

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-337: 301 University Avenue.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit/Tentative Map/Easement Abandonment to develop a 0.81 acre site with a 12-story commercial mixed-use development consisting of a 10,304 square-foot of commercial space, 96 residential condominium units and a total of 322 off-street parking spaces located at 301 through 333 University Avenue.

(Project No. 11896/MDN Project No. 11896/Right-of-Way Vacation No. 323355/SDP No. 23948/TM No. 323359. Uptown Community Plan Area. District 3.)

(Continued from the meeting of July 18, 2006, Item 332, at the request of Councilmember Frye, for further review.)

**NOTE:** Hearing open. No public testimony taken on July 18, 2006.

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A: (R-2006- )

Granting or denying Mitigated Negative Declaration No. 11896, has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as lead agency. Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project

Subitem-B: (R-2006- )

Granting or denying Public Right-of-Way Vacation No. 323355, with appropriate findings to support Council action.

Subitem-C: (R-2006- )

Granting or denying Tentative Map No. 323359, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

Subitem-D: (R-2006- )

Granting or denying approving Site Development Permit No. 23948, with appropriate findings to support Council action.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**OTHER RECOMMENDATIONS:**

Planning Commission on April 13, 2006, voted 6-0 to approve; no opposition.

Ayes: Shultz, Garcia, Chase, Griswold, Ontai and Otsuji.

Not present: Steele

On September 6, 2005, the Uptown Community Planners voted 6-4-0, adopting a motion that the proposed development does not conform to the Uptown Community Plan. The Community Planning Group recommendation to deny the proposed development

**STAFF SUPPORTING INFORMATION:**

The project proposes a 12 story mixed-use development consisting of ground floor commercial space, 96 residential units and a 121 space public parking garage. The site is located on University Avenue between Third Avenue and Fourth Avenue (Attachment 1) in the Hillcrest neighborhood of the Uptown Community Plan area. A portion of an existing alley would be vacated and closed to vehicular use as a part of the project. The partial alley vacation elevates the project's decision process to the City Council (Process 5). Two existing commercial structures would be demolished in order to clear the site for the proposed development.

The significant project issue is community character. Opposition to the development at the Planning Commission hearing was focused largely on the issue that the project does not fit within the existing scale of the neighborhood which is characterized by low and mid-rise structures. The proposed building would be 148 feet high and significantly taller than any building in the immediate vicinity. However, the Uptown Community Plan anticipated high intensity development in this location and the underlying Mid-City Planned District zones permit both the proposed height and density. Therefore, no Community Plan Amendment or Rezoning action is required for the project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The Uptown Community Plan designates the 0.80-acre site for Commercial Mixed-Use development with a high-intensity residential component (Attachment 2). The project site features split zoning which includes both the CN-1A Zone and the MR-800B Zone of the Mid-City Communities Planned District Ordinance. The CN-1A Zone makes up the majority of the project site and permits building height up to 200 feet. The twelve story structure would be taller than other surrounding structures in the immediate area because it is the first high intensity mixed-use development implementing the goals and land use recommendations of the Uptown Community Plan. The bulk and scale of the project is consistent with several new developments within the Uptown community on Fourth Avenue, Fifth Avenue and Sixth Avenue to the south and the medical complexes of Scripps Mercy and UCSD to the north.

The Uptown Community Plan encourages, and the underlying Mid-City Communities Planned District Ordinance CN-1A and MR-800B Zones permits high density residential development in the proposed location. The CN-1A Zone allows one unit per 400 square-feet of lot area and the MR-800B Zone allows one unit per 600 square-feet of lot area.

The project minimizes the impacts of the building height with architectural design features. Ground floor and street level interest is provided by the building façade and enhanced exterior finish materials, while pedestrian activity would be enhanced by wide landscaped walks adjacent to recognizable individual storefronts. The project's street wall is designed with the intent to minimize the scale of the building by providing individual storefront designs, utilizing ceramic tile and strong colors, awnings, canopies and varying setbacks to create a pedestrian friendly environment. Vacating a portion of the existing alley will alleviate conflicts between pedestrians and vehicles, and reduce traffic congestion by eliminating mid-block access to University Avenue. Staff believes the applicable findings to approve the project can be affirmed and recommends the City Council approve the project.

**FISCAL CONSIDERATIONS:**

There are no fiscal considerations with this action. All of the costs associated with processing this application are paid for by the applicant.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**PLANNING COMMISSION RECOMMENDATION:**

On April 13, 2006, the Planning Commission recommended the City Council approve the Planned Development Permit, Tentative Map and Street vacation action. However, the Commission did not make a recommendation regarding certification of the environmental document due to an issue raised by the City Attorney. An opinion from the Attorney's Office regarding the adequacy of the environmental document will be provided to the council under separate cover.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Uptown Community Planning Group voted 6-4-0 to recommend denial of the project adopting a motion that the proposed development does not conform to the Uptown Community Plan. Reasons cited included the overall size and density of the development.

**KEY STAKEHOLDERS:**

La Jolla Pacific Development

Halbert/Waring/PH

**LEGAL DESCRIPTION:**

The project is located at 3845 Third Avenue, 301 University Avenue and 333 University Avenue within the Uptown Community Plan area and is more particularly described as lots 1, 2, 3, 4, 5, 6, 30, 31, and 32 in Block 2 of Nutt's Addition map No. 628.

Staff: Patrick Hooper – (619) 557-7992

**NOTE:** This item is not subject to Mayor's veto.