

DATE ISSUED: August 3, 2007 **REPORT NO. PC-07-085**

ATTENTION: **Planning Commission, Agenda of August 9, 2007**

SUBJECT: NETTA TERRACE SUBDIVISION – PROJECT NO. 2250
PROCESS 5

**OWNER/
APPLICANT** Sedlack Development Co., L.P. /Richard Grabhorn (Attachment 9)

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council of a Public Right-Of-Way Vacation, Tentative Map, Planned Development Permit and Site Development Permit to vacate a portion of South 58th Street and to subdivide a 1.96-acre lot into seven lots for the future development of seven single-family residences located on the north side of Cervantes Avenue, south of Radio Court within the Southeastern San Diego Community Planning area?

Staff Recommendation:

1. Recommend to City Council **Certification** of Mitigated Negative Declaration No. 2250, and **Adoption** of the Mitigation, Monitoring and Reporting Program;
2. Recommend to City Council **Approval** of Tentative Map and Public Right-Of-Way Vacation No. 463163; and
3. Recommend to City Council **Approval** of Planned Development Permit No. 463165 and Site Development Permit No. 463166.

Community Planning Group Recommendation: On February 22, 2005 the Encanto Neighborhoods Community Planning Group recommended approval of the project by a vote of 10-0-0 with no conditions (Attachment 10).

Environmental Review: A Mitigated Negative Declaration (MND) No. 2250 was prepared for the project in accordance with the 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.

Fiscal Impact Statement: None with this action. All costs incurred are recovered through a deposit account funded by the applicant.

Code Enforcement Impact: None with this project.

Housing Impact Statement: The project would create seven new residential lots, thereby creating seven potential additional housing units in the community. The project is subject to the inclusionary affordable housing requirements, which will be applied to this project prior to the issuance of building permits.

BACKGROUND

The Netta Terrace subdivision proposes the development of seven single-family residential lots with deviations, and an extension of Cervantes Avenue on a 1.96-acre parcel located at the northwest intersection of unimproved segments of Cervantes Avenue and South 58th Street. Cervantes Avenue is not dedicated adjacent to the site and South 58th Street is a dedicated unimproved (“paper”) street. The property is designated for residential development at a density range of 0 to 5 dwelling units per acre in the Valencia Park Neighborhood of the Southeastern San Diego Community Plan and zoned SF-10000 of the Southeastern San Diego Planned District. The vacantsite is completely disturbed and is not within the Multiple Habitat Planning Area (MHPA), the Special Flood Hazard Area, nor does it contain sensitive slopes. The project would impact on-site environmentally sensitive lands in the form of biological resources, specifically, non-native grasslands and a disturbed wetland (Attachments 1 through 4).

The site is surrounded by single-family developments to the north, west and east zoned SF-5000 which front on Cervantes Avenue, Radio Court and Bonita Drive. Six of these lots immediately west of the subject site are developed with single family homes at the top of the slope oriented towards Bonita Drive to the north. To the south is City-owned dedicated open space that is located within the Special Flood Hazard Area, and also contains a wetland resource in the form of southern riparian scrub (Attachments 5, 6 and 7). The project would not directly impact this off-site resource, however, indirect impacts could occur due to the construction of the proposed street. As such, the MND includes mitigation measures for biological monitoring during grading and excavation, the requirement for temporary fencing adjacent to open space areas, installation of erosion control techniques and restrictions on the established limits of grading.

No development is proposed with this application. Future development of the homes would be processed ministerially provided no additional deviations are proposed and the dwellings are consistent with the conditions of the draft Planned Development and Site Development Permit Nos. 463165 and 463166 which includes additional design standards (Attachment 12, condition nos. 35 through 44).

Implementation of the project requires the following approvals:

1. A Public Right-Of-Way Vacation to vacate a portion of unimproved South 58th Street (Process 5).
2. A Tentative Map for the subdivision of land (Process 4).
3. A Planned Development Permit (PDP) for a deviation to the SF-10000 zone lot standards and hardscape requirement and, to the environmentally sensitive lands (ESL) regulations to allow an impact to a disturbed wetland (Process 4).
4. A Site Development Permit (SDP) for proposed impacts to biological resources, specifically, a disturbed wetland and non-native grasslands. An SDP is also required for a Southeastern San Diego Planned District Permit for the subdivision of land (Process 3).

