

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: April 14, 2005

TO: Members of the City of San Diego Planning Commission

FROM: Patrick Hooper, Development Services Department

SUBJECT: Connolly Residence – Project No. 3760, Revised Documents

The Connolly Residence project was continued from the January 27, 2005, Planning Commission hearing in order to allow the applicant sufficient time to revise the plans and exhibits so the project would comply with the applicable development regulations of the Land Development Code and therefore, would no longer require a Variance request as a part of the application. The purpose of this memorandum is to confirm that the requested revisions have been made and the design of the single-family home now complies with the all of the underlying zone requirement including the minimum street and side yard setbacks. The Planning Commission Report No. PC-05-177 includes the revised plans and exhibits and the attachments, including the Neighborhood Development Permit and Resolution have been revised to reflect the change in the project scope.

DATE ISSUED: April 14, 2005 **REPORT NO. PC-05-177**

ATTENTION: **Planning Commission, Agenda of April 21, 2005**
(Continued from January 27, 2005)

SUBJECT: CONNOLLY RESIDENCE - PROJECT NO. 3760. PROCESS 5

OWNERS: Dr. Foster Carr & David Englert

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council to approve an application for a Neighborhood Development Permit and an Easement Abandonment to develop a 4,476 square-foot single dwelling unit with basement, pool, and three-car garage on a 0.22-acre site in the Normal Heights neighborhood?

Staff Recommendation:

1. Recommend that the City Council CERTIFY Negative Declaration No. 3760; and
2. Recommend that the City Council APPROVE Neighborhood Development Permit No. 6244; and
3. Recommend that the City Council APPROVE Easement Abandonment No. 182887.

Community Planning Group Recommendation: The Normal Heights Community Planning Committee voted 9-0-0 on August 6, 2002, recommending approval of the project with the condition that no gas line be permitted to the guest bedroom (Attachment 10). The condition is intended to prevent the guest bedroom from being converted to a companion unit in that it is attached to, but somewhat separate from the main house. This issue is addressed in the Neighborhood Development Permit (Condition No. 37).

Environmental Review: A Negative Declaration, Project No3760 , has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact: None. All of the costs associated with processing this application are paid for by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The Mid-City Communities Plan designates the proposed 0.22-acre project site for Open Space and Residential development at 1 to 5 dwelling units to the acre. Based on the existing lot area, only one single dwelling unit would be allowed on the proposed project site, which is currently vacant land. The proposed project would result in one dwelling unit that would be added to the housing inventory of the Normal Heights community. Since the proposed project does not propose the development of 2 or more units, it is exempt from the requirements of the Inclusionary Housing Ordinance.

BACKGROUND

The project site is located at 5242 Cromwell Court within the Normal Heights Neighborhood Element of the Mid-City Communities Plan. The Community Plan designates the site for Open Space and low density residential development at 1 to 5 dwelling units per acre. The vacant 0.22-acre site includes steep hillsides and has three different underlying zones. The portion of the property fronting Cromwell Court is zoned RS-1-7 and includes a previously graded area forming a relatively flat pad area. The middle area of the site is zoned RS-1-1 and includes some previously disturbed slope and fill material while the lower, undisturbed portion of the lot is zoned OR-1. The project site and several adjacent properties were previously developed with single-family homes that were destroyed in the 1988 Normal Heights Fire. The surrounding neighborhood is characterized by single-family homes above the adjacent hillsides and canyons with ridge-top development in a variety of sizes and architectural styles. Newer homes in the vicinity that were built after the fire tend to be much larger than the older homes in the immediate area.

Project-Related Issues:

January 27, 2005, Continuance

The project is requesting two discretionary actions including a Neighborhood Development Permit and an Easement Abandonment. However, in addition to the Neighborhood Development Permit and Easement Abandonment, the original project application included a request for a Variance to reduce the minimum street yard and side yard setbacks. Development Services staff did not support the request to reduce the setbacks and recommended that the Variance should be

denied. The determination to not support the reduced setbacks was based on the size of the proposed structure. Staff concluded that the project could be scaled down to conform to the development regulations and still be a fairly large house that would be considered a reasonable use of the property. The Planning Commission agreed with the staff determination and continued the project on January 27, 2005, in order to provide the applicant an opportunity to revise the design of the house so as to not require a variance to reduce the minimum street and side yard setbacks. The applicant has reduced the overall size of the structure by 124 square-feet in order to provide the minimum setbacks for each of the underlying zones.

Upon revising the development plan to comply with the applicable zoning regulations there are no unresolved issues with the proposed project. Staff supports the Neighborhood Development Permit and believes that an appropriately designed home could be developed on the site with no significant impacts to the surrounding neighborhood. Staff also supports the abandonment of the existing sewer easement that encumbers the development of the property.

Project Description:

The project proposes to develop the hillside site with a 4,476 square -foot, two-story single-family home above a partial basement. The development plans also include a pool and spa as well as ornamental landscape and brush management on the adjacent hillside. The Neighborhood Development Permit is required to develop the site because the property contains steep hillside and the proposed structure would not provide the required 40-foot setback from the top of the slope. The Easement Abandonment is necessary to remove an existing sewer easement located at the front of the site. The easement encumbers development of the property and must be abandoned in order to locate the structure at the top of the slope. The easement abandonment action requires City Council approval and therefore, the consolidated project is a Process Five decision.

