

PLANNING COMMISSION
RESOLUTION NO. 4333-PC-3
PLANNED DEVELOPMENT PERMIT NO. 360181
KENSINGTON TERRACE – PROJECT NO. 105244

WHEREAS, TERRACE PARTNERS, L.P., Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing structures and construct a mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential in nine residential units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 360181), on portions of a 0.78-acre site;

WHEREAS, the project site is located at 4142, 4166, and 4178 Adams Avenue and 4708 Edgeware Road in the CN-1-3 and CU-3-3 Zones of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area;

WHEREAS, the project site is legally described as Lots 9, 10, 11, 12, and 13 in Block 15 of Kensington Park, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1245 filed in the Office of the County Recorder of San Diego County, April 8, 1910;

WHEREAS, on November 15, 2007, the Planning Commission of the City of San Diego considered Planned Development Permit No. 360181 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego that the Planning Commission adopts the following written Findings, dated November 15, 2007.

Planned Development Permit - Section 126.0604

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The project site is located in the Kensington-Talmadge community of the Mid-City Communities Planning Area. The Mid-City Communities Plan designates the proposed site for Commercial and Mixed-Use at a maximum density of 29 dwelling units per acre. The community plan does not provide a minimum density. Additionally, the community plan provides a density bonus of 43 dwelling units per acre for mixed-use projects. Based on the existing land use designation, 23 dwelling units would be allowed on site and ultimately 34 would be allowed through the mixed-use density bonus.

The proposed project would implement several goals and recommendations contained in the Urban Design, Transportation, Land Use, and Natural & Cultural Resources Elements in the Mid-City

Communities Plan. The project as proposed would implement the goal of reinforcing and enhancing the historic, pedestrian-oriented character of Adams Avenue with thriving neighborhood serving and specialty businesses. This recommendation would be implemented through the creation of a 16-foot wide sidewalk that would include tree wells for street trees along Adams Avenue, as well as incorporate a plaza at the corner of Marlborough Drive and Adams Avenue and an internal courtyard. Additionally, bike racks would be provided at street level along Marlborough Drive and Edgeware Road. Other bicycle storage facilities would be provided within the underground 2-story parking structure to accommodate both patrons and workers of the proposed commercial-retail and office building.

To further implement the goals of fostering a pedestrian environment, the project would also involve the removal of an existing gas service station and its associated curb-cuts along Adams Avenue and Marlborough Drive. The result would create a better and safer pedestrian connection to other existing commercial and mixed-use developments along the north side of Adams Avenue. Additionally, parking to proposed project would be taken from the alley north of Adams Avenue.

The proposed project would implement the recommendation in the Land Use Element of the community plan of encouraging new market-rate housing construction in a variety of types, sizes, and costs to meet the needs of all residents in all socio-economic brackets. The project would include six penthouse units above commercial-retail and three craftsman-style townhomes at ground level along Edgeware Road. The proposed project would also meet the goal of providing a full range of commercial goods and services to the Mid-City population. The proposed project, which is located in close proximity to State Route 15, would provide additional commercial-retail space within the Kensington-Talmadge community and provide opportunities for more goods and services to be offered to residents. The addition of office space would also provide an opportunity to create additional employment within the community.

Although the Mid-City Communities Plan does not contain specific policies related to the incorporation sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project would meet this vision by incorporating a "green roof" feature that would reduce surface run-off. This "green roof" feature would be planted with drought tolerant grasses and herbaceous and succulent plant species. Additionally, the proposed project would self-generate at least 50 percent of the project's projected energy consumption for the residential portion of the project and 30 percent of the project's projected energy consumption for the commercial portion of the project through the incorporation of photovoltaic panels.

The project proposes to seek a deviation to exceed the height limit of the eastern portion of the project by 8 feet where the maximum height limit is 30 feet. Although the community plan does not regulate building heights it does encourage lower scale, two to three-story mixed-use developments with residential units above retail along Adams Avenue. The project would implement this recommendation and maintain the existing character along Adams Avenue by constructing a three-story, mixed-use structure that would contain six units above commercial-retail and office space.

Additionally, in order to meet the recommendation of ensuring that new development reflects neighborhood character in such characteristics such as height, setbacks, massing, landscaping,

roofs, windows, front porches, street façade and other architectural details, the proposed project would incorporate setbacks at the third story and landscaping, as well as trellises and arched features similar to adjacent commercial buildings. The three townhomes proposed along Edgeware Road would include a Craftsman architectural style that would be compatible with similar residences along the street. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north.

Based on the proposed features that would be utilized throughout the proposed project, the proposed deviation would not have an adverse impact on the goals and recommendations of the community plan. As proposed, the project implements many of the overall goals and recommendations of the Urban Design, Land Use, Transportation, Transportation, and Natural & Cultural Resources of the Mid-City Communities Plan; and therefore, the proposed development will not adversely affect the applicable land use plan.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

The proposed development includes minor improvements within the public right-of-way within the Mid-City community. The proposed development would construct necessary sewer and water facilities to serve the occupants of the development; would incorporate construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; would prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; would enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and would comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758) Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity.

