

DATE ISSUED: February 3, 2005

REPORT NO. PC-05-038

ATTENTION: **Planning Commission, Agenda of February 10, 2005**

SUBJECT: DOTI POINT PROJECT NO. 1481 PROCESS 5

OWNER/

APPLICANT: MLC HOMES, INC. (Attachment 13)

SUMMARY

Issue(s) – Should the Planning Commission recommend that the City Council approve a Drainage Easement Abandonment, Tentative Map and Planned Infill Residential Permit to subdivide a 3.64-acre parcel into 17 lots for the construction of 16 single-family residences and one park lot site, on a vacant site located at the end of the Doti Point Drive?

Staff Recommendations:

1. Recommend to City Council **Certification** of Mitigated Negative Declaration No. 1481 and **Adoption** of the Mitigation Monitoring and Reporting Program.
2. Recommend to City Council **Approval** of Drainage Easement Vacation No.188020, Tentative Map No.006928 and Planned Infill Residential Development Permit No. 187924 with conditions (Attachments 5, 6 and 18).

Community Planning Group Recommendation – The Skyline-Paradise Hills Community Planning Committee has recommended denial of the project. (Please refer to the Discussion section of the report for additional information). Given that the project has been substantially revised since a prior vote by the community planning group, the project will be presented to the group for a new vote at their February 8, 2005 meeting. The results of the meeting will be forwarded to the Planning Commission at the February 10, 2005 recommendation hearing.

Environmental Review - The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared and completed a Mitigated Negative Declaration, in accordance with the State of CEQA Guidelines. Mitigation measures have been included for paleontology which will reduce, to below a level of significance, any potential adverse impacts to such resources.

Fiscal Impact - None with this action.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The Skyline Paradise Hills Community Plan designates the project site for single-family residential use at a low density of 0 to 10 dwelling units per net residential acre. This density range would allow a maximum of 26 units on this 2.59 acre site (net site area) that is currently vacant. The project is proposing new construction of 16 single-family residential units that will add to the housing stock of owner-occupied units in this community and increase the overall housing supply in the City of San Diego.

BACKGROUND

The project application was deemed complete in 1999, prior to the adoption of the Land Development Code and is therefore subject to the Municipal Code requirements in affect at that time. The project proposes the subdivision and development of a 3.64-acre, vacant site into 17 newly created lots, for the proposed construction of 16, one and two-story, single-family residences located at the end of Doti Point Drive, between Doriana Street and Woodman Street, within the Skyline-Paradise Hills Community Planning area (Attachments 1 and 2). The property is designated for low density residential development within the Skyline-Paradise Hills Community Plan. The development includes a new public street “Wendy Way” extending from Doti Point Drive and ending in a cul-de-sac within the project boundaries, along with supporting infrastructure.

Tentative Map (TM) No. 88-0611, approved by the Subdivision Review Board in 1988, permitted the same subdivision of land and similar street improvements as is proposed with this current application, however, that application did not include a development permit. Conceptual footprints of the structures were provided on the TM for reference only (Attachments 3 and 3a). An Extension of Time No. 91-0729 was approved in 1992 by the Subdivision Review Board, however, conditions of the TM were not completed, and this TM expired (Attachment 4).

The property is currently zoned RS-1-7, a city-wide, single-family residential zone, however, at the time this current application was submitted, it was zoned R1-5000. The site does not contain any significant biological resources and it is not mapped as environmentally sensitive (i.e., the former “Hillside Review Overlay Zone”). The property contains slopes in excess of 25 percent, however, these slopes are manufactured and disturbed therefore the proposed subdivision and development are not subject to the former “Hillside Review Overlay Zone” and “Resource Protection Ordinance.” The subject site is bordered along the north, south and east, by one and two-story, single-family homes, and to the west, by a two-story, multi-family development (Attachment 7). The surrounding zoning at the time of this application was R1-5000 and R-3000 (old R2A zone) as referenced in Attachment 8. The development is subject to all of the development regulations and standards of the R1-5000 zone and is not subject to the Inclusionary Housing Ordinance.

