THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 29, 2008 **REPORT NO. PC-08-074**

ATTENTION: **Planning Commission, Agenda of September 4, 2008**

SUBJECT: PETRIE RESIDENCES – PROJECT NO. 18262. PROCESS FIVE

REFERENCE: Report to the Planning Commission No. P-03-102, dated April 23, 2003 (Attachment 13)

OWNER/ APPLICANT: John R. Petrie, Trustee of the John R. Petrie Trust Agreement, dated July 21, 2004 (Attachment 15)

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of a Rezone, Public Right-of-Way Vacation, Tentative Map and Site Development Permit for the creation of two lots, construction of one new single-family residence and construction of an addition to an existing single-family residence at 3520 Dove Court, within the Uptown Community Plan area?

Staff Recommendation:

1. Recommend the City Council **Certify** Negative Declaration No. 18262; and

2. Recommend the City Council **Approve** Rezone No. 42905, Public Right-of-Way Vacation No. 42923, Tentative Map No. 42906, and Site Development Permit No. 42924.

Community Planning Group Recommendation: At their April 1, 2008, meeting, the Uptown Planners voted 14-0-1 to recommend approval of the proposed project with no recommended conditions (Attachment 14).

Environmental Review: A Negative Declaration, Project No. 18262, has been prepared for this project in accordance with the State of California Environmental Quality Act.

Fiscal Impact Statement: None with this action. Project costs are paid by the applicant

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through a deposit account.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project consists of two parcels. The Uptown Community Plan designates Parcel "A" as Low Residential 5 to 10 dwelling units per acre (0.07 acres) and Open Space (0.29 acres). This site is currently developed with one existing single-family dwelling unit. The community plan designates Parcel "B" as Open Space (0.27acres). According to the Open Space and Recreation Element of the community, Parcel "B" is located in Biological/Geological Zone 1, which allows very low residential development at 1 to 2 dwelling units per acre. Based on the existing land use designation, 1 dwelling unit would be allowed on Parcel "B" resulting in the net increase of one single-family dwelling unit within the community.

BACKGROUND

The Petrie Residences project site is located at 3520 Dove Court, west of Bear Drive/Walnut Avenue, and north of Eagle Street, in the RS-1-7 and RS-1-1 Zones and the FAA Part 77 Noticing Area, within the Uptown Community Plan area (Attachment 3). The 0.63-acre site contains environmentally sensitive lands in the form of steep slopes.

The site is comprised of one parcel with an existing single-family residence (3520 Dove Court) and an adjacent parcel to the south, which is undeveloped. Through this permitting process, the applicant hopes to reconfigure the parcels, including portions of vacated streets, and create two new lots, which will permit the construction of additions to the existing residence on Parcel A, and the construction of a new single-family residence on Parcel B. In order to accomplish this, a Rezone, Public Rights-of-Way Vacation, Tentative Map, and Site Development Permit are required.

Community Plan Amendment

Prior to this project submittal, the applicant submitted a request to initiate a Community Plan Amendment for this proposal. On May 1, 2003, the Planning Commission approved a General/Community Plan Amendment Initiation to evaluate re-designating 0.56-acres of this project site from Open Space to Low Residential 5 to 10 dwelling units per acre in order to allow an additional dwelling unit on site (Attachment 13). Subsequently, through further review of the proposed project and the proposal to create two legal, separate parcels, a General/Community Plan Amendment was determined to no longer be necessary. According to the Open Space and Recreation Element of the community plan, the 0.27-acre portion of the project site is located predominantly within Biological/Geological Zone (Zone 1) of the Maple/Reynard Canyon System. The community plan identifies this area as the highest preservation zone which includes slopes of 25% or greater and canyon bottoms. According to the plan only very low residential development (1 to 2 dwelling units per acre) should be allowed within this zone, therefore the creation of a new, separate 0.27-acre parcel within this area would allow the development of 1 single-family dwelling unit.

The project is subject to a Process 5 City Council decision due to the request for the Rezone and Public Rights-of-Way Vacations.

DISCUSSION

Project Description:

The project proposes the reconfiguration of two existing parcels, including some areas of vacated streets. In addition, the construction of an addition to the existing residence located at 3520 Dove Court is proposed, along with the construction of a new single-family residence on the second lot. The site is irregularly shaped, and slopes down from Dove Court to the west.

The existing residence is accessed via the cul de sac at the end of Dove Court, at the top of slope. The new residence will be accessed via Bear Drive, which follows a different path to the site. Bear Drive extends off of Dove Court to the east of this site, and loops around to the west. Midway down the street, Bear Drive turns into Walnut Avenue, which ends at this project site at the junction with Eagle Street. The front of the site is closest to Dove Court, with the rear of the site located downslope.

