



23 October 2017

**RE: Substandard Parcel Consolidation**

Dear Councilmember Zapf:

As Chair of the Peninsula Community Planning Board, I am conveying to you, as City Council Representative for the Peninsula Community, the consensus of the PCPB that the Peninsula Community is in **SUPPORT** of lot consolidation of any parcel or unit of land that does not conform to standards for minimum parcel size under the applicable zone when lots / parcels have common ownership. Furthermore, the PCPB **ENCOURAGES** city staff to act on such parcels.

Even though rights to development are an important benefit to existing property owners, as well as new residents, substandard lot development could negatively impact the neighborhood not only in size, bulk, scale and height but in being out of character with the neighborhood. The Peninsula Community Plan should be applied to substandard lot development as the proposed developments are out of character with the neighborhood and could possibly reduce property values.

Reference page 23 Peninsula Community Plan as follows:

*Recommendations:*

- *The existing low - and very low - density residential areas shown on Figure 7A are characterized by traditional single family development - i.e., detached housing units on individual lots. These areas should have single-family zoning (R1 - 5,000, R1 - 8,000, R1 - 10,000 or R1 - 20,000) and should be protected as single-family neighborhoods in the future. Therefore, requests for rezoning or other discretionary actions in these areas which could result in construction of any type of residential structures other than traditional single-family residential dwellings should be denied.*

We request the City of San Diego encourage lot consolidation when lots / parcels have common ownership and apply the principles of the 1970 ordinance to prohibit the sale of substandard lots / parcels and the subsequent 1989 Intent to Merger ordinance.

<http://docs.sandiego.gov/municode/MuniCodeChapter12/Ch12Art05Division07.pdf>



The following exhibits have been created by community members and have not been verified for accuracy. They are provided as reference and background information to support the PCPB recommendation stated above:

- Lot Maps – Map diagrams of substandard lots in the Peninsula Community
- Parcel List – List of unmerged and adjacent parcels in the Peninsula Community
- City of SD Memo – Lot Merger Notices (August 11, 1989)
- City Report – Subdivision Map Act (June 19, 1989)

Copy of letter distributions to:

- **Honorable Council Member Lorie Zapf, San Diego Council District 2**
- **Jack Straw, Director of Land Use for Mayor Kevin L. Faulconer**
- **Jeff Murphy, Director of the Planning Department**
- **Robert Vacchi, Director of Development Services Department**
- **Mara Elliot, City Attorney**
- **Leslie FitzGerald, Deputy City Attorney**

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Linney", is positioned above the printed name.

Jon Linney, Chair (PCPB)

*Approved by Action of the Peninsula Community Planning Board on 19 October 2017.*



4537 Newport Avenue (between Froude Street and Guizot Street)  
APN: 448-652-1900, 2000, 2100, 2200



4572 Santa Cruz Avenue (between Froude Street and Guizot Street)  
APN: 448-641-0300, 448-641-0600



3566 Wawona Drive (between Wawona Drive and Nimitz Boulevard)  
APN: 449-562-0400



1865 Capistrano Street (between Capistrano Street and Oliphant Street)  
APN: 530-281-1000, 1100



3414ish?? Jennings Street (between Loma Valley Place and Bangor Street)  
APN: 531-593-0300, 0400

868ish?? Bangor Street (between Jennings Street and Lucinda Street)  
APN: 531-593-0700



23 October 2017

## Peninsula Community Unmerged and Adjacent Parcel List

- 3414 Jennings Owners: Janet Axtater
- 3424 Jennings Owners: Stephen Jordan & Diana S Carter  
8446 Via Sonoma #91 LJ CA 92037 351-593-04-00
- 3434 Jennings Owners: Jennings Street  
13577 Tierra Vista Circle SD CA 92130 351-593-03-00  
Change of ownership 8/26/2016

### BANGOR:

- 868 Bangor Owners: Manuel & Marie Sedano  
2111 Morena Blvd SD CA 92110 531-593-08-00 / 531-593-07-00  
Change of ownership 7/13/2017 \$2,517,500