The project requires a Process 5, Easement Vacation to abandon an existing drainage easement which would then be relocated within the new public-right-of-way (Attachment 9). A Process 3, Planned Infill Development Permit has been requested in accordance with San Diego Municipal Code Section 101.0930 as the project is an infill development and proposes deviations to the lot depth and retaining wall heights within the interior side yards. The Tentative Map (Process 4) would allow the subdivision of the parcel.

DISCUSSION

Project Description:

The project proposes a subdivision of 17 lots, ranging in area from 5,031 square feet to 14,195 square feet where 5,000 minimum is required in the R1-5000 zone. The development includes an additional lot, Lot "A", for the construction of a 2,200-square-foot pocket park (Attachment 9). The lots would comply with all other standards however seven of the proposed lots would provide a depth less than the required 95 feet, and the majority of lots propose overheight retaining walls within the interior side yard as outlined in the tables in Attachment 17.

Sixteen detached, one and two-story, single-family homes are proposed with three floor plans ranging in size from 1,720 square feet to 1,930 square feet and a maximum height of approximately 26 feet. Each residence would have double car garages and room for one additional space behind the sidewalk. Approximately 28 on-street parking spaces could be accommodated. The structures would contain stucco siding and various roof materials and several building offsets (Attachment 10).

Project History/Revisions:

The project was originally submitted in 1999 as a Tentative Map for the subdivision of 16 lots. During project review, staff recommended that a Planned Infill Residential Development Permit be included in order to fully analyze the requested deviations for lot depth and retaining wall height and to determine neighborhood compatibility. Detailed architectural plans and the PIRD application were subsequently submitted. The project revisions included the submittal of the PIRD with detailed architectural plans, a new pocket park which would be maintained by a home owners association, and, front yard landscaping with automatic irrigation system. The project was recently redesigned to provide for sidewalks on both sides of the new public street. The original design and previous submittals did not include recreational facilities, front yard landscaping with irrigation, and sidewalks were not proposed on the south side of Wendy Way.

Project-Related Issues:

Site Design

Due to the site configuration and topographic constraints, six of the lots are proposed on the westerly end of the site; the other 10 lots are proposed on the north side of the Wendy Way right-

of-way. Wendy Way would be constructed as a public street, accessed through the extension of Doti Point Drive and terminating into a cul-de-sac within the project area. A 2,200 square-foot pocket park is proposed at the entrance of the proposed subdivision with park benches, children's play area equipment, and barbeque facilities.

Wendy Way Public-Right-Of-Way

Wendy Way is proposed as a 50-foot wide public-right-of-way with pavement varying from 34 feet to 28 feet, a 35-foot wide cul-de-sac at the end of the subdivision and sidewalks on both sides of the streets. A deviation to the minimum street standards has been approved by the City Engineer to allow the 35-foot wide curb radius, where 50 feet is the standard, and an eight-foot curb-to-property-line distance in certain segments where 10 feet is the standard.

Deviations to the street standards may be approved by the City Engineer as deemed required and appropriate on a project by project basis, provided that mitigation measures in response to the deviation have been identified. In the case of the subject project, such deviations do not require environmental mitigation measures. The deviations proposed by the project are mitigated by several measures including the requirement that the street will be single-loaded with on-street parking areas located at varying sections on one side of the street and in front of all of the proposed lots. The property line on the south side of the proposed development is located adjacent to the rear yards of a steeply sloping, adjacent subdivision. On-street parking would be prohibited (red curbed) within two areas: On the south side of Wendy Way adjacent to this sloped bank (with guardrail and fence constructed) and within the Wendy Way cul-de-sac (Attachment 9). Parking is prohibited in these areas for public health and safety concerns, specifically, to decrease the likelihood that residents/guests within this community will cross from the south side of the street to the north side of the street, and, to provide for adequate turnaround for large emergency vehicles within the cul-de-sac. These deviations have been approved due to the physical constraints of the site.

