

DATE ISSUED: January 17, 2001

REPORT NO. 01-006

ATTENTION: Honorable Mayor and City Council
Docket of January 23, 2001

SUBJECT: Appeal of Planning Commission Approval, Weller Companion Unit,
No. 99-1317, Council District 7, PROCESS 3

REFERENCE: Planning Report No. P-00-169, Planning Commission Agenda of
September 28, 2000, and decision to approve an application to maintain a
companion unit as an accessory use to a single-family residence.

OWNER/

APPLICANT: Susan & Terry Weller

SUMMARY

Issues - Should the City Council DENY the appeal and UPHOLD the decision of the Planning Commission to approve a Conditional Use Permit (CUP) to maintain a companion unit at 6459 Celia Vista Drive?

Manager's Recommendation - DENY the appeal and UPHOLD the decision of the Planning Commission to approve the project.

Planning Commission Recommendation - On September 28, 2000, the Planning Commission voted 5-0 (Commissioners white and Skorepa not present) to approve the Conditional Use Permit No. 99-1317, citing that all the necessary findings could be made.

Community Planning Group Recommendation - On February 8, 2000 the Eastern Area Community Planning Committee voted 7-1-0 recommending denial of the application (Attachment 3).

Other Recommendations - None

Environmental Impact - None. This project has been reviewed and determined to be exempt from the California Environmental Quality Act (CEQA), based on Article 19 of the Guidelines for Categorical Exemptions, Section 15303 (New Construction or Conversion of Small Structures).

Fiscal Impact - None. All costs associated with processing this application are paid from a deposit account maintained by the applicant.

Code Enforcement Impact - The Neighborhood Code Enforcement Department has an open violation case on this project. The property owners Susan & Terry Weller, were notified that they needed to apply for and obtain a Conditional Use Permit for a companion unit in order to legalize the unit.

Housing Affordability Impact - The companion unit will contribute to available affordable housing for a person(s) with a disability or is a senior citizen age 55 and older. The companion unit, if not occupied by a member of the family residing in the single-family residence, can only be rented to persons meeting the above criteria.

BACKGROUND

The subject site in the Mid-City-Eastern Area Community Plan was developed in the 1950s with a two-story single-family residence with a one-car garage in the R1-5000 zone. The companion unit is located on the second floor at the rear of the residence. The companion unit is approximately 576 square feet and the existing single-family residence is 1,382 square feet.

The companion unit contains a kitchen with a wet bar, a bedroom/living room area, and a 3/4 bath. The companion unit is attached to the single-family residence but has no interior access to the residence. Two additional off-street parking spaces have been provided in the west interior side yard which corrects the required off-street parking deficiency for the single-family residence, while adding one additional required off street parking space for the companion unit.

The surrounding neighborhood is developed with small to medium size residences that provide at least one off-street parking space. One other Conditional Use Permit for a companion unit has been approved in this Eastern Area Community Planning Area. Casita del Patio Companion Unit No. 86-0209 located at 4171 58th Street was approved by City Council on July 15, 1986.

This neighborhood is in close proximity to San Diego State University where properties are often rented by students. On July 19, 2000, the Hearing Officer based a decision of denial as specified in Attachment 5, partly citing there were enforcement problems when properties are rented by students. However, in accordance with the draft permit conditions, the occupant of the companion unit must be age 55, a disabled person, or a member of the primary unit's family. Other single-family residences in this neighborhood offered for rent, do not have this restriction.

Although the Eastern Area Community Planning Group voted against the project (see attachment 3), neighbors that live in close proximity signed a petition in support of this project (see attachment 4). The Eastern Area Community Planning Group was mainly concerned with the property becoming a rental that would be occupied by college students.

Terry and Susan Weller appealed the Hearing Officer's decision made at the July 19, 2000 hearing citing that a Factual Error occurred (Attachment 8). The Weller's project initially went to hearing on June 28, 2000 and was continued by the Hearing Officer to July 19, 2000, because the applicants needed to provide one additional off-street parking space on the plans. There was no public testimony in opposition at the June 28th hearing. The Weller's removed a fence and resubmitted revised plans to show the additional parking space prior to the scheduled hearing on July 19, 2000. The Hearing Officer at the July 19, 2000, public hearing, considered public testimony and rendered a decision of denial. The Weller's believe that they are in compliance with the conditions and criteria set forth in San Diego Municipal Code 101.0512 and request that the project be approved.

The Planning Commission heard testimony in favor of the appeal and in opposition of the appeal on September 28, 2000. The Planning Commission voted 5-0 (Commissioners White and Skorepa not present) to approve Susan & Terry Weller's appeal of the Hearing Officer's decision of denial and approved the conditional use permit CUP No. 99-1317, citing that all of the necessary findings could be made.

DISCUSSION OF ISSUES (OR) PROJECT ANALYSIS

The appeal filed by the Eastern Area Community Planning Committee (Attachment 9) of the Planning Commission's decision of approval at the September 28, 2000 hearing is based on their belief that this is in conflict with the Land Use Plan, Council Policy or Municipal Code and is of City-wide Significance.

They are concerned that this unit will be used as a rental for college students. The proposed permit conditions however, state that the occupants of the unit must be a member of the owner's family, or a person 55 years of age or older, or a disabled person.

The Planning Commission nonetheless, found that this project is not in conflict with the Land Use Plan, Council Policy or Municipal Code, nor is it of City-wide Significance. The project as proposed, is identified in the Mid-City-Eastern Area Community Plan which encourages the creation of additional rental housing by upgrading and/or rehabilitating existing single family residences. The Weller Companion Unit complies with all of the R1-5000 zoning development regulations and is an interior remodel that does not affect the exterior design of the residence. Therefore, City staff recommends approval of the Conditional Use Permit.

This project, if approved, will be consistent with other approved Conditional Use Permits for Companion Units throughout the City of San Diego (See Attachment 10). With this fact, City Staff believes that this project is not of City-wide Significance and recommends that the Council deny the Appeal and Uphold the decision of the Planning Commission.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Review Director

Approved: George I. Loveland
Senior Deputy City Manager

CHRISTIANSEN/LDH

- Attachments:
1. Project Location Map(s)
 2. Project Site Plans
 3. Community Planning Group Recommendation
 4. Petition in Support of Project from Neighbors
 5. Resolution of Denial from the Hearing Officer
 6. Planning Commission Permit Findings for Approval
 7. Planning Commission Resolution for Approval
 8. Weller's Appeal Application
 9. Eastern Area Community Planning Group's Appeal
 10. List of Approved/Denied CUPs for Companion Units

Note: The attachments are not available in electronic format. Copies of the attachments are available for review in the Office of the City Clerk.