

DATE ISSUED: October 18, 2000

REPORT NO. 00-210

ATTENTION: Honorable Mayor and City Council
Docket of October 24, 2000

SUBJECT: MCKINLEY TENTATIVE PARCEL MAP (TPM No. 98-1183),
COUNCIL DISTRICT 7, PROCESS 4

REFERENCE: City Council 1472 form dated June 29, 1999, and attached Docket
Supporting Information, and Planning Commission Report No. P-99-094,
Agenda of
June 3, 1999

OWNER/
APPLICANT: Steve & Karen McKinley

SUMMARY

Issues - Should the City Council approve this Tentative Parcel Map to subdivide a 0.52 acre property into two lots, Parcel 1 at 16,116 square feet and Parcel 2 at 6,350 square feet?

Manager's Recommendation - APPROVE the Tentative Parcel Map to subdivide a 0.52 acre property into two lots.

Court Decision: The Court issued a Writ that commands the City of San Diego and City Council of San Diego to set aside its denial of Tentative Parcel Map No. 98-1183 and to reconsider the matter.

City Council Decision: On July 20, 1999, the Mayor & City Council voted 9-0-0 to DENY the Tentative Parcel Map.

Planning Commission Recommendation: On June 3, 1999, the Planning Commission voted 4-1-0 to DENY the Tentative Parcel Map.

Community Planning Group Recommendation: On January 19, 1999, the Navajo Community Planning Group voted 5-4-4 to recommend DENIAL of the project.

Environmental Impact: This activity is exempt from CEQA pursuant to State CEQA Guidelines Sec. 15315 *Minor Land Division*.

Fiscal Impact: A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

Code Enforcement Impact: None

Housing Affordability Impact: None

BACKGROUND AND PROJECT DESCRIPTION

This project is for Tentative Parcel Map (TPM) to subdivide a 0.52 acre property into two lots. The project site is located on the north side of Rockhurst Drive, approximately 200 feet west of Madra Avenue in the R-1-5,000 zone of the Navajo Community Plan Area. Many lots in the area are significantly larger than the minimum lot size of 5,000 square feet required by the underlying zone. The area is characterized by single family homes on hilly terrain.

On June 3, 1999, the Planning Commission voted 4-1-1 to deny the TPM. The Planning Commission felt that the two lots resulting from this subdivision would be out of character with other lots in the area. The applicant appealed the Planning Commission denial of the TPM to the City Council. On July 20, 1999, the Mayor and City Council voted 9-0-0 to also deny the TPM, agreeing with the Planning Commission that the TPM would result in a project that would be out of character with other lots in the area. The 100-foot frontage of the existing lot is about the same size as the frontages of all lots on Rockhurst Drive, and the immediate area. The subdivision will reduce the lot frontage from 100 feet to 50 feet. At 6,350 square-feet, proposed Parcel 2 would exceed the 5,000 square-foot minimum lot size requirement of the underlying zone, but would be significantly smaller in size than most lots in the immediate area.

The applicant subsequently filed suit in Court to challenge the City Council decision. As a result, the Court issued a Peremptory Writ of Mandamus, dated August 24, 2000 (McKinley v City of San Diego, et al, Case No. GIC 737246). The Writ commands the City of San Diego and City Council of San Diego to set aside its denial of Tentative Parcel Map No. 98-1183 and to reconsider the matter in light of the Court's ruling.

DISCUSSION OF ISSUES

The project site slopes upward from 525 feet above mean sea level (MSL) at the southeastern corner to 580 feet above MSL at the northwestern corner. The elevation differential is 55 feet. The existing side property lines are 206 and 243 feet; and the existing rear property line is 106 feet in width and the street frontage is 100 feet. The subdivision will carve out a rectangular 50 foot by 127 foot Parcel 2. Parcel 1 will also have a 50 foot frontage, and is proposed at 16,116 square feet. Parcel 2 is 6,350 square feet in area. The proposed lots are consistent with the size, width and length requirements of the R-1-5,000 zone.