Site Grading

Topographically, the property is a hillside, graded parcel of land which slopes steeply downward from Doti Point Drive, with an overall grade differential of approximately 105 feet from the northern property line to the southerly property line. The interior of the site contains a narrow belt of level area which is bounded along the north and south by large graded slopes. At the north, the topography slopes steeply downward from Doti Point Drive with slopes descending to the level pad at varying heights of 27 feet to 42 feet. Along the southern portion of the site, larger graded slopes descend to a maximum level of 70 feet onto the rear lots of the residential development below accessed from Leyte Court. (Reference Attachment 16 for site photographs). Documentation of the original site grading is unknown, however the Preliminary Geotechnical Investigation prepared by Vinje & Middleton Engineering, Inc. dated 2000 concluded that, based on a comparison of topography maps dated 1954 with current maps, the existing site was created by cut and fill grading methods in the 1970s. A biological letter report was required for the project to identify potential biological impacts. This letter report also concluded that "the entire site appears to have been impacted in the past as a result of grading for the adjacent subdivision.

The site consists primarily of disturbed lands with small patches of non-native grassland that have developed...” The benched site is elongated in shape with its topography and configuration having resulted most likely as a remnant parcel created by the development of adjacent subdivisions.

Grading would consist of 5,570 cubic yards of soil cut and 11,030 cubic yards of fill. Lots 1 through 10 on the north side of the street will require cut and fill grading for development and basement wall construction for the proposed residences as these structures would be placed at the base of the northern slope of the embankment. Tentative Map and Permit conditions require that a non-buildable easement be reserved in this area, and that modified areas of the slope are revegetated as a result of construction of the residences (Attachment 9). Lots 11 through 16 are underlain with deep canyon fill deposits and will be constructed with split level pads. Retaining walls have been incorporated into the design of the residences for Lots 1 through 10 to allow for encroachment into the rear ascending slopes, and, to create terraced, split level building pads for Lots 11 through 16. Due to the extreme topography and site constraints, these walls will exceed the allowable six-foot height limit for retaining walls located within an interior side yard, reaching an overall maximum height of 15 feet (Lot 7). The walls would be planatable crib walls as shown on Attachments 9 and 11) Staff is in support of this deviation due to the site constraints, the deviation is permitted under the PIRD, and as the walls will have the appearance of continuing the natural slope once plant material reaches maturity.

Planned Infill Residential Permit Ordinance Analysis

The development is consistent with the requirements of the Planned Infill Residential Development Ordinance (PIRD) the purpose of which is to facilitate development of areas designed for residential use within urbanized areas in order to assure the compatible planning of residential development. Compatibility of development is measured in terms of the following elements:

- Product type, architectural features and density
- Grading and landform alterations
- Site arrangement

The intent of the regulations is to encourage innovative and imaginative planning to integrate within community facilities and services. The PIRD Permit should be used for development in areas which include steep slopes, and in particular for Hillside Review zoned properties, in such a manner to achieve minimum disturbances of the natural terrain and vegetation. The PIRD is also utilized to permit stricter application of design criteria to assure compatibility with established neighborhoods while allowing greater flexibility in design than is possible with strict application of conventional zoning and subdivision regulations.

Properties to the north, east and south are composed of single-family, detached one and two-story residences constructed in the 1970s. These neighborhoods consist of a mixture of homes with varying architectural facades including stucco, and a mixture of stucco sides and rears and wood

fronts. Landscaping is provided in front, side and rear yards. These properties range on lot sizes from 5,000 square feet to 20,000 square feet. Many of the lots adjacent to the subject property consist of long narrow lots with rear steeply sloping rear yards. These sites are zoned single-family. The 3.82 acre site to the west is zoned multi-family and development with 61 units.

The proposed project will subdivide the property into 16 residential lots for the proposed 16 homes on lot sizes that vary from 5,031 square feet to 14,194 square feet. The lots are cited such that they are staggered to maximum existing views, and to minimum intrusion into hillside areas. The architecture would be similar in style and design to other homes in the area. Three floor plans are proposed varying in size from 1,729 square feet to 1,930 square feet with double-car garages and one additional, on-site parking space provided in front of the garages. Approximately, 28 on-street parking spaces would also be provided. The subdivision would not exceed the density of the immediate area and would be compatible with other homes in the area.