Rezone:

The project site is located within two zones: RS-1-7 at the front, and RS-1-1 at the rear. The existing residence is located within the RS-1-7 Zone, although a portion of the proposed addition would be located within the RS-1-1 Zone. The new residence location is within the current RS-1-1 Zone entirely. With this project, the applicant proposes to modify the RS-1-7 Zone boundary so the existing residence and addition would be all located within the RS-1-7 Zone. In addition, the remaining portion of the site within the RS-1-1 Zone would be rezoned to RS-1-4 to permit the construction of the new single-family residence. Staff has reviewed this Rezone request and has determined it is consistent with the current land use designations in the Uptown Community Plan (Attachment 11).

Public Rights-of-Way Vacations:

The applicant's request includes several public rights-of-way vacations required to implement the proposed project. While the majority of Parcel A is existing, Parcel B is composed of portions of a non-contiguous parcel of land, separated by the dedicated Walnut Avenue right-of-way. This is also bounded by dedicated Eagle Street on the south. During the course of project review, staff requested the applicant also incorporate the vacation of additional off-site portions of Eagle Street since the applicant's proposed vacation would leave remnant portions of these dedicated rights-of-way which would be unusable. These vacations are further illustrated in Attachment 10.

In addition to these vacations, the portion of Walnut Avenue leading from Bear Drive to the new Parcel B site would be renamed to Bear Drive (Attachment 12). This would provide clarity and consistency on the street name in the neighborhood.

Tentative Map:

The existing residence at 3520 Dove Court sits on a legal lot. The proposed Tentative Map (Attachment 6) will provide for a reconfiguration of this lot, and incorporate the non-contiguous parcel and adjacent vacated public rights-of-way into a new parcel, resulting in two parcels (Parcel A and Parcel B). Parcel A will contain the existing residence addressed as 3520 Dove Court. Parcel B will contain the new single-family residence, but the address has not yet been requested or assigned; presumably it will be addressed on Bear Drive.

Site Development Permit:

A Site Development Permit is required due to the presence of environmentally sensitive lands on the site in the form of steep slopes. The site is irregularly-shaped and slopes descending from east to west. Steep slopes indicating the presence of environmentally sensitive lands are those that are natural, undisturbed slopes, 25% slope or greater, and have at least 50 feet in elevation. A slope analysis was prepared for this project. That analysis clarified the location of steep slopes on this project site. Minor portions of the additions to the existing residence at 3520 Dove Court are within the natural, undisturbed portion of the steep slopes. The new residence construction is located entirely within an area of previously-disturbed slopes, and has been designed to impact a minimal amount of this area, in accordance with Land Development Code regulations. Based on Land Development Code requirements, the applicant has made many plan revisions in order to achieve the project proposed. The proposed project conforms with all development regulations of the Land Development Code and no deviations or variances are requested or required with this action.

Community Plan Analysis:

The Uptown Community Plan designates the proposed 0.63-acre project site for Low Residential 5 to 10 dwelling units per acre and Open Space, of which the site is predominantly designated (Attachment 2). The project proposes to develop 0.27-acres of the total project site into a separate parcel ("Parcel B") and develop a new single-family residence. Parcel B would be entirely in community plan designated Open Space. The proposed Rezoning is consistent with the current community plan designations.

The Uptown Community Plan recommends that streets should be vacated only if the following can be made, that the right-of-way will not be used in the future:

- For public access;
- To provide public parking;
- To provide open space for public use; or,
- To maintain views of open space from public rights-of-way

The project proposes to vacate portions of Walnut Avenue and Eagle Street. The portion of these streets that are proposed for vacation would not provide use for public access. Nor would these portions of street provide for parking for a commercial district, park, or other destination of

interest. Rather, it would be used by residents and their guests. Additionally, the proposed street vacations would not preclude these users from parking along the remaining portion of Walnut Avenue, where there is available public, on-street parking. The portions of Walnut Street and Eagle Street proposed for vacation also would not provide for additional open space for public use since they are surrounded by private property. Further, the Uptown Community Plan does not identify any public views from the portions of Walnut Avenue and Eagle Street proposed for vacation therefore, no identified public views would be adversely impacted by the proposed right-of-way vacations.

Environmental Analysis:

A Negative Declaration was prepared for this project, which evaluated Biological Resources, Geology, and Historical Resources (architecture). It was determined that the proposed project would not result in significant impacts to these resources, based on the following:

- Biological Resources: A biological resources report was prepared to determine if the proposed project would have the potential to result in significant impacts to sensitive biological resources. The report concluded that the site contains a mixture of ornamental trees with interspersed native trees and shrubs, and that no biologically sensitive plant or animal species and/or habitats exist onsite. Due to the lack of sensitive biological resources, no impacts are expected and no mitigation would be required.