DISCUSSION

Project Description:

The project proposes a seven-lot residential subdivision including one panhandle lot, Lot 4 (Attachment 8). Minor deviations have been incorporated into the project design for two of the lots and to the ESL regulations as follows:

1. Lot 4: 24 feet of frontage where 65 feet is required.
2. Lot 1: 9,150 square feet of lot area where 10,000 square feet is required.
3. Lot 4: 38percent hardscape areas in the front setback here 30 percent is allowed .
4. Impacts to a 0.01-acre disturbed wetland within the interior of the parcel

The existing lot has frontage only on unimproved South 58th Street. The site is irregular in shape and width and has varying topography. The site slopes upward from its southerly property line with a grade difference of approximately 30 feet from north to south. The entire site would be graded including approximately 18,238 cubic yards of cut and 730 cubic yards of fill to create the seven building pads and landscaped sloped areas around the perimeter. No retaining walls are required.

Currently, Cervantes Avenue is improved east of the subject property at its intersection with South 58th Street and west of the six adjoining lots to the west (Attachments 1 and 6). These off-site segments of Cervantes Avenue vary in width between 55 feet and 60 feet. Cervantes Avenue is not dedicated or improved adjacent to the subject parcel and the six westerly lots. Project implementation requires the dedication of 2,260 square feet of land to extend and connect Cervantes Avenue adjacent to the subject site and the six westerly lots. Greater than half width improvements are proposed on Cervantes Avenue, 4 feet where 30 would be required for a 60-foot right-of-way. This will result in a 42 foot wide right-of-way with 32 feet of street pavement, 10-foot curb-to-property-line distance with a non-contiguous five-foot sidewalk. The proposed sidewalk would be located on the north side of the street, and terminating adjacent to the six lots to the west. No sidewalk is proposed on the south side of the street adjacent to the open space lot. An asphalt concrete berm would be constructed in front of the six westerly lots on the north side of the street, and on the south side of the street adjacent to the open space lot. The

additional 12 feet of dedication would allow for the proposed right-of-way to join the existing off-site improvements to the west and east, allow for two-way traffic, and parking on both sides of the street. Each of the proposed seven lots would have direct vehicular and pedestrian access from Cervantes Avenue and no shared access or parking agreements are required.

Project Issues:

Planned Development Permit Analysis: Zone/ESL Deviations

The Planned Development Permit (PDP) ordinance states the following:

The purpose of the Planned Development Permit is to provide flexibility in the application of development regulations for projects where strict application of the base zone regulations would restrict design options and result in a less desirable project. The intent of the PDP regulations is to accommodate to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, community and City benefits.

Deviations shall be permitted only if it is shown that similar situations exists within the surrounding neighborhood, or, that the deviations to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property.

The project proposes deviations from the lot standards and the hardscape requirement of the SF-10000 zone, and from the environmentally sensitive lands regulations. Staff recommends approval of the project deviations. The property is a remnant parcel of land which contains several site constraints that are not of the making of the applicant. The project includes additional design standards for the future construction of the residences as outlined in the draft permit. The deviations are minor in scope and will facilitate the development of additional housing stock for the community, as well as construct a desired connection of Cervantes Avenue.

Lot Standards Deviation

The average size of the proposed lots is approximately 11,375 square feet in area where 10,000 square feet is required, however the project engineer has indicated that, although mathematically possible, creating lots of standard width and depth is impractical given the topography and geometric shape of the parcel. Lot sizes and deviations are listed below:

- Lot 1: 9,150 square feet (proposed deviation to lot area)
- Lot 2: 10,078 square feet
- Lot 3: 10,893 square feet
- Lot 4: 13,454 square feet (panhandle lot – proposed deviation to lot frontage and hardscape)
- Lot 5: 10,990 square feet
- Lot 6: 10,793 square feet
- Lot 7: 13,874 square feet

Designing lots of standard width and depth is problematic and would result in skewed side lot

lines rather than lot lines with right angles perpendicular to the front property lines. Such a design could result in impaired site distance due to the angle of exit for vehicular traffic. Additionally, creation of standard lots could result in either reduced building pad widths or require the construction of overheight retaining walls to maintain standard pad widths.

Lot 4, the panhandle shaped lot, was reviewed for consistency with Council Policy 600-38 which outlines criteria to evaluate tentative maps proposing panhandle lots (Attachment 11). The criteria include provisions for non-contiguous driveways between two lots, sufficient on-street parking and turn-around areas for vehicles for efficient ingress and egress. Lot 4 proposes a landscaped-lined meandering driveway, in a curvilinear alignment, through the access strip which avoids conflicts with proposed adjacent driveways. The lot has sufficient useable area and depth to allow a third on-site parking space and a vehicle turnaround near the building pad. The average lot size of the proposed subdivision is larger than the prevailing size of existing lots in the neighborhood which are zoned SF-5000 and would accommodate single family detached homes compatible and consistent with the existing neighborhood. Staff determined that there are nine other panhandle shaped lots in the vicinity of the subject property however the majority of the lots are of standard size and shape (Attachment 1).