Community Plan Analysis:

The Mid-City Communities Plan designates the proposed project site for Open Space and Residential development allowing 1 to 5 dwelling units to the acre. Development in the vicinity of the subject site is characterized primarily by single and two-story detached homes. The proposed development of a new 4,476 square-foot single-family dwelling meets the recommendation in the Residential Element for encouraging the construction of new market-rate housing.

Although the Mid-City Communities Plan does not specifically address a proposed project's strict adherence to building setbacks, such as the project's variance request, according to the community plan new development should emphasize and reflect neighborhood character in such characteristics as building size, height, setbacks, massing, landscaping, roofs, windows, front porches, street facades, and other architectural details. The proposed single-family structure does mimic and incorporate features of surrounding homes that are located along the Mission Valley rim, which incorporate a diverse mix of architectural elements and building styles.

The proposed development meets recommendations in the Natural and Cultural Resources Element of the community plan for maintaining steep hillsides as well as limiting encroachment into open space areas by proposing much of the development on the flat and level portion of the project site. The proposed residence is also multi-terraced towards the rear of the site in order to emphasize and retain the existing hillside landform.

Environmental Analysis:

An Environmental Initial Study was conducted on the site that determined that the proposed project would not have a significant environmental effect on the property or surrounding area. A biological letter report and a Geological Reconnaissance/ Soils Investigation were reviewed as part of the Environmental Initial Study. The biological letter report was prepared to evaluate the vegetation communities of the site and the Soils Investigation was conducted to inspect and determine the subsurface soil condition.

Biological field surveys included a sensitive plant species assessment, a general wildlife survey, and impact analysis. The report determined that the proposed project site supports three vegetation communities including Coastal Sage Scrub, non-native grassland, and the remainder of the site is comprised of Urban Developed and Disturbed habitat. No sensitive zoological species were detected during the survey and are not expected to occur on-site. The proposed project site is not located within, nor is it located adjacent to the Multi-Habitat Planning Area (MHPA) of the Multiple Species Conservation Program (MSCP) Subarea Plan. All proposed development would occur in the areas identified as Urban Developed and Disturbed habitat. Direct impacts to these communities are not considered significant and therefore no mitigation was required.

The project is located in a seismically active region of California and, therefore, the potential exists for geologic hazards, such as earthquakes and ground failure to affect the proposed development. According to the City of San Diego's *Seismic Safety Study*, the project area lies within Geologic Hazard Category 53. Hazard Category 53 is characterized as having an unfavorable geologic structure with moderate risk for instability. However, the Soils Investigation determined that the site is underlain by the competent Linda Vista Formation and that the potential for landslides in the area are considered minimal. Proper engineering design of all new structures would ensure that the potential for geologic impacts from regional hazards would be insignificant.

Critical Project Features to Consider During Substantial Conformance Review

The overall design and placement of the structure in relation to the hillside should be considered a critical project feature when reviewing any request for a substantial conformance review. Any revised design should be consistent with the hillside development guidelines and the recommendations within the Mid-City Communities Plan. Revised plans should maximize the

previously disturbed and padded area on the property fronting the street. Revised plans should step down the hillside and provide appropriate off-setting planes, varied roof lines and building articulation to minimize the bulk and scale of the structure both from Cromwell Court and equally important views from Mission Valley below. Additionally, pursuant to the Normal Heights Community Planning Committee's recommendation, the guest bedroom should not be converted into a companion unit without the appropriate development permit or amendment to Neighborhood Development Permit No. 6244 (Condition No. 37).

Conclusion:

The project proposes the development of a single-family home on a 0.22-acre site containing steep hillside and biological resources. The land use and density of the proposed project is consistent with the recommendations of the Mid-City Communities Plan's Normal Heights Neighborhood Element. An Environmental Initial Study concluded that the proposed development would not have any significant impact to the site or the surrounding area. The Normal Heights Planning Committee reviewed the proposed design including the requested variance and recommended that the project be approved. City staff is supportive of abandoning the existing sewer easement and developing the property with a single-family home consistent with the underlying development regulations. Therefore, staff recommends that the Planning Commission forward the project to the City Council with a recommendation to approve Neighborhood Development Permit No. 6244 and Easement Abandonment No. 182887.

ALTERNATIVES:

1. Recommend that the City Council APPROVE Neighborhood Development Permit No. 6244 and Easement Abandonment No. 182887 with modifications; or
2. Recommend that the City Council DENY Neighborhood Development Permit No. 6244 and Easement Abandonment No. 182887 if the applicable findings to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department**

**John P. Hooper
Development Project Manager
Development Services Department**

ESCOBAR-ECK/JPH

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan and Elevations
6. Draft Permit with Conditions
7. Draft Neighborhood Development Permit Resolution with Findings
8. Draft Easement Abandonment Resolution
9. Easement Vacation Exhibit
10. Community Planning Group Recommendation
11. Project Chronology
12. Ownership Disclosure Statement