- Geology: The site occupies a ridge and southwest facing slopes above Reynard Way canyon. Elevation differential across the site is approximately 90 feet. West and adjacent to the site is a steep cut slope up to 70 feet high. The site is located in Geologic Hazard Category 52 as shown on the City's Seismic Safety Study maps. Geologic Hazard Category 52 is characterized as "other level areas, gently sloping to steep terrain, favorable geologic structure, [and] low risk."

  A geotechnical investigation report and several addenda were prepared for the proposed hillside project that addressed geologic hazards. Slope stability of the site was evaluated and the geotechnical consultant determined that the proposed building site and existing building site have adequate gross and surficial slope stability. The consultant opined that the proposed subdivision will be safe from geologic hazards. However, the western portions of site were determined to have a factor of safety of less than 1.5 with respect to slope stability due to the proximity of the existing steep cut slope located west and adjacent to the site. The project's geotechnical consultant has concluded that the appropriate measure to improve the slope's factor-of-safety would be the construction of a tie-back anchor or soil nail type retaining wall along the face of the off-site slope.

  Considering the steep slope is an existing offsite non-conforming condition, the owner has agreed to establish a "Building Restricted Easement" for the areas of the site determined to have a factor of safety of less than 1.5. In addition, a Notice of Geologic and Geotechnical Conditions has been recorded against the subject property which functions as a disclosure and hold harmless agreement.

- Historical Resources (architecture): The project proposes to construct an addition to an existing single-family residence that is 45 years in age or older. This residence at 3520 Dove Court has not been historically designated. Staff evaluated the site and records and determined the building does not meet the designation criteria for historical designation, and no mitigation is required.

Project-Related Issues:

As indicated above, the project originally included a Community Plan Amendment, which was deemed by staff not to be necessary once the actual project proposal was submitted with more refined details. During the course of project review, the applicant modified the proposal to incorporate proposed additions to the existing residence at 3520 Dove Court. The applicant has presented various forms of this proposal to Uptown Planners several times since originally submitted. Uptown Planners has always supported the proposal.

Community Planning Group:

The current and most applicable Uptown Planners recommendation is attached (Attachment 14). This recommendation incorporates the proposed addition to the residence at 3520 Dove Court, as well as the other project requests. At their April 1, 2008, meeting, the Uptown Planners voted 14-0-1 to recommend approval of the proposed project and stated the following: "The board expressed approval of the architectural style of the proposed structure, and believed it complimented the topography and character of the site it was to be located." No recommended conditions have been provided by Uptown Planners.

Other Communications:

Staff has received one letter from adjacent neighbors regarding this proposed project (Attachment 16). In this letter, signed as being from "The Mission Hills Park Board of Directors," the writers indicate their opposition to the off-site portion of the Eagle Street vacation. This letter was received in March 2007. Staff had received a few phone calls from the author for a few months after the date of the letter requesting updates on the review process. No calls have been received for over one year. As indicated above, staff supports the vacation of this off-site portion of Eagle Street since the applicant's proposed vacation would leave remnant portions of these dedicated rights-of-way which would be unusable.

Conclusion:

In summary, staff finds the project consistent with the recommended land use and development standards in effect for this site per the adopted Uptown Community Plan, the proposed RS-1-7 and RS-1-4 Zones. Draft conditions of approval and findings have been prepared for the Site Development Permit (Attachment 8), as well as information for the Rezone, Public Rights-of-Way Vacations and Tentative Map (Attachments 7, 9 and 11).

ALTERNATIVES

1. **Recommend** to the City Council approval of Rezone No. 42905, Public Right-of-Way Vacation No. 42923, Tentative Map No. 42906, and Site Development Permit No. 42924, with modifications.

2. **Recommend** to the City Council denial of Rezone No. 42905, Public Right-of-Way Vacation No. 42923, Tentative Map No. 42906, and Site Development Permit No. 42924, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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WESTLAKE/MAS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plans
6. Tentative Map
7. Draft Map Conditions and Subdivision Resolution
8. Draft Permit/Resolution with Conditions and Findings
9. Draft Public Rights-of-Way Vacation Resolution
10. Public Rights-of-Way Vacation Exhibits
11. Rezone – B-4267 and Ordinance
12. Street Name Change Exhibit and Resolution
13. Report to Planning Commission No. 03-102
14. Community Planning Group Recommendation
15. Ownership Disclosure Statement
16. Letter from The Mission Hills Park Board of Directors dated March 1, 2007
17. Project Chronology
18. Project Diagram – Clarification of Project Specifics
19. Project Site Photographs