

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 4, 2007 REPORT NO. PC-07-003

ATTENTION: Planning Commission, Agenda January 11, 2007

SUBJECT: MANSOUR RESIDENCE
PROJECT NUMBER: 18375
PROCESS THREE – Appeal of Hearing Officer’s Decision

OWNER: Adil & Sharon Mansour (Attachment 8)

APPLICANT: Pedro Garcia

SUMMARY

Issue - Should the Planning Commission approve or deny the appeal by Michael Theilacker and William Beck of the Hearing Officer’s November 22, 2006, decision to approve a Site Development Permit to deviate from the development regulations for the proposed construction of a new, single-family residence located at 311 W. Robinson Avenue?

Staff Recommendation –

1. DENY the appeal and APPROVE Site Development Permit No. 43180, subject to conditions (Attachment 5).

Community Planning Group Recommendation – On December 6, 2005, the Uptown Planners voted 13-1-3 to recommend approval of the proposed project without conditions. (Attachment 6).

Environmental Review – This project was determined to be categorically exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15332, infill development on March 4, 2004. The opportunity to appeal that determination ended March 18, 2004.

Fiscal Impact – The cost of processing this project is paid for by the applicant through a deposit account.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed construction, there would be a gain of one dwelling unit in the Uptown Community Plan area. There is no affordable housing associated with this project.

BACKGROUND

The 143 3-square-foot site is located at 311 West Robinson Avenue, on the south side of Robinson Avenue, between Brant and Albatross Streets (Attachment 3), in the MR-1000 Zone of the Mid-City Communities Planned District, within the Uptown Community Plan area. The site is designated by the Uptown Community Plan for low to medium residential development at 10-15 dwelling units per acre. The MR-1000 zoning designation allows the development of one unit per 1,000 square feet of lot area, or one unit allowed on this site.

The site is a re-subdivided lot between established single-family homes. The shape of the lot is a rectangle with greater width than depth. The lot contains a small portion of the single-family house that was destroyed by fire over ten years ago. The project as proposed requires a Site Development Permit for the Mid-City Communities Planned District to allow for deviations to the rear yard setback, street yard requirement, offsetting planes, and maximum allowable curb cut. A detailed discussion of each requested deviation is provided in the *Site Development Permit* section of this report.

Proposed Project – The new single-family residence would feature a three-story design and would be approximately 1,653 square feet. The maximum building height is approximately 32 feet. The maximum height allowed in the MR-1000 Zone is 50 feet; therefore, the project as proposed complies with the height requirements of the Mid-City Communities Planned District Ordinance. Other than the requested deviations described in the *Site Development Permit* section listed below, the project would conform with all applicable development regulations for this site. The project would consist of a Spanish/Mission revival design with a stucco finish, metal and wood accents, and a tile roof.

Site Development Permit – As required by the Mid-City Communities Planned District Ordinance, the project scope includes a request for a Site Development Permit to allow four deviations requested by the project applicant. LDR-Planning staff have reviewed and are supportive of the requested deviations:

1. *Setbacks*: The development regulations of the MR-1000 Zone require a 15 foot rear-yard setback. The applicant is requesting a deviation from this requirement based on the small lot size. The proposed rear yard setback is 6 feet. The lot is a rectangle with a width of 43 feet and a depth of 33 feet. If the lot were to be built to strict conformance with all the development regulations of the underlying zone, the applicant would be limited to the development of a 233-square foot footprint, which would not allow for a functional design of a single-family residence.
2. *Street Yard*: The development regulations of the MR-1000 Zone require 860 square-feet of street yard. Street yard is measured by taking the street frontage and multiplying by twenty. The project as proposed would create 363 square-feet of street yard. The lot is a rectangle with width of 43 feet and a depth of 33 feet. If the lot were to be built to strict conformance with all the development regulations of the

underlying zone, the applicant would be limited to the development of a 233-square foot footprint. The applicant has worked with staff to come up with a reasonable amount of street yard based on the setbacks and constraints of the lot. The applicant has incorporated open railings and trellises along the rooftop terraces to reduce the massing of the front elevations and to break up the visual impact of these planes. Varied window placement and building finishes have been utilized to achieve appropriate building articulation and fenestration.

3. *Offsetting Planes:* Section 103 1511(d) of the Municipal Code requires that for each entire building elevation facing a street, there shall be at least three separate building planes. A separate building plane is distinguished by an average horizontal difference between planes of three feet, measured perpendicular to the subject plane. The applicant is proposing a 1' offset for the 1st/2nd floors (vertical), except at the entry which is a 3' offset. The 3rd floor is proposing a horizontal offset of 1.5' to approximately 8.5 feet. The applicant has incorporated open railings and trellises along the rooftop terraces to reduce the massing of the front elevations and to break up the visual impact of these planes. Varied window placement and building finishes have been utilized to achieve appropriate building articulation and fenestration.
4. *Curb Cut:* The maximum allowed curb cut width per the Municipal Code is 12 feet. The applicant is proposing a 16 foot-wide curb cut in order to allow two vehicles a straight-thru access to the garage. Staff is supportive of this deviation and the permit has been conditioned for a 16-foot-wide driveway.
5. *Parking:* Two off-street and two on-street spaces are required for projects that have less than 20' long driveway. The width (43 feet) and depth (33.5 feet) of the lot combine with the development to create a unique parking situation. This preferred parking situation features two on-site parking spaces, with one space provided on the street, since even with the minimum curb cut of 12 feet, the applicant would not be able to provide two on-street spaces.