1865 Capistrano Owner: Patricia Rank 1865 Capistrano 531-281-10-00  
Patricia Rank 1865 Capistrano 531-281-11-00 CORNER  
Nathan Browne 449-562-03-00

3566 Wawona Dr Owner Leo Canon 3566 Wawona 449-562-04-00  
Gary Armeen Jr 449-562-05-00

### NEWPORT AVE:

- 4537 Newport Owner Edward Cass 3569 5th Avenue SD CA 92103 448-652-19-00  
Edward Cass 3569 5th Avenue SD CA 92103 448-652-20-00  
4537-49 Newport 1262 Scott SD CA 92106 448-652-21-00  
Edward Cass 3569 5th Avenue SD CA 92106 448-652-22-00

### SANTA CRUZ AVE:

4572 Santa Cruz Owner Michael Panteleo 4572 Santa Cruz SD CA 92107 448-641-03-00  
Michael Panteleo 4572 Santa Cruz SD CA 92107 448-641-04-00  
4566 Santa Cruz Owner Michael Murdurian 4566 Santa Cruz SD CA 92107 448-641-05-00  
Michael Murdurian 4566 Santa Cruz SD CA 92107 448-641-06-00

*The information provided above has been provided by community members and has not been verified for accuracy. The information is provided as reference and background information to support the PCPB recommendation stated in the letter.*

City of San Diego

MEMORANDUM

Date: August 11, 1989

To: Planning Dept. Staff

From: Joe Flynn, Deputy Planning Director *Joe*

Subj: Lot Merger Notices

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TODAY, notices of intent to merge substandard lots in the R-1 zones were mailed to 5,000 property owners in San Diego. All calls from the public seeking additional information about these "Notices of Intent to Merge" should be referred to Anne Longworth of Neighborhood Services Div. and Monica Crouch of E&D Dept. at 696-3288.

PLEASE advise callers that the phones may be busy for the first few days but should be easier to get through later.

FOR YOUR INFORMATION, this mailing of notices does not create a new or more restrictive regulation. The City of San Diego in 1970 adopted an ordinance that would prohibit the sale of substandard lots held in contiguous ownership. For example, if you own two 25'x100' lots in the R-5000 zone, you have a legal parcel of 5000 sq. ft. You may build one house on the parcel or sell the two lots to a new owner. You may not, however, sell the lots separately. To do so would create two substandard 2500 sq. ft. lots and violate the 1970 ordinance.

More recently, State Law was amended to require all cities with ordinances such as San Diego's (referred to as merger ordinances) to notify all property owners affected by such ordinance. This required research to identify all ownerships in single family zones where at least one of the lots was less than 5000 sq. ft., and to send a notice of intent to merge to those owners. Owners may request a hearing to contest this action if they can show that; all of the lots in question are larger than 5000 sq. ft.; each individual lot is already occupied by a dwelling unit; a copy of a trust deed recorded prior to Aug. 11, 1989 showing separate sale of the lots; or that application for building permits for separate dwellings was made before Aug. 11, 1989.

Requests for Hearing should also be directed to Anne Longworth or Monica Crouch at 696-3288.

cc: Citizen's Assistance Dept.  
Engineering & Development Dept.  
Council Offices

City of San Diego

MEMORANDUM

Date: July 19, 1989

To: Robert P. Spaulding, City Planning Director  
Severo Esquivel, Deputy City Manager

From: Joe Flynn, Deputy Director, Planning *Joe*  
Frank Belock, Deputy Director, E&D

Subj: Lot Merger: Implementation requirements and costs.

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On July 10, 1989 Council adopted amendments to SDMC 102.0800 to provide implementing legislation to effect lot mergers. This Ordinance becomes effective on Aug. 10, 1989.

This update outlines the requirements and costs of implementation. This project was funded by Council action on July 17, 1989.