Hardscape Deviation

The deviation to allow increased hardscape areas within the front setback (38 percent where 30 percent is allowed) is requested for Lot 4 only as this is proposed as a panhandle lot with the building pad at the rear. This flag-shaped portion of the lot will function primarily as a driveway. The intent of the hardscape regulation is to restrict pavement and parking within an exterior usable open space area in front of a dwelling. Lot 4 will be landscaped in accordance with all other landscaping requirements, including the provision for landscaping in front of the residence in keeping with the purpose and intent of the regulation.

Environmentally Sensitive Lands (ESL) Deviation

Project implementation would impact a 0.01-acre disturbed wetland located within the interior of the site (Attachment 4). Impacts to wetlands are classified as a deviation to the ESL regulations requiring the processing of a Planned Development Permit. The City's Biology Guidelines and Multiple Species Conservation Program (MSCP) Subarea Plan require an analysis of the value of the resource as well as project alternatives that fully or substantially avoid wetland impacts. Two additional findings of fact are required of the decision maker which stipulate that there are no feasible measures to minimize the impacts, and, that the deviation is the minimum necessary to afford relief from the special circumstance or condition applicable to the land (in this case, the existence of the wetland) and not of the making of the applicant.

A biology report was prepared for the project entitled *Netta Terrace Subdivison, City of San Diego Project No. 2250, Biological Technical Report*, dated September 29, 2006 prepared by Shannon M. Allen. According to the biology report, the wetland was likely created by human activities as the result of a previously graded dirt road which stopped the normal sheet flow in the area. However, wetlands created either by human activities or naturally occurring wetland areas are nonetheless subject to ESL regulations. According to the cultural resource survey required

for the project, the site has been disturbed by erosion, soil and trash dumping, and recreational activities. Approximately 50 percent of the surface has been obscured by soil that has been dumped on the parcel. The biology report concluded that the disturbed wetland has limited value in that it is small in size, located within a disturbed area surrounded by urbanized development resulting in disturbed habitat that is fragmented in nature. The biology report analyzed wetland minimization and avoidance options: The original project design proposed storm drain culverts within the open space property. All storm drain structures were relocated and are now outside of the off-site wetland. Sewer and water easements are required in the proposed right-of-way, pushing development further to the northern portion of the site. The property is not within the MHPA and the on-site wetland is not apart of an existing open space corridor. The small patch of disturbed wetland cannot be avoided due to the development constraints previously described. The proposed impacts would be fully mitigated at a 2:1 ratio with the purchase of Mitigation Credits.

In summary, staff recommends support of the proposed deviations to the lot standards, hardscape requirement and to allow the wetland impact due to the site constraints, community benefits and the subdivision's compatibility with other lots in the area. The property contains several constraints, unique to the site, that inhibit or reduce the buildable area of property and restrict site design options including topography, the irregular shape and configuration of the site, the required alignment of Cervantes Avenue and in-fill constraints. The site is constrained in that it is bordered by three established subdivisions and dedicated open space lands. Project implementation requires a dedication of land for the construction of a segment of Cervantes Avenue which further reduces the land area available for development. The alignment of this roadway has been established as the street exists west and east of the subject parcel, further restricting site design options. The combined effect of the conditions precludes development of the property in a manner compliant with the underlying zoning without compromising the useable area of the site.

The project will improve Cervantes Avenue and provide a street that connects the community and potentially improves traffic circulation in the immediate area. West of the subject property, Cervantes Avenue begins at its intersection with Alta Vista Avenue and Paradise Road. This westerly segment of Cervantes Avenue is not improved to current street standards and functions as a one-way street, with no curb, gutter or sidewalk. The improved connection will provide the existing developments on this street an alternative access route. The project would visually enhance the site through the construction of landscaped building pads for the future development of single-family homes. The deviation will allow the applicant to achieve the number of units consistent with the community plan and the zoning for the site.

Public Right-Of-Way Vacation

The tentative map proposes to vacate a rectangular shaped, 2,938-square-foot portion of South 58th Street which is located along the east property line of the subject property. South 58th Street is an unimproved "paper" street adjacent to the property and south of Cervantes Avenue. This segment of the street terminates at the tentative map boundaries to the north and contains no utilities. Staff reviewed the following issues relative to the proposed vacation:

1. There is no present or prospective public use for the area for which the facility was originally acquired, or for any other public use.
2. The public will benefit from the action through the improved use of the land made available by the vacation.
3. The vacation will not adversely affect the applicable land use plan.
4. The public facility for which the right of way was originally acquired will not be detrimentally affected by the vacation.

