



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: September 19, 2024 REPORT NO. PC-24-035

HEARING DATE: September 26, 2024

SUBJECT: Clairemont Village, Process Five Decision

PROJECT NUMBER: [PRJ-0697307](#)

OWNER/APPLICANT: Clairemont Village Quad, LLC, a California Limited Liability Company

SUMMARY

Issues: Should the Planning Commission recommend to the City Council approval of an application to partially vacate an unnamed easement used for incidental purposes, partial demolition of a retail commercial building, and the construction of a new 224 multi-dwelling unit residential building with five floors over two levels of parking in the Clairemont Village Shopping Center located at [3001 - 3089 Clairemont Drive](#) within the [Clairemont Mesa Community Plan](#) area?

Proposed Actions:

1. Recommend the City Council APPROVE Site Development Permit No. PMT-2596197 and Neighborhood Development Permit No. 3287755;
2. Recommend the City Council APPROVE Easement Vacation No. PMT-2605866;
3. Recommend the City Council RESCIND Community Plan Implementation Overlay Zone Permit No. 90-0830; and
4. Recommend the City Council ADOPT [Subsequent Mitigated Negative Declaration No. 697307/State Clearing House No. 2019060003](#) and ADOPT a [Mitigation Monitoring and Reporting Program](#).

Fiscal Considerations: No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Housing Impact Statement: The 12.96-acre project site is designated Community Center in the Clairemont Mesa Community Plan and is within the Clairemont Mesa Community Plan Implementation Overlay Zone (CPIOZ) – Type B. The project site is zoned CC-1-3, which allows for a

residential density of one home per 1,500 square feet of lot area and a density of 29 dwelling units per acre. Under Government Code Section [65915\(o\)\(6\)](#), the maximum allowable residential density or base density determines the greatest number of units allowed under the zoning ordinance, specific plan, or land use element. In accordance with the Government Code, the zoning ordinance would provide the greatest number of units for the project site, since the Clairemont Mesa Community Plan does not identify a specific residential density for the site.

The project site is located on a site identified in the General Plan [Housing Element 2021-2029 Adequate Sites Inventory](#) as an adequate site that has the potential to develop 329 homes. State law requires that the City identify sites for housing with capacity that is adequate to meet the City's housing needs for the 2021 to 2029 Housing Element Cycle Regional Housing Needs Allocation (RHNA). Completed in 2021, the Adequate Sites Inventory determined the potential housing capacity of 174, 673 homes under the City's land use plans and zoning. The proposed development will provide 224 of the 329 potential homes identified in the Adequate Sites Inventory and 10-29 acres will remain to potentially develop the remaining homes. The proposed project will designate 23 out of 224 units as affordable with rents of no more than 30 percent of 60 percent of area median income (AMI) for no fewer than 55 years.

The project site is located within a High Resource Area as identified on the California Tax Credit Allocation Committee – Department of Housing and Community Development's 2024 [Opportunity Map](#), which is designed to assist in advancing specific Affirmatively Furthering Fair Housing (AFFH) objectives. The map identified areas whose characteristics have been shown by research to be associated with positive economic, educational, and health outcomes for low-income families – particularly long-term outcomes for children. As such, the map is intended to inform efforts to advance the AFFH objective of increasing access to opportunity.

Community Planning Group Recommendation: On October 18, 2022, the Clairemont Community Planning Group voted 6-1-0 to recommend approval of the project subject to the following three recommendations:

Motion to recommend the project for approval conditioned upon compliance with San Diego Municipal Code (SDMC) section [131.0552](#) regarding transparency. Additionally, the applicant should be required to bring the entire 12.96-acre site into compliance with SD Municipal Code [Chapter 14, Article 2, Division 4](#) landscape regulations. If feasible, the applicant should implement a shuttle to take residents from the project site to the trolley station at Morena Boulevard and Clairemont Drive.

Discussion regarding these recommendations are discussed below in this report.