IMPLEMENTATION ACTION REQUIRED

To effect lot merger, State law requires that owners of substandard lots be notified by certified mail of the City's intent to merge. Notice must also be filed with the County Recorder for those same properties. Owners may within 30 days of receipt of the notice, request a public hearing. The City must schedule a hearing within 60 days of the request, notify the owner in writing, hold the hearing, provide written decisions, and notify the owner. The results of these hearings and action on other properties where hearings were not requested must also be filed with the County Recorder. Certified mail notices of the results must also be sent to the owners. At that point, merger has been effected.

Currently, some 5,250 parcels which qualify for merger have been identified. A computer program has been developed to prepare the notices of intent and manage the hearing schedule and required subsequent notices of action. Once the notices have been mailed telephone information lines must be staffed to respond to questions by owners and schedule hearings.

To provide temporary staff for hearing officers, the intent is to use recently retired city employees, those on part time status, or on leave of absence. Senior Planner or Senior Engineer is the target level. A list of candidates is being developed.

Timing is critical to implementation of lot merger. Once the notices have been mailed State law requires that the remaining action must be completed within 90 days.

PROJECT COSTS

The remaining cost of this project is \$52,453. Of this, \$18,068 is directly related to mailing of notices. The remaining \$34,385 involves staff time devoted to phone information, scheduling and holding hearings, preparing written decisions, and recording required notices. A detailed breakdown follows:

Phone Inquiries.....	\$4,409
Notice Preparation.....	2,738
Phone & Staff for	
Hearing officers.....	6,522
Clerical Support.....	6,675
Hearing Officers.....	16,779
Computer Programs & Reports.....	3,000
Mailing Costs.....	11,550
Hearing Notices.....	394
Material Costs.....	386
<hr/>	
TOTAL.....	\$52,453



CITY PLANNING DEPARTMENT

# REPORT

# 202  
6/26/89

To The Honorable Mayor and City Council • City of San Diego

Date Issued: June 19, 1989

ATTENTION: City Council, Agenda of June 26, 1989.

SUBJECT: Section 66451.21 of Subdivision Map Act.

REFERENCE: City Council May 15, 1989, Resolution of Intent to Comply with Section 66451.21 of Subdivision Map Act.

ENVIRONMENTAL IMPACT: This activity is exempt from CEQA pursuant to the General rule, State CEQA Guidelines Section 15061 (b) (3).

SUMMARY:

Issue:

Should the City Council adopt amendments to Section 102.0800 of the Municipal Code to comply with Section 66451.21 of the Subdivision Map Act.

Planning Director and City Manager Recommendation- Adopt the amendments and direct the Planning Director, Manager, and City Attorney to proceed with actions necessary once funding sources have been identified.

Other Recommendations - None.

FISCAL IMPACT: \$52,400 Unfunded in FY90 Budget

BACKGROUND: The State of California in 1983 thru 1986 amended the Subdivision Map act to provide procedures for the merger of certain adjacent parcels of land which do not meet the size requirements of the zone in which the property is located. This amendment established procedure for cities and counties to follow to effect merger. The Resolution of Intent adopted by Council on May 15, 1989 met the initial requirement of State Law. Council adoption of this Municipal Code amendment would provide the local ordinance necessary to comply with State Law.

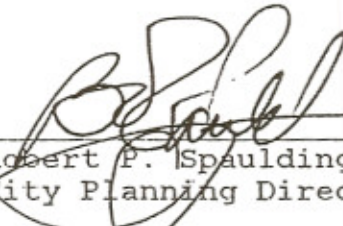
COPIES  
CITY PLANNING DEPARTMENT  
SAN DIEGO, CA  
JUN 21 AM 9:00

DISCUSSION: On January 10, 1989 the Council in closed session discussed the case of Greene v. City. In that case the court ruled that SDMC Sec. 101.0407 (5) which prohibits the creation of substandard lots was pre-empted by a 1984 amendment to the State Subdivision Map Act. The City had not fulfilled the noticing requirements of State law necessary to effect merger, i.e.. prohibit the creation of substandard lots.