Mitigated Negative Declaration No. 105244 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Prior to issuance of any demolition or construction permit, the permit has been conditioned to require that the Owner/Permittee provide the Development Services Department (DSD) with a copy of the Work Plan and Health Risk Assessment for the removal of the underground storage tanks existing onsite and site remediation provided to the County of San Diego Department of

Environmental Health (DEH) in conjunction with the County's review through the Voluntary Assistance Program and/or Underground Storage Tank Removal Program or permit requirements.

Prior to the foundation inspection for each project phase, the permit has been conditioned to require the Owner/Permittee to submit a copy of a Letter of Concurrence/Approval from the County of San Diego DEH to DSD confirming that the mitigation measures and site remediation recommended in the Work Plan and Health Risk Assessment have been implemented and that construction of the development can proceed. If further remedial action is required during construction activities based on site assessment activities performed under the direction of the County DEH or administrating agency, specific measures shall be incorporated in the remedial action work plan to ensure human health and public safety issues are adequately addressed.

Prior to final building inspection approval or Issuance of Occupancy, the permit has been conditioned to require the Owner/Permittee to submit a Letter of No Further Action or a similar Letter of Approval from the County of San Diego DEH to DSD documenting the environmental assessment and mitigation activities implemented under the Work Plan and Health Risk Assessment has been completed.

All structures constructed will be reviewed prior to construction by professional staff for compliance with all relevant and applicable building, electrical, plumbing, mechanical and fire codes to assure the structures would meet or exceed the current regulations. The project includes 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 have been determined to be necessary to avoid adverse impacts upon health, safety and general welfare of persons residing or working in the surrounding area. Further, the construction will be monitored and inspected in the field by certified inspectors. As a result of this process 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 Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

As allowed through the approval of a Planned Development Permit, the applicant is requesting a deviation to the height regulations of the CN-1-3 Zone. The western portion of the site adjacent to Marlborough Avenue (0.31-acre) is zoned CU-3-3 and the eastern portion of the site adjacent to Edgeware Road (0.47-acre) is zoned CN-1-3. The CU-3-3 Zone allows a maximum height of 50 feet, and the project proposes a maximum height of 40 feet, 8 inches for this portion of the project, which is well under the allowable height limit. The CN-1-3 Zone allows a maximum height of 30 feet and applicant is requesting a height of 38 feet for this portion of the site.

The applicant is proposing the deviation to the height of the CN-1-3 Zone to comply with community character and public concerns regarding excessive height in the neighborhood. The

project design proposes to terrace back from the intersection of Adams Avenue and Marlborough Drive to mitigate the visual impact of a potential 50 foot building height at the corner. The project proposes a lowered and terraced building in the western portion of the site, with an eight-foot increase above the zone's height limit in the eastern portion of the site, thereby balancing the overall height to match the existing building on the west side of Marlborough Drive, which varies in height between 35 feet and 49 feet.

The consistent height avoids inefficient additional stair and elevator access, makes all the residential units top-floor rather than stacked in the CU-3-3 zone, and provides unfettered and level surface for green rooftop technology and photo-voltaic collection. Without the deviation, the allowable 50-foot tower would potentially shadow the remaining rooftop as well as neighboring properties. In addition to terracing the project at both corners of Adams Avenue with Marlborough Drive and Edgeware Road, the design has a stepped-back third floor along 80% of the building, which creates a perception with the façade that the majority of the building is a two-story structure. Further, the proposed mixed-use building would utilize various materials and textures to further articulate the street façade and reduce the scale of the building. The rear of the proposed project would also incorporate an articulated façade with windows, varying setbacks, and landscaping to offset the bulk and scale of the proposed three-story building from neighboring residences to the north.

Other than the proposed deviation described and as allowed through approval of a Planned Development Permit, the proposed development would comply with the applicable regulations of the San Diego Municipal Code and be consistent with the recommended land-use, design guidelines, and development standards if effect for this site.

Based upon substantial evidence documented for the proposal, which includes the Mitigated Negative Declaration No. 105244 prepared for the project, staff has determined the height deviation would pose no adverse impacts upon the health and safety of the public or detriments to the physical environment. Therefore, proposed development will comply with the regulations of the Land Development Code.

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

The Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

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Although the Mid-City Communities Plan does not contain specific policies related to the incorporation sustainable development measures within new development projects, it does refer to a vision in the Natural & Cultural Resources Element of the Community Plan of having development contribute to the environmental quality of the area. The project design incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption for the residential portion, and 30 percent of the project's projected energy consumption for the commercial portion of the project. The project also proposes the installation of approximately 10,000 square feet of Green Roof technology, fire-sprinklers throughout the development; residential private open space areas totaling approximately 5,000 square feet, and public and private commercial and office open space totaling approximately 6,000 square feet in plazas, courtyards, and terraces. Therefore, proposed development, when considered as a whole, will 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 Kensington Terrace project would consist of the demolition of the existing structures and construction of a three-story mixed-use development consisting of 16,255 square feet of office, 16,550 square feet of retail, and 19,614 square feet of residential (six, three-bedroom, three-bath Penthouse units and three, three-bedroom, three-bath Townhome units, totaling 9 for sale units) on a 0.78-acre site.

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BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 360181 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set

forth in Planned Development Permit No. 3601 81, a copy of which is attached hereto and made a part hereof.



Daniel Stricker
Development Project Manager
Development Services

Adopted on: November 15, 2007
Job Order No. 42-6557

cc: Legislative Recorder, City Planning & Community Investment Department