



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** May 26, 2011 **REPORT NO. PC-11-038**

**ATTENTION:** Planning Commission, Agenda of June 2, 2011

**SUBJECT:** EL CERRITO ENCLAVE – PROJECT NO. 72057. PROCESS 4

**OWNER/  
APPLICANT:** Megan Dorsey, Owner/ Erik Marcussen, Applicant

### SUMMARY

**Issue(s):** Should the Planning Commission approve a four lot subdivision and the development of four single-family homes on a 0.62 acre site located at the northwest intersection of Berting Street and Gilbert Drive within the College Area Community Plan area?

### Staff Recommendation:

1. **Certify** Negative Declaration No. 72057; and
2. **Approve** Tentative Map No. 837801, including a waiver of the requirement to underground existing overhead utilities, and Planned Development Permit No. 256078.

**Community Planning Group Recommendation:** On October 13, 2010, the College Area Community Planning Board voted 7-5-0 to recommend denial of the project. The Board's findings with Staff responses are contained in this report.

**Environmental Review:** Negative Declaration No. 72057 has been prepared for the project in accordance with State of California, Environmental Quality Act (CEQA) Guidelines. All potential impacts identified during the process have been determined to be below a level of significance.

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

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** The 0.62-acre project site is designated as Low Density Residential with a density range of up to 10 dwelling units per acre which would allow a maximum of 5 units on the site. The proposed project, to construct 4 single-family residences would meet the density range for the site. The proposal to demolish one existing residence and construct 4 new structures would result in a net gain of three dwelling units. The project will pay in-lieu fees in accordance with the Inclusionary Housing Ordinance, which requires all residential development of two units or more to either provide affordable housing on-site, or to pay in-lieu fees.

## **BACKGROUND**

The 0.62 acre El Cerrito Enclave project site is located at the northwest intersection of Berting Street and Gilbert Drive within the College Area Community Plan (Attachment 1). The site is near the southern boundary of the Community Plan and a short block from El Cajon Boulevard and the Mid-City Communities Plan area. It is located in the neighborhood of El Cerrito and is a remnant irregularly shaped parcel, much larger than adjacent lots with substandard access to the public street. The Community Plan designates the site as Low Density Residential with a maximum allowed density of 10 dwelling units per acre (10 DU/AC), which could accommodate five single-family residences (Attachment 3). The project site is surrounded by residential development of varying intensity. To the west, the adjacent properties are designated as High Density Residential with a density range of 45-75 Dwelling Units per Acre (DU/AC), and are developed with one- and two-story residences. Adjacent properties to the south, east and north, are designated as Low Density Residential with a density range of 1-10 DU/AC, and are primarily developed as single-story with a few two-story single-family residences (Attachment 3). The project is located at 5202 Gilbert Drive in the RS-1-7 zone within the College Area Community Plan, and SDSU Parking Impact Area Overlay Zone (Attachment 4).

The project site was subdivided in 1892 and was developed with a residence in 1929. There have been multiple additions and alterations to the residence and the structure was determined by Historic Resources Staff not be eligible for local listing as an individual San Diego Historical Resource, or as an individual historical resource for the California Register of Historical Resources.

## **DISCUSSION**

### **Project Description:**

The applicant is requesting a Tentative Map and Planned Development Permit to demolish an existing approximately 2,389 square foot house and 300 square foot garage, and associated site improvements in order to subdivide the parcel and create four residential lots (Attachments 5-8). Lot 1 would be comprised of approximately 10,933 square feet and would be developed with a 3,137 square-foot single-dwelling unit, which includes a 600-square-foot garage. Lot 2 would be comprised of 4,899 square feet, and developed with a 2,595 square-foot single-dwelling residence, which includes a 400 square-foot garage. Lot 3 would be comprised of 5,047 square

feet, and developed with a 2,595 square-foot single-dwelling unit, which includes a 400 square-foot garage. Lot 4 would be comprised of 6,157 square feet, and developed with a 2,715 square-foot single-dwelling unit, which includes a 400 square-foot garage. The applicant is proposing that all homes are 4-bedroom, 3.5-4.5 bath units.