This segment of South 58th Street has never been utilized as a street and would not provide a logical connection to any other street or property. The vacation would facilitate the development of seven single-family homes consistent with the underlying zoning and consistent with the land use designation which anticipates single-family development at this site. The purpose for which the public right-of-way was originally intended no longer exists. Staff recommends approval of the vacation

Community Plan Analysis

The project site is located in the Valencia Park Neighborhood of the Southeastern San Diego community. The Southeastern San Diego Community Plan designates the project site for Residential use at a density of 0 to 5 dwelling units per acre. Under this designation, the 1.96-acre site could accommodate 0 to 10 dwelling units. The project proposes seven single family residential lots which would be compatible with this designation.

The Southeastern San Diego Community Plan calls for new development to respect and maintain the character and scale of existing residential neighborhoods. The proposed seven-lot single family project would be similar to existing density and lot patterns of surrounding single family areas. In addition, the Community Plan calls for development projects to “minimize the amount of grading to produce building pads.” The proposed grading plan includes more excavation than fill in order to accommodate the seven proposed lots. Lots would step up slightly from west to east and Lot 4, the panhandle lot, has been elevated in the northwestern corner of the site in order to more closely follow the natural landform. Finally, the community plan calls for “substantial landscaping, especially as viewed from public rights of way”. The project proposes street trees along Cervantes Avenue with native trees, shrubs and groundcovers on sloping areas which will be visible from the street. Overall, the proposed project would meet the design objectives of the Southeastern San Diego Community Plan.

Environmental Analysis

The City of San Diego conducted an Initial Study for the proposed project, in accordance with CEQA State Guidelines, Section 15063 (a), which determined that the project could result in significant, but mitigable, impacts to on-site biological and paleontological resources. Mitigation measures have been included for impacts to non-native grasslands, mitigated at a 0.5:1 ratio and to a disturbed wetland, mitigated at a 2:1 ratio. The project proposes to excavate more than 1,000 feet of cubic yards of material at a depth of greater than 10 feet, creating the potential to impact unknown fossils. As such, paleontological monitoring is required during grading and excavation operations. Lastly, the dedicated open space property to the south was found to contain a

wetland in the form of southern riparian scrub. The biology report prepared for the project concluded that the development could result in indirect impacts to this resource. Biological monitoring would be implemented during construction as described above in the "Background" section which would reduce potential indirect construction-related impacts to below a level of significance. Specific mitigation can be found in Section V, Mitigation, Monitoring and Reporting Program, for Mitigated Negative Declaration No. 2250 and in the draft permit (Attachment 12), which would reduce impacts to below a level of significance. The revised project now avoids or mitigates for potentially significant environmental impacts previously identified.

CONCLUSION

Staff has reviewed the application for the Tentative Map and Public Right-Of-Way Vacation, Planned Development Permit and Site Development Permit. The proposed Netta Terrace project would conform to the land use designation of the Southeastern San Diego Community Plan and the applicable development regulations of the Southeastern San Diego Planned District. The proposed lot configuration and future development would be compatible with the surrounding single family developments. Staff has determined the required findings can be made to support the project. Draft PDP/SDP conditions of approval have been prepared for the project (Attachment 12). Draft Tentative Map and Permit findings required to approve the project are included in two draft resolutions (Attachments 13 and 14). Staff recommends that the Planning Commission recommend to the City Council approval of the Tentative Map and Public Right-of-Way Vacation, Planned Development Permit and Site Development Permit.

ALTERNATIVES

- 1. Recommend Approval** of Tentative Map/Public Right-Of-Way Vacation No. 463163, Planned Development Permit No. 463166 and Site Development Permit No. 463165, **with modifications.**
- 2. Recommend Denial** of Tentative Map/Public Right-Of-Way Vacation No. 463163, Planned Development Permit No. 463166 and Site Development Permit No. 463165, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
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Sandra Teasley, Project Manager
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MW/SMT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Biology Resource Map
5. Zone Map
6. Surrounding Land Use Map
7. Special Flood Hazard Map
8. Project Plans
9. Ownership Disclosure Statement
10. Community Planning Group Vote
11. Council Policy 600-38
12. Draft Permit
13. Draft Permit Resolution
14. Draft TM/PROW Resolution
15. Data Sheet
16. Project Chronology