Environmental Impact: [Subsequent Mitigated Negative Declaration \(MND\) No. 697307/State Clearing House \(SCH\) No. 2019060003 and Mitigation Monitoring and Reporting Program \(MMRP\)](#) has been prepared for the project in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The environmental analysis is tiered from the Complete Communities: Housing Solutions and Mobility Choices Program Environmental Impact Report which was prepared pursuant to Section 15168 of the CEQA Guidelines. A Mitigation,

Monitoring and Reporting Program (MMRP) has been prepared for this project for Transportation, Historical, Archaeological, and Tribal Cultural Resources. The MMRP will be implemented for the project, which will reduce any potential impacts identified in the environmental review process. Vehicle Miles Traveled (VMT) impacts would remain significant however, the project would provide the required VMT reduction measures totaling at least 5 points, in accordance with Mobility Choices Regulations (San Diego Municipal Code [Chapter 14, Article 3, Division 11](#)) Appendix T Mobility Choices Regulations: Implementation Guidelines and would mitigate VMT impacts to the extent feasible. An Archaeological Monitor and Native American Consultant/Monitor shall be present full-time during all soil disturbing and grading, excavation, and trenching activities which could result in impacts to Archaeological, and Tribal Cultural Resources.

BACKGROUND

Location: The proposed development is located within the 12.96-acre Clairemont Village Shopping Center on two parcels at 3001 through 3089 Clairemont Drive within the Clairemont Mesa Community Plan area (Attachments 1 and 2). The proposed development will be located within 2.67 acres of the existing 12.96-acre shopping center where a surface parking lot and portions of a retail building currently exist (Figure 1).

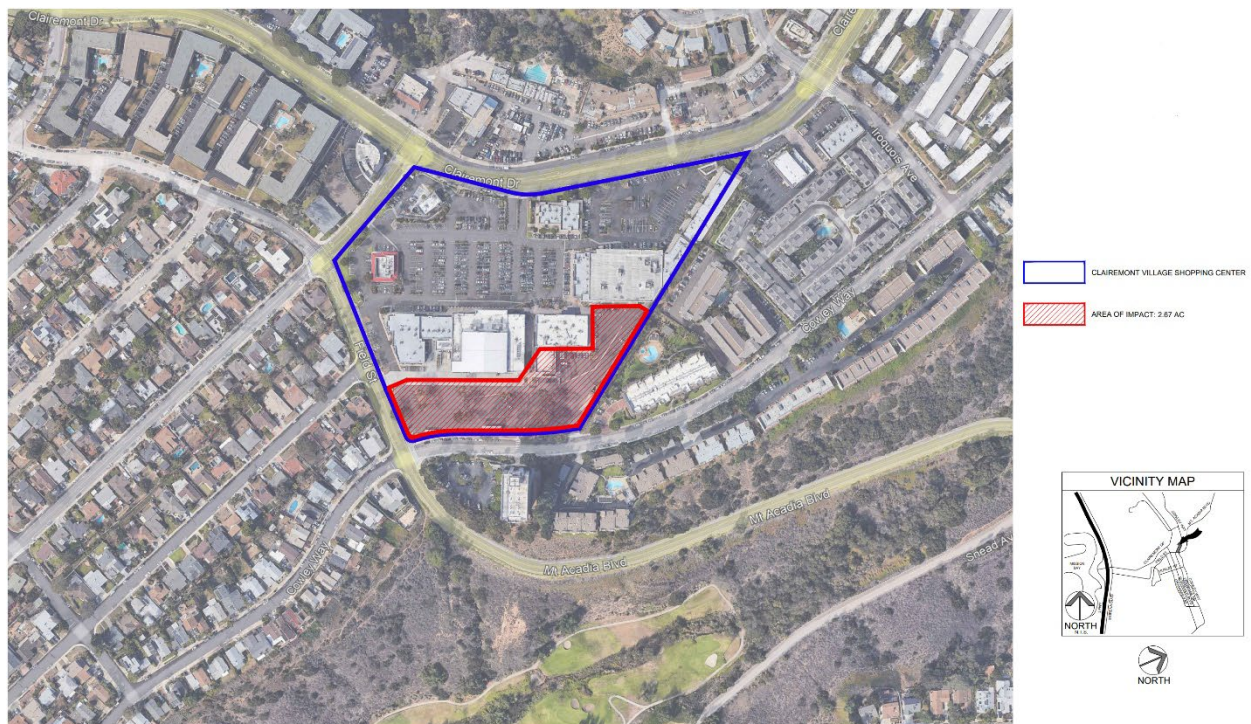


Figure 1 – Clairemont Village Shopping Center and Area of Impact

Existing Zoning:

Base Zone: The development project site is currently in the CC-1-3 (Community-Commercial) Zone which allows mixed-use development that permits residential development at a density of one unit per 1,500 square feet (29 units/acre) of lot area according to SDMC section [131.0531\(c\)](#) and [Table](#)

[131-05E](#).

Overlay Zones: The development project site lies within the Airport Land Use Compatibility Overlay Zone (Montgomery Field), Airport Influence Area – Review Area 2, Clairemont Mesa Height Limitation Overlay Zone, Community Plan Implementation Overlay Zone (CPIOZ) – Type B, and Very High Fire Hazard Severity Zone.

