



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER -

HEARING DATE: July 6, 2005      REPORT NO. HO 05-118

ATTENTION:      Hearing Officer

SUBJECT:      SPENCER RESIDENCE  
PTS PROJECT NUMBER: 5838

LOCATION:      1724 W. Arbor Drive

APPLICANT:      James Spencer and Christne Marckese

### SUMMARY

Requested Action - Should the Hearing Officer approve a Site Development Permit and Variance to allow the demolition of an existing single-car garage, the construction of a two-car garage and a basement addition and second-story addition to an existing single-family residence?

#### Staff Recommendation -

1. CERTIFY Mitigated Negative Declaration No. 5838;
2. ADOPT Mitigation, Monitoring and Reporting Program No. 5838; and
3. APPROVE Site Development No. 9663 and Variance No. 9664

Community Planning Group Recommendation – The Uptown Community Planning Committee voted 13-0-1 to recommend approval of the project on March 1, 2005, with no conditions (Attachment 7).

Environmental Review – A Mitigated Negative Declaration No. 5838, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The Mitigated Negative Declaration identified the potential for significant land use (MHPA) impacts with the proposed residential development. 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.

## BACKGROUND

The 0.423-acre site is located at 1724 West Arbor Drive in the RS-1-1 and RS-1-7 (Single-Unit Residential) zones within the Uptown Community Plan area. The site is designated for low-density residential development at a density of 5-10 dwelling units per acre and open space in the Uptown Community Plan (Attachment 2). The site is currently developed with a one-story, approximately 808-square-foot residence with a partial basement and an attached one-car garage. The site is surrounded by existing single-family development. Approximately one-third of the northern portion of the property is located within the City's Multiple Habitat Planning Area (MHPA). The remainder of the property, including the area proposed for development, is located outside of the MHPA. Currently, only the southern one-third of the property is developed. Due to the presence of environmentally sensitive lands on the site, including biological resources and steep slopes, a Site Development Permit is required.

## DISCUSSION

Project Description: The project would add a 675-square-foot, second-story addition and would enlarge the basement area to 745 square feet by excavating additional area under the structure. With the exception of a small 2.5-foot by 13-foot entry element, the existing footprint of the single-family home would remain unchanged. The total square footage of the home would increase from 808 square feet to 2,228 square feet, for a total addition of approximately 1,420 square-feet. Additionally, the existing one-car attached garage would be demolished and a detached 445-square-foot two-car garage with roof deck would be constructed behind the residence. A 9-foot by 12-foot first floor patio with second floor deck above would also be constructed at the rear of the single-family structure.

All proposed development would occur on the portion of the lot designated as the RS-1-7 zone. With the exception of a variance request for the side yard setback for the proposed second story addition, the project is in compliance with the underlying development regulations of the RS-1-7 zone, including height, setbacks, floor area ratio and lot coverage. The northern 100 feet of the property is located within the City's MHPA. The closest portion of the development, the proposed two-car detached garage, would be located approximately 72 feet south of the MHPA.

Variance: The existing single-family structure was constructed with a 3'-8" west side yard setback and a 15-foot east side yard setback. The RS-1-7 allows for a minimum side yard setback of 4 feet, provided that the side yard on the opposite side is increased such that when both side yards are added together, the total is at least 10 feet (20 percent of lot width). The applicant is requesting a 4-inch variance to allow a 3'-8" second story setback where four feet is required on the west side yard setback. The second story addition would be built directly on top of the existing structure and would not increase the existing footprint.

Long-Range Planning and LDR-Planning staff have reviewed and are supportive of this variance request. Staff believes the four required variance findings can be met as described in the attached Resolution (Attachment 6). The area of the site available for development is greatly restricted as the majority of the site contains slopes greater than 25% and roughly one-third of the site is

located within the MHPA. The 4-inch variance would allow the proposed second story to be built within the same existing footprint as the single-story residence, allowing reasonable use of the property.

Environmentally Sensitive Lands/MHPA: The portion of the site which is zoned RS-1-7 contains the developed portion of the site and consists of a generally flat front yard area transitioning into a less than 20% slope area. Elevations for this portion of the site range from approximately 279 feet above Mean Sea Level (aMSL) at the sidewalk to approximately 264 feet aMSL at the northeast corner of the RS-1-7 developable area. The portion of the site which is zoned RS-1-1 contains the onsite MHPA area and steep slopes greater than 25 percent. Elevations for this portion of the site range from approximately 264 feet aMSL at the edge of the development area to approximately 178 feet aMSL at the northern property line, inside the MHPA.

A Biological Letter Report, dated July 14, 2004, was prepared for this project. According to this report, the upper portion of the property, which includes the current and proposed areas of development, is completely disturbed and is vegetated with ornamental trees and non-native grasses. Native plants only occur within the limits of the MHPA, which is located along the lower half of the slope. At the upper edge of the MHPA, native plant density is low but increases gradually down the slope. No sensitive plant or animal species were documented by the biologist. No element of the structure would be located in the steep slope area or within or near any native vegetation. The proposed two-car garage would be the closest structure to the MHPA, at approximately 72 feet south the MHPA boundary.

Due to the proximity of the project to the MHPA, the project is required to comply with the Land Use Adjacency Guidelines of the Multiple Species Conservation Program Subarea Plan. The project has been conditioned to require that the onsite MHPA be conveyed to the City's MHPA preserve through a Conservation Easement. Additionally, the project has been conditioned to direct all exterior lighting adjacent to the MHPA away from the MHPA and provide shielding if necessary. Compliance with the mitigation measures identified in the Mitigation, Monitoring and Reporting Program (MMRP) of the Mitigated Negative Declaration (MND) would reduce any potential impacts to the MHPA to below a level of significance.

Community Plan Consistency: The Uptown Community Plan designates the subject site for low density residential development as well as open space. By limiting development to the less sloped and previously disturbed portion of the site, the project is in conformance with the Uptown Community Plan's recommendation that hillside development complement the natural character of the land, as well as minimize disturbance to the topography. The Uptown Community Planning Committee considered the project on March 1, 2005 and voted 13-0-1 in support of the project with no recommendations.

## CONCLUSION

Staff has reviewed the application materials and has determined that the proposed project is consistent with the purpose and intent of the Uptown Community Plan and the Environmentally Sensitive Lands Regulations. With the exception of the requested 4-inch side yard setback variance request, the project is consistent with the applicable development regulations of the RS-1-1 and RS-1-7 zones. Mitigated Negative Declaration No. 5838 has been prepared for the project and compliance with the Mitigation, Monitoring and Reporting Program would reduce potential land use adjacency/MHPA impacts to below a level of significance. Therefore, staff recommends that the Hearing Officer certify the Mitigated Negative Declaration, adopt the Mitigation, Monitoring and Reporting Program and approve Site Development Permit No. 9663 and Variance No. 9664.

## ALTERNATIVES

1. Approve Site Development Permit No. 9663 and Variance No. 9664, with modifications.
2. Deny Site Development Permit No. 9663 and Variance No. 9664, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Paul Godwin Development Project Manager

### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement

Job Order Number 42-2071