

DATE ISSUED: September 8, 2005 **REPORT NO.** PC-05-268

ATTENTION: Planning Commission Agenda of September 15, 2005

SUBJECT: KIM RESIDENCE - PROJECT NO. 12765. PROCESS NUMBER 3

REFERENCE: HEARING OFFICER AGENDA OF JULY 13, 2005,
REPORT NO. HO-05-128

**OWNER/
APPLICANT:** SUN DUK AND YUN KIM (Attachment 8)

SUMMARY

Issue(s) - Should the Planning Commission approve the appeal of the Hearing Officer's decision to deny Tentative Map No. 27004 and Coastal Development Permit No. 27010 to allow the subdivision of one parcel into two legal parcels?

Staff Recommendation -

1. **APPROVE** the appeal and **APPROVE** Tentative Map No. 27004 and Coastal Development Permit No. 27010.

Community Planning Group Recommendation - On January 13, 2005, the Torrey Pines Community Planning Board voted 6-5-1 for approval.

Environmental Review - This project is categorically exempt from the California Environmental Quality Act pursuant to Section 15315 (Minor land divisions) of the State CEQA Guidelines.

Fiscal Impact - All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed project would create two residential parcels for the possible future construction of two market-rate housing units. The Torrey Pines Community Plan designates the site for residential development at a density of five to nine dwelling units per acre.

BACKGROUND

The property is located at 2501 Pinewood Street in the RS-1-6 zone and Coastal Zone of the Torrey Pines Community Plan area (Attachment 1). The 0.40 acre site is improved with a single family residence (Attachment 2). The surrounding residential neighborhood consists of one- and two story single family residences.

The San Diego Municipal Code, Section 125.0120, establishes a process allowing a subdivider to request, and the Hearing Officer to consider, approval of Tentative Maps, if the proposed subdivision complies with the Subdivision Map Act. The proposed project also required a Coastal Development Permit pursuant to the Land Development Code section 126.0702.

On July 13, 2005 the Hearing Officer denied the Tentative Map and Coastal Development Permit. The applicant requested to subdivide one legal parcel into two legal parcels (Attachment 3). On July 13, 2005 Sun Kim and Yun Kim, owners/applicants, appealed the decision to the Planning Commission (Attachment 4).

DISCUSSION

Project Description

The project proposes the subdivision of one lot into two legal parcels. Staff has determined the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. No new construction is associated with the approval of this Coastal Development Permit and Tentative Map. Any future owners would be required to process both a Coastal Development Permit and a Demolition Permit to demolish the existing house prior to constructing any new residence (Attachment 5, Condition No. 16). The site is located in a single family residential neighborhood. Parcel 1 would be 11,261 square feet and Parcel 2 would be 6,311 square feet. Both parcels would be of a triangular configuration if the subdivision is approved. The project site is zoned RS -1-6 which allows a minimum lot size of 6,000 square feet. Staff has determined both parcels would meet all regulations relating to lot depth, width, site distance, street frontage and minimum lot requirements.

The project proposes 650 cubic yards of cut at a maximum depth of eleven feet. The project would also include approximately 350 cubic yards of fill at a maximum depth of four feet. The project would export approximately 300 cubic yards of excavation and install retaining walls totaling 360 feet in length and a maximum height of four feet.

Community Plan Analysis

The Torrey Pines Community Plan designates the subject property for residential development at a density of 5-9 dwelling units per acre. The community plan states this density category is characterized by single-family detached homes on 5,000 to 6,000 square foot lots. Approximately 70% of the residential community in Torrey Pines is developed at this density. The community plan states this land use designation and density category is implemented through the R-1-500 and R-1-600 , now RS-1-7 and RS-1-6zones , respectively. The project site is zoned RS-1-6 which allows a minimum lot size of 6,000 square feet. Staff has determined the proposed subdivision is consistent with the Torrey Pines Community Plan

Appeal Issues

The Hearing Officer denied the project based on finding number five of the Tentative Map Resolution (Attachment No.6, Finding No. 5), which reads: The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).

The Hearing Officer concluded the conceptual driveway located on parcel two would cause a public health and safety issue by not providing the adequate visibility from the driveway to Pinewood Street. In addition, the Hearing Officer thought a variance would be required to develop the sites in the future

Staff has determined the subdivision would not be detrimental to the public health, safety, and welfare. No variances are being requested with the proposed subdivision and no variances would be required to develop the sites in the future. The Tentative Map provides the required visibility area consistent with Land Development Code Section 113.0273. The subdivision would meet all regulations relating to lot depth, width, frontage, visibility, and minimum lot size requirements. Development of these parcels would require future discretionary permits. Staff would review these designs for consistency with Land Development Code including the location of any driveways. During these reviews staff will confirm the required sight visibility areas are provided and meet the regulations. Staff has reviewed the required findings to approve the Tentative Map and Coastal Development Permit and determined the findings are supported. Staff recommends approving the appeal and approving the project.

CONCLUSION

There are no deviations or variances requested or required for the proposed subdivision. Staff has performed a thorough analysis of the proposed subdivision and supports the appeal and approval of the subdivision. The subdivision as currently proposed complies with all applicable regulations of the Land Development Code, State Map Act and policies of the City of San Diego. Both reasons cited by the Hearing Officer during the public hearing: (1) public health, safety, and welfare, (2) future variances, have been examined and considered by staff. Based on the proposed Tentative Map staff has determined the sight visibility area would not be an issue and no

future variances would be required to develop the site. Based upon the review of the subdivision and after determining the proposed subdivision is consistent with all applicable regulations, staff recommends approval of the appeal and approval of the subdivision. Draft conditions of approval have been prepared for the project (Attachments 5). The necessary findings required to approve the project are included in draft resolutions (Attachment 6 and 10).

ALTERNATIVES

1. Approve the Appeal and Approve Tentative Map No. 27004 and Coastal Development Permit No 27010with modifications.
2. Deny the appeal and deny the Tentative Map No. 27004 and Coastal Development Permit No. 27010, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division,
Development Services Department

Derrick Johnson, Project Manager
Customer Support and
Information Division
Development Services Department

Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Tentative Map
4. Copy of appeal
5. Draft Permit with Conditions
6. Draft Subdivision Resolution with Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Data Sheet
10. Draft Resolution with Findings