Community Plan and General Plan Designation:

The General Plan designates the development project site for Commercial Employment, Retail, and Services (Community Commercial). The Community Plan designates the development site as Commercial. The Community Plan also identifies the project site within the Clairemont Village Community Center - Community Plan Implementation Overlay Zone (CPIOZ) - Type B.

Current Entitlements:

The project site is currently entitled as a community shopping center under Planned Commercial Development Permit No. 39, Planned Commercial Development Permit Amendment No. 30-039-1, Community Plan Implementation Overlay Zone Permit No. 90-0830 for an insurance company use, and Conditional Use Permit No. CUP 83-067392 for a veterinary clinic.

Part of the proposed project requires rescinding Community Plan Implementation Overlay Zone Permit No. 90-0830 (building was not constructed). The other entitlements would not be impacted by this project.

Existing Uses:

The 12.96-acre shopping center currently contains six buildings with 124,083 square feet of retail area and 666 surface parking stalls. The development project site has undergone extensive renovation of the building facades with landscape and hardscape improvements. As part of the improvements that were completed in 2021, the property owner improved all curb ramps and driveways on all fronting streets (Clairemont Drive, Field Street, and Cowley Way) except Burgener Boulevard.

Adjacent Uses:

Existing land uses directly surrounding the area of impact include two and three-story multi-family residences over parking to the north, the 14-story Sorrento Tower senior residential building to the east across Cowley Way, one and two-story single-family residences to the south across Field Street, and existing single-story commercial uses to the west within the Clairemont Village Shopping Center.

Transit:

The project site is served by San Diego Metropolitan Transit System (MTS) bus route 105 which operates along Clairemont Drive and provides service to the north and south, from the UTC Transit Center to the Old Town Transit Center including the Clairemont Drive Trolley Station. The project site is approximately 900 feet walking distance from the bus stops at the intersection of Clairemont Drive and Burgener Boulevard. The site is approximately one-mile walking distance from the Clairemont Drive Trolley Station and within a Sustainable Development Area.

DISCUSSION

Project Description:

The project proposes the redevelopment of a 2.67-acre site within a 12.96-acre shopping center which would include partially vacating a 10-foot wide unnamed easement containing 1,756 square feet used for incidental purposes that runs east through west along the project site, demolition of approximately 3,770 square feet of retail commercial space for the provision of a fire access lane, and the construction of a 224-multi-dwelling unit building within five floors over two levels of parking. The residential component of the building would be 262,624 square feet and the parking component would be 124,449 square feet (Figure 2).



Figure 2 – Rendering looking north towards Field Street



Figure 3 – Rendering looking east from the Shopping Center

Amenities

Additionally, two outdoor courtyards would be provided, one of which would include a club area, two lounges, and a fitness center (Figure 3).

Dwelling Units

The multi-dwelling units will consist of 28 studios (530 square feet), 103 one-bedroom units (605 – 913 square feet), 85 two-bedroom units (971 – 1,278 square feet), and eight three-bedroom units (1,315 – 1,685 square feet).

Affordable Dwelling Units

The development will designate 23 out of 224 dwelling units (10 percent) as affordable with rents of no more than 30 percent of 60 percent of area median income (AMI) for no fewer than 55 years.

Parking and Access

The Clairemont Village Shopping Center contains 666 vehicle parking spaces, and the proposed project will remove 150 existing parking stalls resulting in 516 existing retail parking spaces to remain. A parking occupancy study was conducted which showed a peak parking occupancy with a maximum of 367 vehicle spaces occupied during the survey periods and would be accommodated by the existing 516 retail parking spaces to remain. The proposed project incorporates two parking levels (one below grade and one at grade level), providing 342 additional parking spaces. Including

the remaining retail 516 parking spaces, 858 parking spaces will be available on-site. The property owner will designate 43 out of the 516 existing retail parking spaces as shared spaces for residents and guests between the hours of 6:00 PM and 9:00 AM. Signage will be placed at each shared parking space notifying people of the hour's limitations. The proposed residential development will have a total of 385 parking spaces. Currently, there is 24/7 private security patrol for the shopping center parking areas. The project will reconstruct the existing driveway along the project's frontage on Burgener Boulevard to current City standards.

