voltaire Street.

The western property edge from Voltaire to Whittier Street proposes to have flowering vines along the wall. The project exceeds the landscape requirements of the municipal code.

Private exterior spaces overlooking Voltaire Street and balconies overlooking the courtyard provide security in the neighborhood. It will allow for neighborly watch and “eyes on the street” over activities along Voltaire.

The subject site is part of a larger area identified as “blighted” by The North Bay Redevelopment Plan. This proposal creates an opportunity to “enhance the physical conditions of the existing neighborhood through rehabilitation and/or development” and an improvement needed to eliminate both physical and economical conditions of blight, one of the main objectives of the North Bay Redevelopment Plan.

The project scope includes public improvements of sidewalk upgrades, and removal of existing curb cuts along Voltaire. Double Acorn style street lights would be provided along Voltaire Street consistent with the Community Plan. The existing bus stop along Voltaire Street would be relocated to the westerly end of the Voltaire right-of-way adjacent to the project site and configured to Americans With Disabilities Act (ADA) specifications.

The following traffic improvements would be implemented by the project. The first set of improvements includes providing a median opening to allow eastbound left turns only into the project driveway. The second set of improvements includes removing the median to provide full access for both the project driveway and San Clemente Street. Create (restripe) a 10-foot center turn lane along Famosa Boulevard between Whittier Street and Nimitz Boulevard to provide for storage for vehicles waiting to turn left from Famosa Boulevard onto Whittier Street.

This project also provides for traffic signal interconnect and central communications to 35 traffic signals in the Point Loma and Ocean Beach areas as part of the Point Loma / Ocean Beach Traffic Signal Interconnect System. Completion of this broader Interconnect project will result in improved Level of Service (LOS) during peak periods.

For these reasons, the project, as a whole, is considered to be beneficial 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 proposed mixed use residential / commercial project would construct 28 multi-family for-sale condominiums with 6 commercial condominiums on a 0.97-acre site with parking exceeding the requirements of the Land Development Code.

The project requests the following deviations from the requirements of the San Diego Municipal Code (SDMC):

- Maximum allowable wall height (SDMC 142.0340) to construct a 15 foot high retaining wall within the Street Side Yard setback adjacent to Nimitz Boulevard;
- A reduction in the front yard setback off Whittier Street, from the required 20 feet to 15 feet;
- A reduction in the interior side yard setback for the RM-2-5 zone to allow five feet versus 10% of the premises width (SDMC 131.0443(e)(2)(A) and 113.0243(b));
- Deck encroachment into the front yard setback along Whittier Street frontage in the RM-2-5 zone;
- Private exterior open space to observe no setback from the property line along Voltaire Street where nine feet is required.

While the applicant desired a project with no deviations, multiple staff reviews and project revisions were unable to produce the desired project without these deviations. The wall height is allowed due to the placement of the driveway and the Nimitz slope. The wall height is a structural issue to support the driveway on the slope. The steepness of the site poses hardship for development and will request a deviation for a 12 foot high retaining wall in the Nimitz Street side yard setback, but the retaining wall as well as slope along Nimitz Blvd. will be concealed behind planting. Staff is therefore able to support this deviation. The reduction of and encroachments into the setbacks in the RM zone is supported by staff due to accommodate the density as allowed by the zone. The project is proposing six units in this zone where 10 are allowed. Staff supports the setbacks due to site restrictions with the required overhead SDG&E easement to remain. The reduction of private exterior open space along Voltaire is supported to bring the project / pedestrian interface as close as possible to the street front. Staff supports this variation to encourage pedestrian interaction with the storefronts and to keep “eyes on the street” from the balconies above. Staff therefore is able to support these requests for deviation.

For these reasons, the project will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

Site Development Permit - Section 126.0604 - Findings

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

The proposed mixed use residential / commercial project would construct 28 multi-family for-sale condominiums with 6 commercial condominiums on a 0.97-acre site with parking exceeding the requirements of the Land Development Code.