The project proposes the construction of a total of 11,042 square feet of development for a Floor Area Ratio prior to subdivision of 0.40. With the subdivided lots the Floor Area Ratio varies from 0.28 to 0.53 where the maximum in the RS-1-7 zone is 0.59. The individual homes would be two stories with attached garages (Attachment 9). The existing topography slopes to the north and although the site will be filled and recompacted, the new homes on the north three lots of the subdivision will be sited 13-23 feet below the elevation of the existing street.

### **General/Community Plan Analysis:**

The College Area Community Plan designates the 0.62-acre project site as Low Density Residential with a maximum allowed density of 10 dwelling units per acre (10 DU/AC), which could accommodate five single-family residences. The proposed project involves the demolition of an existing structure and the construction of four single-family residences, for a net increase of three residences. All parking would be on site. Each residence has two parking spaces and there are three additional spaces located in the development. There is an approximately 2,000 square foot community space identified as “passive play area”.

The Land Use and Community Planning Element of the General Plan contains policy direction for implementing the City of Villages strategy, provides citywide land use policies and designations, and establishes community plans as integral components of the General Plan. The Element includes goals for balanced communities, equitable development, and environmental justice. One goal is to have diverse and balanced communities with a variety of housing. The Element relies on community plans for site-specific land use and density designations and recommendations.

The College Area Community Plan includes the recommendations of protecting stable single-family neighborhoods by maintaining them at very low and low densities; not subdividing single-family lots unless the new lots meet all requirements of the underlying single-family zone, and stating further that no panhandle lots should be created, nor should any other variances relating to the lot size or configuration be granted.

The proposed project includes a Planned Development Permit to allow deviations from the underlying zone. Specifically, the requested deviations pertain to street frontage, rear yard setbacks, and minimum lot size. The deviation for substandard street frontage is necessary due to the subject parcel having been created by a subdivision that occurred prior to the current municipal code. A portion of the rear yard setback for Lot 3 is to be reduced from 12' 0" to 11' 6", and the minimum lot size of Lot 2 will be reduced by 110 square feet from 5,000 square feet to 4,890 square feet. The deviations are minor in nature and every effort has been made through project re-design, including a reduction from five to four parcels, to comply with the underlying zoning regulations. Therefore, the proposed project will not adversely affect the goals and

objectives of the adopted Community and General Plan.

**Environmental Analysis:**

Negative Declaration No. 72057 has been prepared and finalized for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines (Attachment 10). During the environmental review of the El Cerrito Enclave project, the City of San Diego conducted an Initial Study, which determined that the proposed project would not have a significant effect on the environment.

**Project-Related Issues:**

The project as proposed requires a Tentative Map to subdivide the parcel into four lots and a Planned Development Permit to deviate from development regulations of the RS-1-7 zone.

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than a full block in length), and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. The applicant will be required to underground all existing and new service to the site per Condition Nos. 12-13 of the draft Tentative Map resolution with Conditions (Attachment 8).

The neighborhood currently contains power poles and overhead utilities lines directly at the intersection of Berting Street and Gilbert Drive rights-of-way. The utility lines to these poles extend to other properties located south of this lot. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 7H2, and the date for undergrounding has been established for 2045 and the funding is unallocated (Attachment 11).

**Deviations to Development Regulations**

The El Cerrito Enclave project will develop four (4) single dwelling units on a 0.62 acre site. The proposed development complies with the regulations of the RS-1-7 zone, and site-specific development regulations for the property, as allowed with the approval of a Planned Development Permit. In order to create a more desirable project and implement the goals of the College Area Community Plan, the deviations requested are appropriate for this location and for the proposed development. The requested deviations necessary for the project address street frontage on an existing substandard lot as it relates to street presence, lot size in order to keep lot width, and rear yard setback where the lot is irregularly shaped. Deviations, as allowed by the approval of a Planned Development Permit, are required to approve the proposed project. The

project will include three deviations:

- a. Land Development Code Table 131-04D to allow a reduced street frontage on a lot that has existing substandard street frontage:

