

DRAFT

(R-INSERT)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, PACIFIC BEACH INVESTMENT TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing commercial building on site for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 116352 and Planned Development Permit No. 116353), on portions of a 0.503 acre site;

WHEREAS, the project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive, in the CV -1-2 Zone within the Pacific Beach Community Plan, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, and Transit Area Overlay Zone;

WHEREAS, the project site is legally described as Parcel 1 and 2 of Parcel Map No. 2124;

WHEREAS, on June 22, 2006, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 116352 and Planned Development Permit No. 116353 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, Pacific Beach Community Planning Committee and Richard S. Pearson 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

A. Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and

The project proposes to demolish the existing single-story commercial retail building and the commercial parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces. The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The Pacific Beach Community Plan (PBCP) designates the proposed project site as Commercial-Visitor and allows a residential density of up to 43 dwelling units per acre for projects designed as a transit oriented development.

The project site, occupying 0.503-acres, could accommodate 15 dwelling units based on the underlying CV-1-2Z one and 22 dwelling units based on the density bonus provided by the community plan. The applicant has chosen to utilize the density bonus provision in the community plan, which would allow three additional units above the density allowed by the underlying zone. Mission Boulevard and Pacific Beach Drive are not designated as a physical accessway or as a visual corridor to the local beaches within the adopted PBCP and Local Coastal Program Land Use Plan, and the proposed project would not affect these resources. The proposed development would occur on private property.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The project proposes to demolish the existing single-story commercial retail building and the commercial parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces. The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The project site is located within an urbanized area of the Pacific Beach community and does not contain environmentally sensitive lands; therefore, the proposed mixed-use development would not adversely affect these resources.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The PBCP designates the proposed project site as Commercial-Visitor and allows a residential density of up to 43 dwelling units per acre for projects designed as a transit oriented development. The project site, occupying 0.503-acres, could accommodate 15 dwelling units based on the underlying CV-1-2Z one and 22 dwelling units based on the density bonus provided by the community plan. The applicant has chosen to utilize the density bonus provision in the community plan, which would allow three additional units above the density allowed by the underlying zone.

The proposed project would implement the Residential and Commercial Element goals and recommendations of the community plan of providing additional housing opportunities, promoting a mixture of commercial uses and services within the community, actively encouraging mixed-use development in conjunction with transit corridors such as Mission Boulevard, and providing Transit Oriented Development; therefore, the project as proposed would conform to the goals and recommendations of the PBCP. The project is in conformance with the underlying CV-1-2Z one regulations (except for the conditions and/or deviations imposed on the project by the Planning Commission), the Local Coastal Program Land Use Plan, the Progress Guide and General Plan, the Strategic Framework Element, and the Housing Element.

The project proposes to utilize renewable energy technology, self-generating at least 50% of the projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The project site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone and is not required to demonstrate conformance with the public access and recreation policies of the California Coastal Act as required by this finding.

B. Planned Development Permit - Section 126.0604

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

The project proposes to demolish the existing single-story commercial retail building and the commercial parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces. The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The Pacific Beach Community Plan (PBCP) designates the proposed project site as Commercial-Visitor and

allows a residential density of up to 43 dwelling units per acre for projects designed as a transit oriented development.

The project site, occupying 0.503-acres, could accommodate 15 dwelling units based on the underling CV-1-2Z one and 22 dwelling units based on the density bonus provided by the community plan. The applicant has chosen to utilize the density bonus provision in the community plan, which would allow three additional units above the density allowed by the underlying zone.

The proposed project would implement the Residential and Commercial Element goals and recommendations of the community plan of providing additional housing opportunities, promoting a mixture of commercial uses and services within the community, actively encouraging mixed-use development in conjunction with transit corridors such as Mission Boulevard, and providing Transit Oriented Development; therefore, the project as proposed would conform to the goals and recommendations of the PBCP. The project is in conformance with the underling CV-1-2Z one regulations (except for the conditions and/or deviations imposed on the project by the Planning Commission), the Local Coastal Program Land Use Plan, the Progress Guide and General Plan, the Strategic Framework Element, and the Housing Element.