When considering the project as a whole, the above described deviations allow for reasonable development of the property as well as an attractive design than would be achieved through the strict application of the development regulations. The project, with the above described deviations, would be consistent with the MR-1000 Zone by providing a low-density residential project with an attractive street and pedestrian environment that relates in scale and design with the surrounding area and the size constraints of the lot.

Appeal Issues:

The Hearing Officer approved the proposed project on November 22, 2006 (reference Hearing Officer Report No. HO-06-282; Attachment 12). Several speakers were present at the Hearing Officer hearing and spoke regarding the project. The applicant and architect were also present.

Three residents of the neighborhood spoke in opposition to the proposed project (William Beck, John Freedman, and Michael Theilacker). Concerns expressed during the hearing related to: overall height, drainage, loss of parking, floor area ratio, setbacks, scale, and offsetting planes. The Hearing Officer heard discussion during the hearing, which responded to each of these concerns.

On November 29, 2006, Michael Theilacker and William Beck appealed the Hearing Officer's approval to the Planning Commission (Attachment 13). The appeal indicated factual error, new information, and findings not supported as being reasons for the appeal. Staff's response to these items is summarized below:

1. Adequate notice for the project was not given to all affected neighbors: Staff has followed the noticing requirements per section 112.0301.
2. The increased floor area ratio (FAR) and footprint of the building, as well as reduced front yard, side yards and rear yard setbacks, impact the neighbors and the character of the overall neighborhood: The FAR in the MR-1000 zone is 0.75. Staff has determined that the project is proposing 1,881 square feet of habitable/non-habitable space, and of that, 812 square feet is excluded per the Mid-City Communities Planned District Ordinance regulations, leaving an FAR of 0.58. The Mid-City Communities Planned District Ordinance allows the enclosed parking to be excluded from the calculation of FAR and coverage, as well as the inclusion of an FAR bonus. For any project which does not exceed the dwelling unit threshold in Section 103.1504(h) (1) (A), and for any project with a density less than or equal to one dwelling unit per 1,000 square feet of lot area, an FAR bonus can be provided equivalent to the area of enclosed parking, and any portion of a building which covers enclosed parking shall be excluded from the coverage calculation. The development regulations of the MR-1000 Zone require a 15-foot rear-yard setback. The applicant is requesting a deviation from this requirement based on the small lot size. The proposed rear yard setback is 6 feet. The lot is a rectangle with a width of 43 feet and a depth of 33 feet. If the lot were to be built to strict conformance with all the development regulations of the underlying zone, the applicant would be limited to the development of a 233-square foot footprint, which would not allow for a functional design of a single-family residence.
3. The parking has been reduced from the required two off -street and two on -street parking by one space, which impacts under parked neighborhood. The maximum allowed curb cut width per the Municipal Code is 12 feet. The applicant is proposing a 16-foot-wide curb cut in order to allow two vehicles a straight-thru access to the garage. Staff is supportive of this deviation and the permit has been conditioned for a 16-foot-wide driveway. Although not delineated within the previous discussion regarding this deviation, the width (43 feet) and depth (33.5 feet) of the lot combine with the development to create a unique parking situation. This preferred parking situation features two on-site parking spaces, with one space provided on the street, since even with the minimum curb cut of 12 feet, the applicant would not be able to provide two on-street spaces.

4. Building offsets of 1 to 1.5 feet should not be considered as required offsets. They basically form a tall three-story wall only seven feet from the sidewalk. Section 103.1511(d) of the Municipal Code specifies that for each building elevation facing a street, there shall be at least three separate building planes. A separate building plane is distinguished by an average horizontal difference between planes of three feet, measured perpendicular to the subject plane. The applicant is proposing a 1 foot offset for the 1st/2nd floors (vertical), except at the entry, which is a 3-foot offset. The third floor is proposing a horizontal offset of 1.5 feet to approximately 8.5 feet. The applicant has incorporated open railings and trellises along the rooftop terraces to reduce the massing of the front elevations and to break up the visual impact of these planes. Varied window placement and building finishes have been utilized to achieve appropriate building articulation and fenestration.

CONCLUSION

Staff has reviewed the request for a Site Development Permit for the proposed single-family development and has found that the project is in conformance with the applicable sections of the San Diego Municipal Code. Staff has determined that the development is consistent with the Uptown Community Plan, the purpose and intent of the MR-1000 Zone of the Mid-City Communities Planned District, and believes the required findings can be supported. Therefore, staff recommends that the Planning Commission uphold the Hearing Officer's decision to approve the Site Development Permit as proposed by the applicant, subject to the proposed conditions.

ALTERNATIVES

1. DENY the Appeal and APPROVE Site Development Permit No. 43180, with modifications.
2. UPHOLD the appeal and DENY Site Development Permit No. 43180, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Renee Mezo
Development Project Manager
Development Services Department

WESTLAKE//ROM

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Site Development Permit with Conditions
7. Draft Site Development Permit Resolution with Findings
8. Ownership Disclosure
9. Project Chronology
10. Community Planning Group Recommendation
11. Photos of Existing Front and Rear Elevations
12. Copy of Appeal
13. Hearing Officer Report No. HO-06-282

Job Order No. 42-2021