The Peninsula Community Plan designates this location as an area in transition from single family to multi-family development, as an area that should be upgraded to a viable community commercial center, as an area within the Community Plan Implementation Overlay Zone, as within the North Bay Redevelopment Project Area, and specifically not within an area that is protected as single-family neighborhood. The Community Plan recommends 15-29 dwelling units per acre. The project proposes 28 new residential units on a 0.97 acre site for a density of 28.8 dwelling units per acre (du/ac) and therefore aligns with the density recommendations of the community plan.

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- Redevelop the stagnant Voltaire commercial strip allowing residential units on upper floors with densities up to 20 dwelling units per acre.
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- Encourage the evolution of the Voltaire strip into a more concentrated and compact neighborhood commercial district to encourage community-based and related recreational shopping and pedestrian interaction.
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- Design parking facilities to be compatible with pedestrian circulation and screened from public view.
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Goals of the Redevelopment Project Area include promoting and enhancing diverse housing opportunities by improving housing stock and improving the growth and vitality of the Redevelopment Project Area’s business environment. Housing goals included in the Second Implementation Plan, call for a 987 net increase in residential units within the Project Area between 2004 and 2008. Furthermore, the Second Implementation Plan encourages the construction of sidewalk improvements to enhance the Project Area for residents. The proposed project would construct new sidewalks and lighting. The project would also generate additional tax increment revenues that could be used to assist in funding future public and private improvements and development projects within the Redevelopment Project Area.

The project provides six new ground-floor commercial spaces in an area identified as “stagnant” and provides more than the required parking (13 surfaces spaces where 7 are required) to serve the commercial area.

In addition, the proposed project would not adversely affect the Peninsula Community Plan because it would implement policies and recommendations of the community plan related to incorporating defensible space techniques into the design of multifamily projects by providing

architectural detailing and individual unit features which will promote pride of ownership and delineate public, semiprivate, and private space. The proposal features a landscaped courtyard with a meandering path through the interior of the project site fronting the units and providing surveillance over a common area. Visual and spatial orientation of recreational and open space areas is linked to the residential units within the project. The proposal would improve the neighborhood streetscape by providing pedestrian connectivity and landscaped buffers and paths to the residents of this project and future residents.

The proposed project would also not adversely affect the Progress Guide and General Plan as one of the goals in the General Plan encourages in-fill development and revitalization. The proposed project would accommodate in-fill development by allowing additional housing in the community. The plan also discusses the importance of improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. The proposed project would develop much needed multi-family housing to help improve the neighborhood and its surroundings. The proposed project is within the North Bay Redevelopment Area, an area identified as blighted. The proposed project would also not adversely affect the Housing Element of the Progress Guide and General Plan, as the proposed use would be ensuring the development of new housing to help meet the City's housing needs.

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

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The project proposes a total of 63,312 GFA on a 42,153 square foot (0.97 acre) site. The Floor Area Ratio (FAR) is therefore calculated as 1.5. The allowable FAR is 1.76 calculated as $(1.35 \text{ FAR RM-2-5} \times 15,286 \text{ sf} + 2.0 \text{ FAR CC-3-5} \times 26,866 \text{ sf}) / 42,153$. The FAR therefore complies with the Municipal Code requirement of 1.76 allowed, and 1.5 proposed.

The project is located within the Coastal Height Overlay Zone and therefore must comply with the 30 foot coastal height limit. For the purpose of measuring height, building clusters A, B, and C, are all considered as one structure. The finish grade would be approximately 77 feet above mean sea level with the top of parapet at 106 feet above mean sea level (29 feet) changing gradually to a finish grade of approximately 78 feet above mean sea level with the top of parapet at 108 feet above mean sea level (30 feet).

The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed use will comply with the applicable regulations of the San Diego Municipal Code in effect for this site.

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 appeal by the Peninsula Community Planning Board is denied; the decision of the Planning Commission is sustained, Site Development Permit No. 172879, and Planned Development Permit No. 254753, Vesting Tentative Map No. 341372, is hereby GRANTED to VOLTAIRE PARTNERS, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by Cory H. Wilkinson, AICP