Easement Vacation

The project is proposing to partially vacate a 10-foot-wide unnamed easement used for incidental purposes totaling 1,756 square feet which is legally described as being a portion of Parcel 1 according to Map No. 13891, and more particularly described as a 10-foot unnamed easement granted to the public per Map No. 3065 recorded on March 17, 1954. San Diego Gas & Electric (SDG&E), AT&T, and Spectrum currently use the portion of the unnamed easement totaling 1,756 square feet proposed to be vacated which runs east through west along the project site. The proposed redevelopment of the project site requires partially vacating the unnamed easement to allow for the partial demolition of retail commercial space and the construction of a fire-access lane for a new five-story multi-dwelling unit building over two stories of parking. Upon approval of the easement vacation, the applicant intends to record a new easement for the new alignment of the dry utilities once they have been installed and turned on, and then vacate the portion of the old easement once the existing dry utilities have been decommissioned and removed. This will ensure no interruption to the existing services. As a result, the applicant will be subject to the following condition of approval for partially vacating the 10-foot-wide unnamed easement totaling 1,756 square feet:

- The Easement Vacation shall be recorded once the City receives confirmation that the utility easement is no longer needed by existing users (SDG&E, Spectrum, and AT&T) and after new, relocated lines are installed and operating.

Required Approvals

Due to process consolidation, all actions are processed concurrently as a Process Five. Development of the proposed project requires:

- A Process 5 Site Development Permit per SDMC section [132.1306](#) is required since the applicant is requesting an exception from the Clairemont Mesa Height Limitation Overlay Zone to allow a maximum structure height of 85 feet when the maximum structure height is 30 feet for the project site according to SDMC section [132.1305\(a\)](#).
- A Process 3 Site Development Permit per SDMC section [126.0110\(b\)\(2\)](#) is required to rescind Community Plan Implementation Overlay Zone Permit No. 90-0830 since the permit to construct a one-story 9,600 square-foot building within the project site was never utilized. The application to rescind a development permit shall be processed in accordance with the same process as would a new application for the same permit. Per SDMC Table [132-14B](#) and

[Diagram 132-14A](#), any development within CPIOZ -Type B requires a Site Development Permit. The other existing entitlements would not be impacted by this project.

- A Process 2 Neighborhood Development Permit per SDMC section [126.0603](#) (Reduced Permit and Processing for Affordable Housing, In-Fill Projects, and Sustainable Buildings) is required and granted for a reduced processing level since the development is consistent with the affordable housing, in-fill projects, and/or sustainable building regulations in SDMC section by designating 10 percent (Twenty-three out of 224 units) as affordable with rents of no more than 30% of 60% of area median income (AMI) for no fewer than 55 years. The applicant is requesting a deviation from SDMC section [131.0531](#) and [Table 131-05E](#) to allow a maximum structure height of 85 feet when the maximum structure height in the CC-1-3 Zone is 45 feet. The applicant is also requesting a deviation from SDMC [Table 142-04A](#) and section [142.0410\(a\)\(2\)\(A\)](#) of the Landscape Regulations for 2.67 acres to comply with the Landscape Regulations when 12.96 acres is required. Therefore, since deviations are requested, the supplemental findings in section [126.0404\(f\)](#) shall also be made in addition to the findings in section [126.0404\(a\)](#).
- A Process 2 Easement Vacation per SDMC Section [125.1030\(b\)](#) is required for partially vacating a 10-foot unnamed easement within the project site that's used for incidental purposes.

Base Zone

The proposed development is a permitted use since the CC-1-3 Zone (Commercial—Community) zone is intended to provide for a range of commercial uses and permits a maximum density of one dwelling unit per 1,500 square feet of lot area (29 units/acre) of lot area pursuant to SDMC section [131.0531](#) and [Table 131-05E](#). The 12.96-acre site allows for up to 376 units or 29 units per acre. The project is proposing 224 multi-dwelling units which does not exceed the maximum allowed number of dwelling units.

Community Plan Implementation Overlay Zone

The project has been designed to conform with the recommendations for Clairemont Square and Clairemont Village - CPIOZ (pg. 46 of the Clairemont Mesa Community Plan). CPIOZ-B does not identify a specific residential density for mixed-use development, nor does it preclude residential development. Site design recommendations for Clairemont Square - CPIOZ specify that any new development should be integrated with the existing center to ensure compatibility in height, architecture and site design, signs, landscaping and circulation.