As required by the RS-1-7 zone, the minimum street frontage is 50'-0" feet. The exception for street frontage in the RS zones per Municipal Code Section 131.0442(a), does not apply since the lot is not on the actual curve. The El Cerrito Enclave existing lot can utilize only approximately 35'-0" of the 44'-0" street frontage. The design of the subdivision incorporates this substandard feature by constructing a private drive to access the four lots on this 27,043 square foot lot. A street frontage deviation is necessary for a finite length of the frontage at the corner of Bering Street and Gilbert Drive to implement the conceptual design and allow any redevelopment of the site. The street frontage deviation is considered minimal and is the result of the unusual subdivision of this lot back in the year 1892. For these reasons the deviation is reasonable and is justified.

- b. Land Development Code Table 131-04D; Lot Size:

The El Cerrito Enclave site is approximately 27,043 square feet in size which would allow for a maximum of five single dwelling unit lots in the existing RS-1-7 zone, which requires a minimum lot size of 5,000 square feet. In order to meet the lot width on all lots and most of the other applicable development regulations, the project was designed as four lots. One lot, Lot 2, will deviate from the required lot size at 4,899 square feet, however Lot 1, will be over double the required size. Subdivision design was modified to achieve the fewest number of deviations as possible. The deviation allows the development to continue to appear and function as a single dwelling neighborhood, will contribute to creating a creative site design with variety, and is consistent with the goals of the College Area Community Plan.

- c. Land Development Code section LDC Section 131.0443(a)(4); Required setbacks:

The El Cerrito Enclave project site is an irregularly shaped lot with substandard street frontage from a subdivision created in 1892. The last deviation is for the required rear setback on Lot 3. The project will allow a rear setback of 12'-6" where 13'-0" is required, to offset an irregularly shaped rear property line. Although the width of Lot 3 is approximately 51'-0", only approximately 17'-0" will be at the reduced setback. The remainder of the lot complies and exceeds the requirement. The rear of the proposed home has architectural offsets which will create a more interesting façade.

#### Community Planning Group Recommendation

On October 13, 2010, the College Area Community Planning Board voted 7-5-0 to recommend denial of the project. The findings the Board adopted are listed below in italics with Staff responses following.

*1 - The project is not consistent with the Community Plan. (6. "Single-family lots should not be subdivided unless the new lots meet all requirements of the underlying single-family zone. No*

*panhandle lots should be created, nor should any other variances relating to lot size or configuration be granted.")*

The Urban Design Element of the College Area Community Plan recommends that subdivision or consolidation of existing single-family lots which would result in new lots substantially smaller or larger than most lots in surrounding neighborhoods should not be permitted, panhandle lots should also be avoided, and the existing neighborhood subdivision pattern and density should be continued in all development.

Three of the four new parcels would meet the minimum lot size requirement of the underlying zone. The fourth parcel would require a deviation from the minimum lot size. The fourth parcel is proposed to have a reduction in lot size of one hundred and ten square feet, which is an area representing 0.02 percent of the minimum lot size. This reduction of 110 square feet is minor in nature and would not have a detrimental impact on the neighborhood character. Average lot sizes in the vicinity are between approximately 6,000 and 7,000 square feet in area, with a few parcels in excess of 20,000 square feet with rear yards that extend down into abutting canyons. The buildable portion of the existing lots is similar in size to the new parcels. The new project would not create any panhandle lots and would be developed at a density within the specified range of the Low Density Residential land use designation.

*2 - The design of the project is not consistent with 43 existing residential single family properties in the enclave neighborhood.*

The El Cerrito Enclave project has been designed as single family homes on individual lots, consistent with the existing neighborhood and the RS-1-7 zone. The existing lots within the enclave are all subdivided to approximately 5,000 square feet, except for lots to the east that slope to the north and have similar pad space. The subject property was a remainder lot of 27,743 square feet, irregularly shaped and with limited access to Berting Street and Gilbert Drive. The proposed Tentative Map will create lots of similar size to the existing lots in the neighborhood and larger than the lots created to the north at Arroyo Ridge.