Staff has completed an initial inventory of some 5,250 affected parcels. Based on this number and the process required cost estimates were identified. \$10,000 has been expended to date with a remaining need for \$52,400 necessary to complete the program in FY 90. Costs involved are primarily labor, for staff and hearing officers. Mailing costs, including two separate certified mailings would be \$12,000. The process leading to notification was initiated with adoption of the Resolution of Intent on May 15, 1989. This ordinance provides the implementing authority.

ALTERNATIVES:

1. Do not adopt this ordinance. This alternative is not recommended.
2. Direct the use of existing Planning Department and Engineering and Development staff to implement the program and delay programs identified in the proposed FY 90 budget. This would still require identifying in the FY 90 budget \$12,000 for mailing costs.



Robert P. Spaulding  
City Planning Director



Severo Esquivel  
Deputy City Manager

RS:SE:JF

CITY of SAN DIEGO  
MEMORANDUM

**URGENT**  
**EXPEDITE**

FILE NO. :  
DATE : June 29, 1989  
TO : City Attorney  
FROM : City Clerk  
SUBJECT: Council Docket of 6-26-89 - ITEM-202

ITEM-202: (0-89-237)

Introduction of an Ordinance amending Chapter X, Article 2, of the San Diego Municipal Code by adding Division 8, Sections 102.0801 through 102.0809 relating to the Merger of Parcels of Land.

**PLANNING DEPARTMENT SUPPORTING INFORMATION:** The California Subdivision Map Act requires the adoption of an ordinance prior to the merger of certain adjacent parcels of land which do not meet the size requirements of the zones in which the property is located.

**FISCAL IMPACT:** None with this action.

Spaulding/JF

**COUNCIL ACTION WAS:** Introduce the ordinance and direct the City Attorney to bring to docket an emergency ordinance relative to the ordinance at the next Council meeting.

**COUNCIL VOTE WAS:** 6-0. Districts 3, 4, 5 not present.

Please prepare the necessary emergency ordinance, using the appropriate language, and forward to the Clerk's Office to go on the docket for July 10, 1989.

**NOTE:** Due to the holiday, the docket closing date for July 10 was June 26 (or this date). The deadline for getting material on the supplemental docket is Wednesday, July 5, 1989.

CHARLES G. ABDELNOUR  
City Clerk

By Ellen Bovard  
Ellen Bovard, Deputy

0-17319

ADOPTION AGENDA, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

*[Handwritten signature]*

*[Handwritten initials]*

ITEM-202: (O-89-237)

Introduction of an Ordinance amending Chapter X, Article 2, of the San Diego Municipal Code by adding Division 8, Sections 102.0801 through 102.0809 relating to the Merger of Parcels of Land.

PLANNING DEPARTMENT SUPPORTING INFORMATION: The California Subdivision Map Act requires the adoption of an ordinance prior to the merger of certain adjacent parcels of land which do not meet the size requirements of the zones in which the property is located.

FISCAL IMPACT: None with this action.

Spaulding/JF

ITEM-203: (O-89-240)

Introduction of an Ordinance authorizing the issuance, sale and delivery of Multifamily Mortgage Revenue Refunding Bonds in a principal amount not to exceed \$4,150,000 for the purpose of making a Mortgage Loan to provide funds to finance the cost of developing a Multifamily Rental Project (Zigman/Foxwood Apartments); approving and authorizing the execution of related documents, agreements and actions.

(See Housing Commission Report HCR-89-003CC.)

NOTE: Six votes required pursuant to Section 99 of the City Charter.

**REQUEST FOR COUNCIL ACTION**  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER:

TO: CITY ATTORNEY

2. FROM: (ORIGINATOR)  
PLANNING DEPARTMENT

3. DATE  
JUNE 13, 1989

4. SUBJECT:  
ORDINANCE TO COMPLY WITH SECTION 66451.21 OF SUBDIVISION MAP ACT.

5. PREPARATION OF:  RESOLUTION(S)  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

Ordinance amending Section 102.0800 of the San Diego Municipal Code.