With respect to landform alteration, the project is compatible with the adjacent neighborhood. The development requires minimal grading and disturbance of the existing terrain due to the existing padded area within the center of the site. Along the north portion of the site (Lots two through 10), a portion of the sloped area would be removed for the placement of the residences and plantable crib walls, however the majority of this sloped area would maintain its existing terrain. This area would be reserved in a non-buildable easement in perpetuity. A Mitigated Negative Declaration (MND) was prepared for the project, which included a review of a Biological Letter Report (RC Biological Consulting, dated June 12, 2004). The MND concluded that the site consists of disturbed land and manufactured slopes and is not considered "sensitive." The project would not result in direct or indirect impacts to any sensitive habitat or species and does not contain any significant biological resources, therefore no mitigation was required. The proposed project would provide open spaces areas which exceed the minimums required by the PIRD ordinance. Additionally, a 2,200 square foot pocket park is proposed near the entrance of the subdivision to include barbeque facilities, children's play area, benches and tables.

The development is consistent with all of the standards for PIRDs, including open space requirements as shown in tables in Attachment 17 and depicted graphically in Attachment 10a. No deviations to the design standards have been requested. A deviation for retaining wall height and lot depth has been incorporated into the project design. As described above, staff is in support of these deviations.

Environmental Analysis:

A Mitigated Negative Declaration was prepared for the project for potential impacts to paleontological resources. Due to the excavation proposed at a maximum depth of 16 feet project implementation could result in potential impacts to fossil resources. The Mitigation, Monitoring and Reporting Program has been established to ensure that excavation activities will be monitored by a qualified paleontologist with recovery and curation of any discovered fossils and the preparation of a monitoring results report. Implementation of the program would reduce any project-related impacts to these resources to below a level of significance.

The biological letter report required for the project concluded that no significant biological resources exist on site and that the property consists primarily of disturbed lands with small patches of non-native grassland and occasional native species (lemonade berry, coastal sagebrush). Neither the native species nor the non native grasslands occur in sufficient concentrations to be considered significant. Due to the disturbed nature of the site and the lack of significant biological resources, no impacts to biological resources are anticipated and no mitigation was required.

Community Plan Analysis:

The Skyline-Paradise Hills designates the site for low density single-family residential use. The proposed development implements many of the goals and recommendations of the community plan. The community plan specifically addresses this site (page 35) and states “...if the site is developed for residential use, the maximum density allowed under the R1-5000 zone should not be expected because of the site’s difficult topography and shape, and limited access...” The project is consistent with this recommendation proposing a density of 16 units where 26 would be allowed by the density range.

A primary goal of the Urban Design Element is to enhance the community’s image through improvements to the visual and physical character of the community. The Plan states that the landforms within this community consist of rolling hills and canyons with views throughout the city. New development should be compatible with existing neighborhoods in terms of bulk, scale and design and, sensitive to the topography. Several guidelines are suggested to implement this goal. These include that new development should be sensitive to the existing views within the neighborhood and utilize the existing topography. Building bulk should be controlled through the use of varied setbacks, façade variation and architectural features. Identical style and type of dwellings should be avoided. Sidewalks should be provided on at least one side of the street for private streets and usable open space area should be provided for each unit.

The proposed subdivision has been designed to utilize the existing topography thereby, minimizing grading and preserving existing slopes. The project will not infringe upon any existing views from the adjoining developments. Each of the homes will have varied rooflines and due to the grade separation from the development to the north, the rooflines of the proposed homes will be more than 10 feet lower than the top of the slope. The architectural design, bulk and scale of the proposed homes is similar to the adjacent neighborhood which consists of one and two-story homes of stucco and wood siding materials, and pitched roofs. The community plan recommends that street alignments follow the natural contours and that street widths be kept at a minimum. Wendy Way has been designed to take advantage of the existing landform which is narrow and elongated in shape, and the single-loaded street is the minimum necessary to provide safe and efficient access

The proposed use would not adversely affect the City’s Progress Guide and General Plan or the adopted Skyline Paradise Hills Community Plan in that the proposed use would involve quality

residential development designed in accordance with the density range and urban design principles established in the community plan. The proposed use would also be compatible with the existing and established neighborhood while respecting surrounding topography. The proposed development would fulfill a community need and primary residential goal to preserve the low density, single-family character of the community while helping increase the overall housing supply in the City.

