



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: August 10, 2005

REPORT NO. HO-05-141

ATTENTION: Hearing Officer

SUBJECT: PERRISEAU RESIDENCE  
PROJECT NUMBER: 28869

LOCATION: 4625 Cape May Avenue

APPLICANT: Mark Perriseau

### SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit No. 076451 and Map Waiver No. 236076, to construct a new 2,125-square-foot residential unit on a 7,000-square-foot site that currently contains an existing dwelling unit and to waive the requirements for a Tentative Map to convert the two residential units to two condominium interests and waive the requirement to underground existing overhead utilities?

### Staff Recommendations –

1. APPROVE Coastal Development Permit No. 076451 and Map Waiver 236076.
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Ocean Beach Planning Board voted 10-0-0 to recommend approval of the proposed project on June 1, 2005 with no conditions (Attachment 6).

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the State CEQA Guidelines.

### BACKGROUND

The proposed project is located at 4625 Cape May Avenue, on a 7,000-square-foot site, in the RM-1-1 Zone (Residential-Multiple Unit), Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, and Airport Environs Overlay

Zone. The site is also located within the Ocean Beach Emerging Cottage Historic District and the Ocean Beach Precise Plan and Local Coastal Program (Attachment 1). The site is designated within the Ocean Beach Precise Plan for multi-family residential land use (Attachment 2). The property is located in the Coastal Overlay Zone (non-appealable area); therefore the subdivision requires a Coastal Development Permit.

The site is a relatively flat 7,000 square-foot rectangular shaped lot, and is currently developed with a residential unit that fronts on Cape May Avenue in the northern portion of the site. The applicant is requesting a Coastal Development Permit (CDP) and a Tentative Map Waiver (TMW) to construct a 2,125 square-foot second residential unit in the back portion of the lot. Access to the new unit will be via an existing alley. The project also proposes the conversion of the two dwelling units to two condominium interests.

## DISCUSSION

This project is a request for a Coastal Development permit to construct a new 2,125-square-foot residential unit on a 7,000-square-foot site that currently contains an existing dwelling unit, and to waive the requirements for a Tentative Map for the subdivision of a 0.160-acre site into one lot to convert the two residential units to two condominium units, which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. This type of development is consistent with the General Plan and the Ocean Beach Precise Plan, which designate the area for multi-family residential use. The proposed development will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

The site is currently zoned RM-1-1, a multiple unit residential zone permitting one unit per 3,000-square-feet of lot area. The zone was applied in January 2000. Previous zoning was R-2, which was established on the site in April 1930 and allowed for not more than two (2) dwelling units on any lot. The site is developed with one residential unit, which was constructed in 1927.

The buildings contain two three-bedroom units, for a total of 4,185-square-feet. Prior to 1960, there was no parking requirement for the R-2 Zone. Under current regulations, parking required for each three (3) bedroom unit is 2.25 spaces. This project provides five (5) parking spaces: four (4) in enclosed garages, and one (1) off-street open space; the project is in conformance with the current parking regulations in accordance with LDC-Table 142.05C. The five parking spaces are required to remain on site in accordance with LDC Section No. 142.0510. The new and existing structures are in conformance with the current development codes, and meets all the development requirements for the RM-1-1 Zone.

### Affordable Housing:

The project is subject to the Inclusionary Affordable Housing regulations, however, based on a letter received from the owner certifying that the existing unit is vacant (no tenants) (Attachment 9) and will not be occupied by tenants prior to receiving a condominium map, therefore, the proposed project would not be subject to the condominium conversion.

This project was deemed complete on January 13, 2005 and is under ten units, therefore is subject to an in-lieu fee of \$0.875 per square foot. As the existing development provides 3,364 square feet of living space, the applicant is required to either pay a total of sum of \$2,944 or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee prior to the recordation of the parcel map.

#### Community Planning Group Recommendation

The subject project was presented at the Ocean Beach Planning Board's General Meeting on June 1, 2005 at which a quorum was present. The OBPB approved the project as presented. The motion to approve the project was passed 10-0-0.

#### Undergrounding Waiver Request

The project currently contains overhead utility lines adjacent to the project site. The applicant has requested a waiver of undergrounding existing overhead public utilities per San Diego Municipal Code Section 144.0240 and Council Policy 600-25. The waiver is only for existing overhead utilities. Any future utilities would be required to be undergrounded. Staff has evaluated the request and has determined it would represent an isolated undergrounding and the request meets the criteria in Council Policy 600-25. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2O and a date for the undergrounding has not been determined by City Council.

#### 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). As these two units are currently vacant, no notice is required at this time. However, if either unit should be rented prior to recordation of the Parcel Map, the tenant shall be given proper notice per State and Municipal code.

California Government Code 66452.3 requires that a copy of the staff report be served to each tenant at least 72-hours (three calendar days) prior to the hearing. Again, these units are vacant, so this project is exempt from these requirements.

#### CONCLUSION

The proposed project conforms to the development regulations of the Land Development Code, including density, floor area ratio, height, parking and minimum yard setbacks. In addition, the proposed development is consistent with the Local Coastal Program and conforms to the Ocean Beach Precise Plan and Local Coastal Program.

Staff has reviewed the request for a Coastal Development Permit to construct a new residential unit on site, and a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the conversion of the two residential units into a condominium project, including the

request to waive the requirement to underground existing overhead utilities. Staff has determined the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development as conditioned, meets all applicable regulations set forth in the RM-1-1 Zone, the Ocean Beach Precise Plan and the required findings can be supported (Attachment 7). Therefore, staff recommends approval of Coastal Development Permit No. 0764512 and Map Waiver No. 236076, including the Waiver from Undergrounding existing utilities, with the attached conditions.

#### ALTERNATIVE

1. Approve Map Waiver No. 236076 and Coastal Development Permit No. 076451, with modifications.
2. Deny Map Waiver No. 236076, and Coastal Development Permit No. 076451, if the required findings to approve the project cannot be affirmed.

Respectfully submitted,

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Laila Iskandar, Development Project Manager

#### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Data Sheet
4. Draft Permit with Conditions
5. Draft Resolution with Findings
6. Community Planning Group Recommendation
7. City's Undergrounding Master Plan for Fiscal Year 2004, Block 20
8. Ownership Disclosure Statement
9. Certification letter

Job Order Number 42-2465