



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 28, 2008 **REPORT NO. PC-08-024**

ATTENTION: Planning Commission, Agenda of March 6, 2008

SUBJECT: 5115 63rd STREET - PROJECT NO. 122152
PROCESS THREE APPEAL

REFERENCE: Hearing Officer Report, HO-08-006, January 9, 2008

OWNER: Noel Churchill

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve the subdivision of a 0.35 acre site into two parcels with an existing single family residence?

Staff Recommendation: DENY the appeal and APPROVE Map Waiver No. 415782.

Community Planning Group Recommendation: On March 14, 2007, the College Area Community Council voted to recommend denial of the project by a vote of 15-0-1 (Attachment 8). The community group expressed concern about adding another rental property to a community they feel is seriously overburdened by nuisance rental properties, including the residence currently on the site. Approving the subdivision, they feel, would add to the deterioration of the community.

Environmental Review: The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15315, Minor Land Division. The environmental exemption determination for this project was made on January 14, 2008.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: None. The proposed project is a subdivision. No development is being proposed as part of this project.

BACKGROUND

The proposed project is located at 5115 63rd Street, in the RS-1-7 Zone, within the College Area Community Plan. The site is designated Low Density Residential, at a density of 1-10 dwelling units per acre. The property is less than half a mile from San Diego State University, and therefore, subject to the Parking Impact Overlay Zone. The site is a 15,277 square foot lot developed with a one-story, 2,115 square foot, single family residence and a 596 square foot storage building. The single family residence has six bedrooms which requires six off-street parking spaces. Two parking spaces are directly in front of the residence and four in the rear yard, accessed by the driveway along the westerly property line of the project.

At the Hearing Officer hearing on January 9, 2008, Mike Schaffer submitted a speaker slip in opposition to the project. Mr. Schaffer expressed concern with the existing residence on the site. He stated that the residence is currently a mini dorm and a nuisance to the neighborhood. He indicated that if the proposed subdivision was approved, another mini dorm could be developed.

The Hearing Officer reviewed the proposed project, staff's recommendation and Mr. Schaffer's concerns and determined that the findings before him were for a subdivision only and that the findings could be made to approve the Map Waiver. The Hearing Officer approved Map Waiver No. 415782.

DISCUSSION

Project Description:

The proposed project is the subdivision of the existing 15,277 square foot lot (0.35 acres) into two separate lots, namely Parcel 1 and Parcel 2. Parcel 1 would be 6,784 square feet (0.15 acres) and Parcel 2 would be 8,493 square feet (0.19 acres). The existing 2,115 square foot residence would remain on Parcel 1 and the 596 square foot storage building would be removed.

The RS-1-7 zone requires that a lot have a minimum of 5,000 square feet per lot, 50 feet of lot width, 50 feet of street frontage and 95 feet of lot depth. Both lots meet all the regulations required for the zone. Additionally, the existing residence on Parcel 1, complies with all current required development regulations including setbacks, floor area ratio and parking as required in the RS-1-7 zone.

Community Plan Analysis:

The subject site is designated Low Density Residential at a density of 1-10 dwelling units per net residential acre. The proposed Map Waiver would create two lots, which can accommodate a single dwelling unit on each lot. The Housing Element of the College Area Community Plan states that single-family lots should not be subdivided unless the new lots meet all requirements of the underlying single-family zone. The proposed lots, Parcel 1 and Parcel 2, meet the

development regulations for the RS-1-7, including the existing 2,115 square foot single family residence remaining on Parcel 1.

The surrounding neighborhood is all single family residences. There are commercial uses on the corner of College Avenue and Montezuma Road. San Diego State University is less than a mile from this site.

APPEAL ISSUE:

The appellant, Doug Case, President of the College Area Community Council, filed an appeal on January 23, 2008 (Attachment 8). The issue identified in the written appeal to the Planning Commission is that, by approving the subdivision, the neighborhood will be over burdened with rental properties and contribute to the deterioration of the community. In addition, attached to the appeal is a letter dated May 7, 2007, from the office of the City Attorney, that states that Mike Haaland identified himself as a partner/owner of 5115 63rd Street. The letter states that Mr. Haaland is in the business of converting single family residences to mini dorms and that he would cease this type of development. The appeal issues and staff's response to the issues is as follows:

1. Rental properties in the neighborhood

Staff response: The proposed subdivision meets all the development regulations of the San Diego Municipal Code and the Subdivision Map Act. The proposed project before staff, the Hearing Officer and now the Planning Commission, is the subdivision of land only. The appellant's issue that the neighborhood will be over burden with rental properties is not criteria staff may consider (pursuant to the Subdivision Map Act and Municipal Code) when reviewing Map Waiver applications.

2. City Attorney Letter regarding Mini Dorms

Staff response: City staff reviews discretionary projects to assure compliance with all applicable development regulations. The proposed project is the subdivision of a lot. No development is proposed as part of this project. However, future development will require compliance with all development regulations.

The letter from the City Attorney's office regards a civil issue that has no bearing on staff's review of the Map Waiver application.

On July 24, 2007, the City Council adopted Municipal Code amendments to restrict development related to mini dorms. The new amendments include limitations to bedrooms, maximum hardscape, parking requirements for each bedroom, required garage spaces and driveway requirements. In addition, nuisance and behavior issues are being addressed through Neighborhood Code Compliance (NCC) and the San Diego Police Department (SDPD). The SDPD is currently issuing \$1,000 administrative citations to responsible parties on disturbance calls for loud music and/or loud parties in violation of Municipal Code Chapter 5, Noise Regulations.


CONCLUSION:

Staff has reviewed the proposed subdivision and determined that it complies will all the applicable sections of the Municipal Code and that the required findings can be made (Attachment 6). Therefore, staff recommends approval of the project as proposed.

ALTERNATIVES

1. **DENY** the Appeal and **APPROVE** Map Waiver No. 415782, with modifications.
2. **APPROVE** the Appeal and **DENY** Map Waiver 415782, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Program Manager
Development Services Department



Edith Gutierrez
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. City's Undergrounding Master Plan 2006
5. Project Data Sheet
6. Map Waiver
7. Draft Resolution with Findings
8. Copy of Appeal
9. Community Planning Group Recommendation, March 1, 2007
10. Ownership Disclosure Statement
11. Project Chronology