*3 - The planned two-story residences are out of character in the surrounding single story neighborhood. (Ref: San Diego Municipal Code, Chapter 14, General Regulations, Criteria for Development Design (5) "Buildings should avoid an overwhelming or dominating appearance as compared to adjacent structures and development patterns.")*

The RS-1-7 zone allows homes up to 30'-0" in height. The proposed homes will be a maximum of 30'-0" in height and built lower than the street. The El Cerrito neighborhood has both single-family and multi-family development, and both border this site. From Gilbert and Berting Street the homes will all appear as one-story dwellings. In addition there are one and two-story structures in the area, including on Berting and Dayton Streets. There is a mix of styles and heights throughout the neighborhood which is directly north of El Cajon Boulevard.

*4 - The planned residences appear to be in violation of the City's Shadow Plan, and would impact a neighbor with solar power on the roof. (Ref: San Diego Municipal Code, Chapter 14, General Regulations, Shadow Plan: "When it is determined that structures or landscaping may*

*have an impact on an adjacent property's access to solar exposure, a shadow plan will be required to ensure the potential impacts will be minimized.")*

The current property boundary contains a considerable amount of ornamental trees and vegetation. The condominiums adjacent to the north were built at least 20-feet below the top of the wall separating the two properties, for which grading into the natural hillside was allowed. The condominiums are approximately 26'-0" in height and were built approximately 7'-0" from their property line. The roof elevations for the proposed development would be approximately 35'-0" above the retaining wall on this sloping lot, 12.5 and 13 feet from the existing lot line and 20 feet from the condominiums below. The proposed development is consistent with the zoning, is not requesting a deviation from height, and is located naturally higher than the adjacent property. Therefore, no shadow plan for this single family development is required.

It is clear that the proposed projects current elevation has always and will continue to be at a higher elevation than the Arroyo Ridge location. No documents with accurate information have been provided that can be evaluated. The proposed project is not creating any new issues as it relates to the current or proposed development. The new buildings have been designed not to exceed the 30-ft height limit. Since the structures do not exceed the 30-ft height limit and the project is proposing multiple roof pitches and offsetting planes Staff did not request a shadow plan.

*5 - Floor plans are more suited to mini-dorms/multi-family than to single families, especially in the absence of yards and play areas.*

The City recognizes that there is always the potential for homes to be leased to students. The City has further clarified the definition of mini-dorms and currently regulates such uses. While the design of the proposed homes does provide almost all bedrooms with bathrooms, this does not define a mini-dorm nor does the Municipal Code prevent such design in single family homes.

On January 14, 2008, the City Council voted to approve the Residential High Occupancy Permit Ordinance (PDF) which requires an annual permit and fees for any single dwelling unit with 6 or more adult occupants. The permit requires additional parking per occupant and is revocable as an enforcement remedy. The ordinance includes a permit fee waiver option based on Area Median Income. The ordinance is effective citywide.

On April 15, 2008, the City Council voted to approve the Rooming House Ordinance (PDF) as an additional tool to address mini dorms. The Rooming House Ordinance generally defines "rooming houses" as dwelling units with 3 or more bedrooms that are rented separately to tenants by the individual bedroom, and prohibits rooming houses from locating in low density residential zones.

*6- A homeowners covenant is needed.*

The homes are on separate lots with shared access. The Planned Development Permit must be adhered to by all parties and a homeowners covenant is not regulated nor imposed by the City of San Diego.

*7- Visitor parking is inadequate, having only three visitor parking spots.*

The proposed 4 dwelling units comply with the minimum parking requirements of the Land Development Code (LDC) for single family residences (LDC Section 142.0520), which does not require visitor parking spaces. Three of the proposed single family residences require two on-site parking spaces and each would provide a two-car garage. The fourth proposed single family residence is considered to have five bedrooms and therefore would require five parking spaces; this residence would provide a three-car garage and provide an additional two parking spaces in its driveway. In addition to these parking spaces, three common area parking spaces are proposed on the site.