Figure 4 – Rendering looking east on Clairemont Drive

As proposed, the project would introduce residential development resulting in "horizontal" mixed-

use at the Clairemont Village site and would not affect the retention of existing commercial uses at the community center even though partial demolition of one of the existing retail buildings is being proposed (Figure 4). Site design recommendations for Clairemont Square - CPIOZ also include any new development being linked to the surrounding residential neighborhood by safe and effective pedestrian access through well-defined entryways. The proposed development will provide well-defined entryways to access the shopping center (Figure 5).

Figure 5 – Entryways



Clairemont Mesa Height Limit Overlay Zone

The project site is within the Clairemont Mesa Height Limitation Overlay Zone which requires new structures or alteration of existing structures to have a maximum structure height of 30 feet. The intent of the Clairemont Mesa High Limit Overlay Zone is to maintain the community’s low-scale development character and preserve public views of Mission Bay and the Pacific Ocean from western Clairemont. Since the proposed building will range in height from 65 feet to 85 feet, the project requires an exception from the Clairemont Mesa Height Limit through a Process 5 Site Development Permit pursuant to SDMC section [132.1306](#) which requires City Council approval.

Affordable Housing, In-Fill Projects, and/or Sustainable Buildings Regulations

The project is consistent with the affordable housing, in-fill projects, and/or sustainable buildings regulations in SDMC section [143.0915\(a\)\(4\)](#) that typically require a Planned Development Permit in accordance with SDMC sections [126.0602\(b\)\(1\)](#). However, as permitted under SDMC section [126.0602\(b\)\(1\)](#) this project may be permitted with a Neighborhood Development Permit because the proposed development provides affordable housing and will designate 23 out of 224 units (10 percent) as affordable with rents of no more than 30 percent of 60 percent of area median income

(AMI) for no fewer than 55 years. The project is being permitted with a Neighborhood Development Permit with a reduced process level in accordance with Process Two, provided the findings in Section [126.0404\(a\)](#) are made.

Requested Deviations

SDMC section [126.0404\(f\)](#) requires supplemental findings be made in the event that a proposed development requests deviations. The applicant is requesting two deviations and a height exception.

Structure Height Regulations: SDMC section [131.0531](#) and [Table 131-05E](#) specify that the maximum structure height in the CC-1-3 Zone is 45 feet. The project is requesting a deviation to the maximum height requirements of the CC-1-3 Zone. The project is requesting a deviation from the SDMC section [131.0531](#) and [Table 131-05E](#) to provide a maximum structure height of 85 feet where the maximum structure height allowed in the CC-1-3 Zone is 45 feet.

In addition to the height deviation, there is the requested exception for the Clairemont Mesa Height Limit to exceed the 30-foot height limit which requires a Site Development Permit and the first requested deviation to allow a maximum structure height of 85 feet instead of 45 feet as required for development within the CC-1-3 zone which requires a Neighborhood Development Permit will result in a multi-dwelling unit structure which serves as a transition between the tallest building (Sorrento Towers) located to the east of the project site which stands at 180 feet and the existing single-level commercial structures abutting the site to the west.

Landscape Regulations: SDMC [Table 142-04A](#) and section [142.0410\(a\)\(2\)\(A\)](#) – Landscape Regulations apply to the 12.96-acre project site since the proposed structure exceeds 1,000 square feet is proposing Multiple Dwelling Unit Residential Development, and since the gross floor area on the whole of the site is increasing by over 100 percent. The area of construction for the proposed project currently includes a surface parking lot and a portion of an existing commercial building totaling 2.67 acres within the 12.96-acre shopping center. The project is requesting a second deviation from the SDMC [Table 142-04A](#) and section [142.0410\(a\)\(2\)\(A\)](#) of the Landscape Regulations to limit the required landscaping to cover 2.67 acres for the area of construction instead of the full 12.96-acre site.

Within the 2.67-acre area of work the proposed development will provide new landscaping which is consistent with the regulations of SDCM sections [142.0403 - 142.0407](#), [142.0409](#), and [142.0413](#). This includes street yard planting, remaining yard planting, vehicular use area planting, street trees, and water conservation. The portions of the 12.96-acre Clairemont Village Shopping Center outside of the current 2.67-acre area of development have previously undergone remodeling which included several upgrades to site landscaping consistent with landscape regulations. However, no additional landscape upgrades are occurring within the remainder of the 12.96-acre as part of this deviation request, which is based proportionally on the separation of the proposed multiple dwelling unit use on site.