Community Group Recommendation

The project was presented before the Skyline Paradise Hills Planning Committee on four occasions throughout the processing of the proposal. As noted in the attached community group votes, the project has not yet been approved by the group (Attachment 12). Concerns raised during those meetings included the lack of sidewalks, concerns about traffic and that the project proposed an excessive number of units. The following is a summary of their actions taken:

1- August 10, 1999 - Outcome: Deny the project (5-2-2).

2- February 13, 2001 - Outcome: Deny the project (9-1)

Note: This was a new vote, not a reconsideration of the prior vote, due to the fact that the project was revised to include the Planned Infill Residential Development Permit (PIRD). Staff required the submittal of a PIRD application and supporting documentation to verify that the project would be consistent with the design guidelines and criteria for PIRDs. These guidelines addressed project design concepts, information on existing conditions, and compatibility with the neighborhood.

3- July 9, 2002 - Outcome: Deny the project (10-0)

Note: This was a new vote, not a reconsideration of the prior vote. The applicant included detailed architectural plans (exterior elevations and floor plans) as part of the full submittal package for staff's and the community planning group's review. Therefore, the project was again presented to the group for a new vote.

4- November 9, 2004 -Outcome: Continue the item to allow the neighbors the opportunity to meet with applicant to address their concerns (12-0-0). Note: The purpose of the November meeting was to obtain a new vote in support of the project since substantial revisions had been made since the previous July of 2002 action. The project revisions included the addition of a recreation area on-site, front yard landscaping/automatic irrigation, and additional street trees

As noted above, the community group is scheduled to review the project on February 8, 2005 and staff will forward their recommendation to the Planning Commission during the February 10th recommendation hearing.

CRITICAL PROJECT FEATURES TO CONSIDER DURING SUBSTANTIAL CONFORMANCE REVIEW

Land Use: The project site shall remain consistent with the Skyline-Paradise Hills Community Plan and the Planned Infill Residential Development Ordinance. Any changes from the proposed

land use should be reviewed to ensure conformance with the applicable land use plan and the San Diego Municipal Code.

Site Design: The project design should not increase the amount of deviation from the development regulations of the underlying zone, unless the required findings could be made. The location of the buildings shall be maintained in place as shown on Exhibit “A.”

Parking/Circulation: Parking spaces shall not be reduced unless there is a reduction in the number of units. Any changes made to the parking and or conversion for any other use shall be reviewed by the Development Services Department.

Landscaping: Landscape material, size, number and location shall be consistent with exhibit “A.” Any changes to the landscape plan should be reviewed to ensure conformance with the San Diego Municipal Code.

CONCLUSION:

The Doti Point Project is consistent with the relevant regulations of the R1-5000 zone as permitted by the Planned Infill Residential Development Permit. The project implements several goals, objectives and recommendations of the Skyline-Hills Community Plan and the Progress Guide and General Plan as described above. Staff recommends approval of the project.

ALTERNATIVES

- 1. Recommend Approval to the City Council, Drainage Easement Abandonment No. 188020, Planned Infill Residential Development Permit No. 187924 and Tentative Map No. 006928 with modifications.**
- 2. Recommend Denial to the City Council, Public Utility Easement Abandonment No. 188020, Planned Infill Residential Development Permit No. 187924 and Tentative Map No. 006928 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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MEE/SMT

Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Tentative Map No. 88-0611/3a: TM 88-0611 Exhibit
4. Extension of Time No. 91-0729 (EOT to TM 88-0611)
5. Draft Easement Vacation/PIRD Permit
6. Draft Easement Vacation Resolution with Findings
7. Aerial Map
8. Zone Map (Prior to 2000)
9. Project Features Map
10. Project Plans (10a: Open Space Exhibit)
11. CribWall Detail on Landscape Plan
12. Community Planning Group Votes
13. Ownership Disclosure Statement
14. Project Chronology
15. Project Data Sheet
16. Site Photographs
17. Project Tables (Retaining Wall Deviation/Lot Depth Deviation/Open Space)
18. Draft Tentative Map Resolution with Findings