*8- Gilbert Drive, Berting Drive, and Dayton Street are very narrow and cannot handle the increase in traffic and parking that would be caused by this project.*

With credit for demolition of the existing single family dwelling unit, the proposed project is estimated to generate 27 average daily trips (ADT) with 2 a.m. peak-hour trips and 3 afternoon peak-hour trips. A traffic study was not required. Regarding the width of the streets and accommodating parking, the proposed project complies with the minimum on-site parking requirements of the LDC.

*9- Large amounts of fill dirt and soil compactions could place undue stress on the existing retaining wall at Arroyo Ridge.*

The retaining wall at Arroyo Ridge was constructed for that condominium development, to obtain additional development space by grading into a slope. The proposed project would not require any more or less support by the wall, in fact there will be retaining walls constructed only for this development and the drainage will be brought to the access street, where it currently drains into the retaining wall. The project geotechnical report entitled "Geotechnical Feasibility Evaluation For Proposed Residential Subdivision, 5402 Gilbert Drive, San Diego, California, prepared by Geofirm, dated October 7, 2004 (their project no. 71514-00)" indicates that "Proposed development should not adversely affect adjacent properties, providing proper care is taken during grading adjacent to existing retaining walls and at property boundaries." An update to the above report was prepared and dated April 27, 2009, with no further recommendations. Prior to the issuance of any construction permits, a geotechnical report describing their protection measures must be submitted by the applicant for review and approved by the City Geologist.

The proposed plans are conceptual. The foundations for the proposed retaining wall would be subject to final approval by the City's Chief Building Official. The foundation design and method of construction would be chosen to ensure that the existing retaining wall is not compromised.

*10- Drainage towards Arroyo Ridge requires a pump that is likely to fail at some point in time, damaging adjacent properties.*

Homes throughout San Diego have requirements to pump drainage back to a higher street, as



much of San Diego is topographically challenged. The permit has conditions to address the drainage on-site and during construction, and final building and drainage plans are required to be reviewed and accepted by the City Engineer. It is the responsibility of the owner(s) of this project to maintain the pump in good working condition.

The proposed drainage plan is conceptual and is subject to final approval by the City Engineer. However, the proposed collection system and the proposed pumping conveyance do constitute a viable drainage design. The pump would be sized during final design to convey the anticipated runoff volumes to the public street. (The use of back-up power generators and the sizing of drainage structures to provide a factor of safety can alleviate concerns.)

The project engineer has used methodology from the City of San Diego's Drainage Design Manual for the drainage analysis. The analysis reveals that the abutting street has adequate capacity to convey runoff under a 100-year storm event. The abutting street frontage is located near the farthest upstream reach of its drainage basin. The street adjacent to the project site would not be overburdened by the runoff from the few upstream properties and portions of Gilbert Drive.

*11- The large number of trucks required to bring 2350 cubic yards of fill dirt to the site are likely to damage the existing streets.*

Any damage that results from construction is the responsibility of the developer. Heavy trucks use City streets in making deliveries on a daily basis. Condition No. 14 of the draft permit addresses this potential for damage during construction.

*12- Large concrete areas leave very little room for landscaping.*

This is a single dwelling unit development in the RS-1-7 zone. The landscape plan have been reviewed and accepted by City Staff as adequate for the development. In addition, both the Tentative Map and Planned Development Permit have landscape conditions to address landscape issues. The applicant has also provided a lawn area near the street, which is similar in nature to many homes in the neighborhood with front yards.

### **Conclusion:**

Staff have reviewed the proposed Tentative Map and Planned Development Permit, and has found it to be in conformance with the requirements of the Municipal Code. Staff believes the required findings can be supported and recommends the Planning Commission approve the project.

### **ALTERNATIVES:**

1. **Approve** Tentative Map No. 837801, including a waiver of the requirement to underground existing overhead utilities, and Planned Development Permit No. 256078, **with modifications.**
2. **Deny** Tentative Map No. 837801, including a waiver of the requirement to

underground existing overhead utilities, and Planned Development Permit No. 256078, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Jeannette Temple  
Project Manager  
Development Services Department

WESTLAKE: JT

Attachments:

1. Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Map Resolution with Findings
8. Draft Map Conditions
9. Project Site Plans
10. Draft Environmental Resolution
11. Undergrounding Map No. 7H2
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Project Chronology