Findings: The requested exception to the Clairemont Mesa Height Limit to exceed a maximum height limit of 30 feet, and the deviations to exceed the maximum structure height of 45 feet

allowed in the CC-1-3 Zone, and only the area of impact totaling 2.67 to comply with the Landscape Regulations has been reviewed as they relate to the proposed project and the impact on the surrounding community. The requested exception and deviations are appropriate and will result in a project that efficiently utilizes the subject property and provides a use consistent with the Commercial designation of the Clairemont Mesa Community Plan

General Plan Consistency:

The following analysis addresses how the proposed project is consistent with the General Plan Policies cited.

Land Use

The General Plan Land Use and Community Planning Element contains the City of Villages strategy, which encourages future development to increase housing supply and diversity with compact, mixed-use activity centers that are integrated into the larger community. The site is identified as an area having a higher village propensity in General Plan Figure LU-1. The proposed project would provide needed housing and focus growth in an area within walking distance to the Clairemont Drive Trolley Station and MTS Route 105 and existing commercial uses consistent with the City of Villages strategy.

As a residential development, the project development would provide additional homes within the Community Plan area, within a Sustainable Development Area, and in proximity to existing commercial uses. The proposed project would provide housing for moderate to middle-income workers within a mile walking distance from the Clairemont Drive Trolley Station and MTS Route 105, which provides access to regional employment centers (HE-C.3) within Downtown and the University communities.

Housing

The General Plan Housing Element addresses the City's comprehensive housing needs and promotes the development and maintenance of policies and programs that identify obstacles to building affordable housing, infill housing, and smart growth housing development including regulatory strategies and tools that will streamline the development process of various income levels and by providing more opportunities for people to live near their workplace. The proposed project will assist the City in meeting housing goals by providing new housing, provide new homes by utilizing an underutilized site, provide an infill development within walking distance to the Clairemont Drive Trolley Station and MTS Route 105, and provide a cohesive design that is compatible in use, scale, and character with the adjacent development. The proposed project would provide a variety of housing types including 23 affordable homes (10 percent) on-site with rents of no more than 30 percent of 60 percent area median income for a period of 55 years (LU-H.3) within a high resource area. The proposed project would contain family-oriented units with a mix of studios, one-bedroom, two-bedroom, and three-bedroom units to support families in the area and to provide workforce housing.

Public Facilities

Consistent with Housing Element Policy HE-A.2, the proposed project would add homes near public

facilities in the area, including being within 1-mile walking distance from the Clairemont Drive Trolley Station, Clairemont High School, Marston Middle School, Bay Park Elementary School and South Clairemont Park and Recreation Center, and is adjacent to the Clairemont Branch Library on Burgener Boulevard. The proposed project would be within an existing community commercial center with retail and services.

Mobility

As addressed in the General Plan Mobility Element, the proposed project would increase density within 900 feet walking distance from the bus stops at the intersection of Clairemont Drive and Burgener Boulevard and one-mile walking distance from the Clairemont Drive Trolley Station, which helps make transit convenient for more people. Consistent with the Mobility Element, the proposed project would address multimodal needs by providing to the following pedestrian and bicycle improvements:

- Constructing a bus stop slab adjacent to the site on Clairemont Drive and reconstructing the existing contiguous sidewalk to a 10-foot-wide parkway with a 5-foot-wide non-contiguous sidewalk, curb, and gutter on Cowley Way;
- Reconstructing the existing curb ramp at the mid-block crossing along the project frontage on Cowley Way; and
- Installing pedestrian countdown signal heads on all approaches at the intersection of Clairemont Drive and Iroquois Avenue.

Community Plan Analysis:

The following analysis addresses how the proposed project is consistent with the Clairemont Mesa Community Plan objectives.

Land Use

The 12.96-acre site is designated as a Community Center in the Clairemont Mesa Community Plan. The Community Center does not provide a residential density for community centers. The project site is in the Clairemont Mesa Community Plan Implementation Overlay Zone (CPIOZ) – Type B, which includes design recommendations for commercial shopping centers. While the Clairemont Mesa CPIOZ recommends maintaining the community serving commercial, it does not contain recommendations to preclude residential use, unlike the CPIOZ for the Community Core area and Diane Shopping Center, which specifically contain recommendations to not allow residential uses.

The proposed development will provide multi-family homes in a primary single-family area which is consistent with the community plan objective for providing a diversity of housing options in selected locations of the community. The proposed development is within an existing shopping center, located along an existing transit route and is approximately 1-mile walking distance from the Clairemont Drive Trolley Station, which is consistent with the community plan objective for locating higher-density housing near the commercial areas and along transportation corridors where there are adequate services. The proposed development will have 224 homes and provide a total of 385

parking spaces, which is a ratio of 1.72 spaces per home, which is consistent with the community plan objective for providing adequate off-street parking. The proposed development maintains the existing commercial shopping center, which is also consistent with the community plan objective to maintain commercial uses in neighborhood commercial centers.