The applicant has also identified building pad areas on the map to indicate that the lots can be developed with single-family homes that are consistent with development standards of the underlying zone, including building setbacks and building height. The property has also been reviewed and approved conceptually for compliance with the City's policies on drainage. City policy requires excess water to be directed away from adjacent properties into the City drainage system. Final drainage plans will be subject to the review and approval of the City Engineer. In addition, provision of street trees is a condition of approval.

Community Planning Group Review: The Navajo Community Planning Group discussion centered on two issues. (1) Many homeowners in the area feel that deed restrictions for properties on Rockhurst Drive prohibit the subdivision of existing lots. The project applicant disagrees. (2) The community also discussed that subdivision of this lot would adversely affect the existing character of the neighborhood. Lots on Rockhurst Drive and many nearby lots have 100 foot street frontages and are generally larger than the minimum lot size of 5,000 square-feet (0.11 acre). The proposal would create two lots with 50 foot frontages and 0.37 and 0.15 acres in size.

The Navajo Community Plan identifies this area for single-family residential development, and does not specifically address either of the two issues discussed by the community planning group. Planning & Development Review Department's role is to ensure the property meets the City's development regulations and guidelines. The City does not enforce property deed restrictions.

The project is consistent with all Municipal Code requirements relative to property subdivisions in the R-1-5,000 zone. Therefore, staff recommends approval of the project.

PROJECT DATA

DEVELOPMENT STANDARDS	REQUIRED	PROPOSED
Community Plan	Navajo	Navajo
Land Use Designation	Single-Family Residential	Single-Family Residential
Zone:	R-1-5,000	R-1-5,000
Lot Size:	5,000 Square-feet	Parcel 1: 16,116 Square- feet Parcel 2: 6,350 Square-feet
Street Frontage	50 Feet	50 Feet
Lot Width	50 Feet	50 Feet
Lot Depth	95 Feet	>200 Feet; 127 Feet
Setbacks		Parcel 1 Parcel 2
Front:	15	20 Feet 30 Feet
Side:	4	5 Feet 5 Feet
Rear:	4	145 Feet > 50 Feet
Public Right-of-Way:	80 Feet	80 Feet

ALTERNATIVES:

1. DO NOT APPROVE the TPM to subdivide a 0.52 acre property into two lots.
2. APPROVE the TPM to subdivide a 0.52 acre property into two lots, with a panhandle access to the second lot as an alternative to create the wider lot frontage that is common in this neighborhood.

Project Alternative 2 is a configuration that features a 20-foot wide street frontage that will serve as driveway access for Parcel 1. Parcel 2 will have an 80-foot wide frontage adjacent to Rockhurst Drive. In this configuration, Parcel 1 deviates from the minimum 50-foot frontage requirement of the RS-1-7 zone. LDC Section 126.0602(b)(1) allows exceptions to base zone development regulations with a Planned Development Permit (PDP). Findings for a PDP includes a provision that the “proposed development, when considered as a whole, will be beneficial to the community.”

Nearly all of the lots on Rockhurst Drive have frontages of about 100 feet in width. An 80- foot wide Parcel 2 will result in a project that is more compatible in this neighborhood. (The alternative is two lots with 50-foot frontages.) The proposed deviation for Parcel 1 is appropriate for this location, and will result in a project that is also more desirable to the neighborhood than a design that is in strict conformance with the development regulations of the RS-1-7 zone. In the proposed alternative, the project will comply with all other applicable regulations of the Land Development Code.

Staff believes that findings can be made to approve the subdivision with a panhandle configuration, as described in the attached exhibit.

Respectfully submitted,

Tina P. Christiansen, A.I.A. Approved: George I. Loveland.... ..
Planning & Development Review Director Assistant City Manager
HAASE:JB

- Attachments:
1. Location Map
 2. Tentative Parcel Map
 3. Draft Map Resolution/Permit
 4. Copy of Appeal(s)
 5. Parcel Map (Panhandle Alternative)
 6. Draft Planned Development Permit (Panhandle Alternative)
 7. Draft Map Resolution/Permit (Panhandle Alternative)
 8. Draft City Council Resolution for PDP Permit (Panhandle Alternative)

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Note: Attachments 1 through 5 are not available in electronic format. Copies are available for review in the Office of the City Clerk.