



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: January 19, 2005 REPORT NO. HO-05-003

ATTENTION: Hearing Officer

SUBJECT: DEL MONTE AVENUE MAP WAIVER
PROJECT NUMBER: 50796

LOCATION: 4934, 4936, and 4936 ½ Del Monte Avenue

APPLICANT: Robert J. Bateman, San Diego Land Surveying and Engineering
Point Loma Developments, LLC-Randall Vancil, Manager, Owner

SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit (CDP) 53089 and Map Waiver 53080 to waive the requirements for a Tentative Map and undergrounding to convert three existing residential units to condominiums?

Staff Recommendation - APPROVE Coastal Development Permit No. 53089 and Map Waiver 53080.

Community Planning Group Recommendation – The project was presented at the Ocean Beach Planning Board’s General Meeting on January 5, 2005. The Board recommended approved the map waiver with the condition of two parking spaces per unit be allocated, by a vote of 9 in favor, 0 opposed, and 1 abstention.

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines.

BACKGROUND

The 0.080 acre (3,493.74 square foot) project site consists of three for-rent residential units in two buildings at 4934 Del Monte Avenue (a two-story stucco building); and 4936 Del Monte Avenue, and 4936 ½ Del Monte Avenue (both in a two-story stucco building). The Assessors Parcel Number is 448-172-07. The project location is between Bacon and Cable Streets within the Ocean Beach Community Plan in an area designated as residential use and zoned RM-2-4 (Residential – Multiple Unit) with a maximum density of 1 dwelling unit per 1,750 feet of lot area. The two structures were originally built in the late 1960s. Two of the units are currently

occupied, one by the owner, and one on a short-term lease. The third unit is vacant. The project site is bordered by residential uses on all sides.

DISCUSSION

This project proposes to convert the three rental residential units to for-sale residential units by subdividing the existing single lot into three condominium units. Section 125.0120 of the City's Land Development Code establishes a discretionary process which allows an applicant to request and the Hearing Officer to consider a waiver of Map requirements for subdivision proposals which demonstrate compliance with the State's Subdivision Map Act.

The 3,494 square foot property is within the RM-2-4 zone. Prior to May 1985, the site was zoned R-4. The property is also within the Coastal Overlay Zone (Non-Appealable Area 2) (Map C-730), the Coastal Height Limitation Overlay Zone, the Beach Parking Impact Overlay Zone (Map C-731), the Airport Environs Overlay Zone, and Airport Approach Overlay Zones. All of these overlay zones were applied to the area after the project was constructed.

The Ocean Beach Precise Plan (adopted July 3, 1975 by the City Council and updated September 20, 1983, May 14, 1986 and February 15, 1991) established residential dwelling unit guidelines for 25 dwelling units/acre (du/ac) allowable up to 38 du/ac in this area of South Ocean Beach. The three unit project was constructed at 37.5 du/ac in the late 1960s under the R-4 zone, prior to the establishment of the Precise Plan. It is assumed development met zoning and building regulations in effect at that time. Under current RM-2-4 zone, only two units could be constructed on the site (one unit per 1,750 square feet of lot area).

The site deviates from current parking requirements; however, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Future expansion or redevelopment of the project site is subject to review under current development regulations. At the time the project was constructed, the on-site parking requirement for residential development was one space per dwelling unit which would be three spaces. The project is proposing a total of five parking spaces. The site plan shows three spaces provided off the alley plus an additional two spaces located within the front yard setback and public right-of-way off Del Monte Avenue. There are no Building or Zoning Code violations of record against this property.

Affordable Housing:

The project is subject to the Inclusionary Housing regulations. To meet the requirements of the inclusionary ordinance, the applicant will pay an in-lieu fee prior to receiving a parcel map/certificate of compliance. The project application was Deemed Complete on October 20, 2004; therefore the applicable fee for a project 10 units or less is \$0.875/square foot. Prior to the recordation of the Parcel Map, the subdivider shall pay an Inclusionary Affordable Housing In-Lieu Fee of \$1,903.13 [calculated as 2,175 square feet of unit area x \$0.875 per square foot] pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance

(Chapter 14, Article 2, Division 13 of the Land Development Code at 142.1310, Table 142-13D; and DSD Information Bulletin 532).

In order to comply with the relocation requirements of the Condominium Conversion ordinance, the applicant completed a tenant income survey and submitted it to the Housing Commission. The Housing Commission has indicated that the applicant has satisfied all the provisions of the Municipal Code for Tenant Relocation Benefits. There are no further conditions to be met.

This project is exempt from the Coastal Affordable Housing Compliance program restrictions. Municipal Code Section 143.0820 defines exemptions from the Coastal Overlay Zone Affordable Housing Replacement Regulations. It states that the conversion or demolition of 10 or fewer dwelling units on a premise with more than one residential structure is exempt.

Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640). Two of the three units are currently occupied, one of which is occupied by the owner. The remaining tenants have been adequately noticed as acknowledged in paragraph 19 of their month-to-month rental agreement. Government Code 66452.3, requires that a copy of the staff report be served to each tenant, at least 72-hours (3 calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before January 14, 2005.

Conclusion:

Staff has determined the proposed waiver conforms to the applicable requirements of the State's Subdivision Map Act Section 66428. Therefore, a Tentative Map may be waived for this project. The project meets all the required findings for a Coastal Development Permit in accordance with the City of San Diego Municipal Code at §126.0707(b).

ALTERNATIVES

1. Approve, with modifications, Coastal Development Permit (CDP) 53089 and Map Waiver 53080.
2. Deny Coastal Development Permit (CDP) 53089 and Map Waiver 53080.

Respectfully submitted,

Cory Wilkinson, Development Project Manager

Attachments:

1. Site Location
2. Aerial Photo (1999)
3. Community Plan Land Use Map
4. Zone Map
5. Community Plan Density
6. Parcel Map and Photo Key
7. Existing Conditions – Photo 1
8. Existing Conditions – Photo 2
9. Existing Conditions – Photo 3
10. Existing Conditions – Photo 4
11. Existing Conditions – Photo 5
12. Existing Conditions – Photo 6
13. Project Data Sheet
14. Project Plans
15. Draft Permit with Conditions
16. Draft Resolution with Findings
17. Community Planning Group Recommendation
18. Ownership Disclosure
19. Project Chronology