The project proposes to utilize renewable energy technology, self-generating at least 50% of the projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy.

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

The project proposes to demolish the existing single-story commercial retail building and the commercial parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces. The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The project required the preparation of an Initial Study to identify the potential for significant environmental impacts which could be associated with the project pursuant to Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines. Analysis concluded that a Mitigated Negative Declaration would be required with mitigation measures for reducing a potentially adverse impact from Human Health/Public Safety/Hazardous to below a level of significance.

The permits for the project will include various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Coastal Development Permit No. 116352 and Planned Development Permit No. 116353, and other regulations and

guidelines pertaining to the subject property per the LDC. Therefore, the proposed 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 project proposes to demolish the existing single-story commercial retail building and the commercial parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces. The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The Pacific Beach Community Plan (PBCP) designates the proposed project site as Commercial-Visitor and allows a residential density of up to 43 dwelling units per acre for projects designed as a transit oriented development.

The project site, occupying 0.503-acres, could accommodate 15 dwelling units based on the underlying CV-1-2Z one and 22 dwelling units based on the density bonus provided by the community plan. The applicant has chosen to utilize the density bonus provision in the community plan, which would allow three additional units above the density allowed by the underlying zone. The project complies with the applicable regulations of the underlying CV-1-2 Zone regulations; however, the Planning Commission added three conditions and/or deviations as follows: 1. the proposed access from the site to the alley shall be omitted. This is a deviation to San Diego Municipal Code (SDMC) Section 142.0560(j)(7) which requires off-street parking spaces for new developments located within a Beach Impact Area of the Parking Impact Overlay Zone shall be accessible from the abutting alley. 2. The proposed project shall maintain a minimum of 48 on-site parking spaces. This condition will invalidate the original proposed shared parking provision. 3. The maximum building height shall be 30-feet, which includes the roof mounted solar panels.

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

The proposed project would implement the Residential and Commercial Element goals and recommendations of the community plan of providing additional housing opportunities, promoting a mixture of commercial uses and services within the community, actively encouraging mixed-use development in conjunction with transit corridors such as Mission Boulevard, and providing Transit Oriented Development. The mixed-use proposal would serve the employees and employers of the area through adding housing supply in the immediate area of employment opportunities and expanding the commercial space available for businesses. The mixed-use development would contribute to a reduction in vehicle trips and vehicle emissions through an increase in the area's job/housing balance. The housing is also located in an area of recreational opportunities and would reduce vehicle trips from more distant residential areas to activities in Pacific Beach. The proposed project would also make an in-lieu contribution towards the cost of affordable housing, upgrade improvements in the public right-of-way, as well as pay all applicable public facilities financing and school fees. In addition, the project proposes to utilize renewable energy technology, self-generating at least 50% of the projected total energy

consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy. Therefore, the proposed mixed-use development, when considered as a whole, would 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 project proposes to demolish the existing single-story commercial retail building and the commercial parking lot for the construction of a mixed-use development containing 18 residential units and seven commercial retail spaces. The project site is located at 4105 and 4135 Mission Boulevard on the northeast corner of Mission Boulevard and Pacific Beach Drive. The Pacific Beach Community Plan (PBCP) designates the proposed project site as Commercial-Visitor and allows a residential density of up to 43 dwelling units per acre for projects designed as a transit oriented development.

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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 of Pacific Beach Community Planning Committee and Richard S. Pearson is denied; the decision of the Planning Commission is sustained, Coastal Development Permit No. 116352 and Planned Development Permit No. 116353 is hereby GRANTED to PACIFIC BEACH INVESTMENT TRUST, 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 _____
INSERT~
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
Or.Dept:Clerk
R-INSERT
Form=permitr.frm(61203wct)
Reviewed by Jeffrey A. Peterson