JUN 14 8 31 AM '89  
CITY ATTORNEY

6. SUPPORTING INFORMATION: (INCLUDE ONLY INFORMATION NOT COVERED ON FORM 1472A, "DOCKET SUPPORTING INFORMATION".)

Draft Ordinance

Local Coastal Program does not apply.

Public Noticing is not required.

Environmental Impact: This activity is exempt from CEQA pursuant to the General Rule, State CEQA Guidelines Section 15061 (b) (3).

7. FOR INFORMATION CONTACT: (NAME & MAIL STA.)  
JOE FLYNN M.S. 4 A

8. TELEPHONE NO.  
236-6102

9. CHECK IF "DOCKET SUPPORTING INFORMATION" ATTACHED

10. COMPLETE FOR ACCOUNTING PURPOSES:

	BUDGETED	UNBUDGETED
FUND/DEPT.		
ORGANIZATION		
OBJECT ACCOUNT		
JOB ORDER		
WORK ORDER NO.		
C.I.P. NO.		
FACILITY		
AMOUNT		

12. ESTIMATED COST:

11. ROUTING AND APPROVALS			
ROUTE (✓)	APPROVING AUTHORITY	DATE SIGNED	
✓	DEPARTMENT DIRECTOR <i>Robert F. Spalding</i>	<i>12/10/89</i>	
X	CLEARING AUTH. EQD Ann Hex <i>Ann Hex</i>	<i>9/13/89</i>	
	CLEARING AUTH.		
	CLEARING AUTH.		
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	CLEARING AUTH.		
	DEPUTY CITY MANAGER		
	AUDITOR		
	CITY ATTORNEY		
X	ORIGINATING DEPARTMENT Joe Flynn <i>Joe Flynn</i>	<i>8/13/89</i>	
	Mgr. Dkt. Clerk		
	Council Rep.		
			RULES COMMITTEE <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> <input type="checkbox"/> Refer to <i>RWC</i> Date <i>6/26/89</i>

JUL 10 1989

DOCKET SUPPORTING INFORMATION  
CITY OF SAN DIEGO

DATE:

JUNE 13, 1989

SUBJECT:

ORDINANCE TO COMPLY WITH SECTION 66451.21 OF SUBDIVISION MAP ACT

BACKGROUND: (DOUBLE SPACE)

California Subdivision Map Act requires the adoption of an ordinance prior to the merger of certain adjacent parcels of land which do not meet the size requirements of the zones in which the property is located.

Fiscal Impacts: None with this action.

BYLINE: (DEPUTY CITY MGR/DEPT. HEAD/AUTHOR INITIALS)

RPS/JTF

  
Robert P. Spaulding, City Planning Director  
ORIGINATING DEPT. HEAD

CITY MANAGER  
(FOR MANAGERIAL DEPARTMENTS ONLY)

#52

BRING BACK ITEM

(Attach to Docket Sheet)

ITEM NO. 202 BRING BACK DATE \* 7/10/89  
 DOCKET DATE 6/26/89 ORDINANCE NO. 0-89-237  
 RECORDER'S INITIALS eb

ORDINANCE WAS AMENDED BY COUNCIL ACTION AT TIME OF INTRODUCTION

ORDINANCE IS TO BE RE-INTRODUCED

ORDINANCE TO BE ADOPTED

MOTION BY: 1 Second by: 7

COUNCIL VOTED 6 TO 0

YEAS 12 6 7 8 M NAYS 0 NOT PRESENT 3 4 5

INELIGIBLE \_\_\_\_\_ DISTRICT VACANCY \_\_\_\_\_

\* An Ordinance is brought back for adoption by Council approximately two weeks after the Ordinance has been introduced.

*Pls note:  
Council Member  
Wolfheimer requested  
an emergency Ord.  
be attached memo  
to CA.*