The proposed development is in a location that is compatible with the adjacent 14-story Sorrento Tower Apartments, located at 2875 Cowley Way, which is consistent with the community plan objective to ensure the proposed development is compatible.

The Clairemont Mesa Community Plan recommends height and scale harmony in the visual relationships and transitions between new and older buildings for future development. The proposed development would not affect public views of Mission Bay or the Pacific Ocean from Cowley Way, Field Street, or Burgener Boulevard. Due to the site location, the proposed residential development will not visually impact public views of Mission Bay and Pacific Beach in the surrounding area.

Urban Design

The proposed project is consistent with the Urban Design Element recommendation that new development include existing streetscape elements in their design. The project preserves existing streetscape characteristics, including the existing shrubs on the east end of Sprouts Market, the existing landscaping on the northeast end facing Cowley Way, and one mature street tree in the public right-of-way along Field Street. The proposed project also enhances the community's image through improvements in the streetscape and landscaping. The California Contemporary landscape theme is incorporated throughout the project site, including the areas facing Field Street and Cowley Way. This landscape theme also includes 3,200 square feet of a biofiltration planter area on the east side of the building facing Cowley Way. Other streetscape improvement characteristics include entry paving along Field Street with a linear seat wall space, new street lighting, a new sidewalk throughout the site with a pedestrian crossing nodule on Cowley Way, and a paseo on the north end of the site offering a pedestrian walkway and seating areas.

Mobility

The proposed project is consistent with the Transportation Element recommendation to incorporate parking structures into project designs to increase on-site parking opportunities.

Environmental Analysis:

A Subsequent Initial Study for the proposed project is tiered from the Complete Communities: Housing Solutions and Mobility Choices Program EIR in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The Complete Communities: Housing Solutions and Mobility Choices Program EIR was prepared pursuant to Section 15168 of the

CEQA Guidelines. The Complete Communities Mobility Choices (Mobility Choices Program) amended the San Diego Municipal Code ([SDMC Chapter 14, Article 3, Division 11](#)) and Land Development Manual to adopt a new CEQA significance threshold for transportation that implements Senate Bill (SB) 743, and a program to mitigate vehicle miles traveled (VMT) impacts from new development. The Mobility Choices Program ensures that new development mitigates transportation impacts to the extent feasible.

Subsequent Mitigated Negative Declaration No. 697307/SCH No. 2019060003 has been prepared for the project in accordance with CEQA Guidelines Section 15152 and 15168, which allows a lead agency to prepare a tiered environmental document to a broad Environmental Impact Report or Negative Declaration and concentrate the later tiered environmental document solely on the issues specific to the later project.

The proposed project results in impacts to Transportation and Historical, Archaeological, and Tribal Cultural Resources therefore, a Mitigation Monitoring and Reporting Program (MMRP) will be required. Implementation of the measures below will minimize impacts to Historical, Archaeological, and Tribal Cultural Resources to a level below significance and Vehicle Miles Traveled (VMT) impacts to the extent feasible:

- In accordance with the requirements of PRC Section [21080.3.1](#), Assembly Bill (AB) [52](#), the City distributed notification letters on September 13, 2022, to the local Kumeyaay Native American Tribes that are traditionally and culturally affiliated with the project area. The City completed a consultation meeting with the San Pasqual Tribe on October 5, 2022. In the meeting, the San Pasqual Tribe requested tribal monitoring during grading to address concerns regarding Tribal Cultural Resources. An Archaeological Monitor and Native American Consultant/Monitor shall be present full-time during all soil disturbing and grading, excavation, and trenching activities which could result in impacts to Archaeological, and Tribal Cultural Resources.
- Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall provide and maintain the following Vehicle Miles Traveled (VMT) reduction measures, totaling at least 5 points, in accordance with Mobility Choices Regulations (San Diego Municipal Code [Chapter 14, Article 3, Division 11](#)), Appendix T Mobility Choices Regulations: Implementation Guidelines, as shown on Exhibit 'A', satisfactory to the City Engineer. Implementation of these VMT reduction measures would mitigate VMT impacts to the extent feasible.
 - Provide long-term bicycle parking spaces at least 10 percent beyond the minimum requirements (2 points for each 10 percent beyond the minimum)
 - Long-term bicycle parking required = 100 spaces
 - Long-term bicycle parking provided = 110 spaces (2 points)
 - Provide an on-site bicycle repair station (1.5 points/unit)
 - Two on-site bicycle repair station will be provided (3 points)

Project-Related Issues:

The Clairemont Community Planning Group unanimously voted to recommend approval of the project with specific conditions and recommendations. Each condition and recommendation is provided below along with City staff responses:

Clairemont Community Planning Group Condition No. 1: *"The project shall comply with SDMC section [131.0552](#) Transparency."*

City Staff Response: Per SDMC [Table 131-05E](#) – Development Regulations for CC Zones, Transparency does not apply within the CC-1-3 Zone, therefore, this is not a requirement for the proposed project.

**Table 131-05E
Development Regulations for CC Zones**

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones															
	1st & 2nd >>	CC-															
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
	4th >>	1			2			3			4						
Transparency [See Section 131.0552]		---			---			---			applies						

Clairemont Community Planning Group Condition No. 2: *"The project shall be required to bring the entire 12.96-acre site into compliance with SDMC [Chapter 14, Article 2, Division 4](#) Landscape Regulations."*

City Staff Response: The applicant is requesting a deviation from SDMC [Table 142-04A](#) and [142.0410\(a\)\(2\)\(A\)](#) Landscape Regulations for 2.67 acres of the site to comply with the Landscape Regulations for new development when 12.96 acres is required.

Within the 2.67-acre area of work, the proposed development will provide new landscaping which is consistent with the regulations of SDCM sections [142.0403 - 142.0407, 142.0409, and 142.0413](#). This includes street yard planting, remaining yard planting, vehicular use area planting, street trees, and water conservation.

The portions of the 12.96-acre Clairemont Village Shopping Center outside of the current 2.67-acre area of development have previously undergone remodeling which included several upgrades to site landscaping consistent with landscape regulations. However, no additional landscape upgrades are occurring within the remainder of the 12.96-acre as part of this deviation request, which is based proportionally on the separation of the proposed multiple dwelling unit use on site.

The project area of development totaling 2.67 acres, and the corresponding right-of-way frontages along Field Street and Cowley Way, will comply with the City's Landscape Regulations.

Clairemont Community Planning Group Recommendation No. 3: If feasible, the applicant should implement a shuttle to take residents from the project site to the trolley station at Morena

Boulevard and Clairemont Drive.

City Staff Response: The SDMC does not contain any requirements to provide shuttle services for developments, nor does the Clairemont Mesa Community Plan contain policies to provide shuttle services for development projects. The proposed project site is adjacent to MTS bus route 105 which provides a direct connection to the Clairemont Drive Trolley Station. The proposed project also contains specific conditions for public improvements to utilize alternate modes of transportation as addressed above.

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the General Plan, Clairemont Mesa Community Plan, and Land Development Code. With the approval of the Easement Vacation, Neighborhood Development Permit, and Site Development Permit, the project meets all applicable regulations and is consistent with the policies in the applicable land use plans. Staff supports the determination that the development project is consistent with the goals and policies and development regulations in effect for this site per the SDMC, the General Plan, and the Clairemont Mesa Community Plan. Staff recommends the Planning Commission recommend the City Council approve the project as proposed.

ALTERNATIVES

1. Recommend the City Council ADOPT Subsequent Mitigated Negative Declaration No. 697307/SCH No. 2019060003 and ADOPT the Mitigation Monitoring and Reporting Program; and APPROVE a Site Development Permit, Neighborhood Development Permit, and Easement Vacation under Site Development Permit No. PMT-2596197, Neighborhood Development Permit No. PMT-3287755, and Easement Vacation No. PMT-2605866 with modifications.
2. Recommend the City Council DO NOT ADOPT Subsequent Mitigated Negative Declaration No. 697307/SCH No. 2019060003 and DO NOT ADOPT the Mitigation Monitoring and Reporting Program; and DENY a Site Development Permit, Neighborhood Development Permit, and Easement Vacation under Site Development Permit No. PMT-2596197, Neighborhood Development Permit No. PMT-3287755, and Easement Vacation No. PMT-2605866.

Respectfully submitted,



Renee Mezo
Assistant Deputy Director
Development Services Department



Benjamin Hafertepe
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Location Map
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. Draft Environmental Resolution with MMRP
7. Draft Easement Vacation Resolution with Findings
8. Legal Description – Easement Vacation
9. B-Sheet Drawing - Easement Vacation
10. Community Planning Group Recommendation
11. Community Plan Implementation Overlay Zone Permit No. 90-0830
12. Ownership Disclosure Statement
13. Project Plans