

DATE ISSUED: December 7, 2006

REPORT NO. PC-06-301

ATTENTION: **Planning Commission, Agenda of December 14, 2006**

SUBJECT: MINNICH RESIDENCE - PROJECT NO. 99983
PROCESS TWO APPEAL

**OWNER/
APPLICANT:** Travis Minnich

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of staff's approval of a Coastal Development Permit to allow construction of a three-story, single dwelling unit and two car garage at grade on a vacant 3,500 square foot site?

Staff Recommendation: **DENY** the appeal and **APPROVE** Coastal Development Permit No. 327626

Community Planning Group Recommendation: On August 16, 2006, the Ocean Beach Planning Board voted to deny the project by a vote of 6-1-0 (Attachment 13). The Board filed an appeal of the staff-level approval of the Process 2 Coastal Development Permit on November 1, 2006 (Attachment 12).

Environmental Review: On May 16, 2006, the project was determined to be exempt from the California Environmental Quality Act (CEQA) on the basis of infill development. The CEQA exemption was not appealed and the appeal period ended May 31, 2006 (Attachment 18).

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The project would provide for one additional single-family dwelling unit on a vacant lot.

BACKGROUND

On October 16, 2006, staff issued Coastal Development Permit (CDP) 327626 to allow construction of a three-story, single dwelling unit and two car garage at grade on a vacant 3,500 square foot site. The Ocean Beach Community Planning Board appealed this decision and the project is now before the Planning Commission as a Process 2 (CDP) Appeal.

The site is a vacant, narrow, legal lot (25 feet x 140 feet) with frontage on Point Loma Avenue and rear access from the alley. The site is gently sloping from approximately 49 feet above mean sea level in the southwest corner to approximately 58 feet above mean sea level in the northeast corner for a slope of six percent (6%) across the site. The site is located in an area recognized as favorable geologic structure. The site is not located within the Airport Influence Area of San Diego International Airport. The site is located within the RM-1-1 zone, adjacent to a commercial district of CC-4-2 zoning. The site is within the Coastal Height Limitation Overlay Zone and the Coastal Overlay Zone (non-appealable). The site is at the southeastern corner of the Ocean Beach Precise Plan and Local Coastal Program Plan (LCP) and Ocean Beach Emerging Historic District.

The site is adjacent to a previous development by this applicant consisting of two residential structures, processed under a Map Waiver (Project Number 32895). The adjacent development is similar in bulk and scale to the proposed development. The community planning group also recommended denial of that project on the basis of bulk and scale, and that an office area was changed to a bedroom without adjusting the parking spaces. However, as the project was a condo conversion project, only two off-street parking spaces were required for the two units. The Hearing Officer approval of the Map Waiver was not appealed and the property is no longer under the ownership of the current applicant. The development of that project, however, did not have support of the community planning group and adjacent neighbors who did not believe the development was appropriate bulk and scale for the community. With the proposed development of this project, many neighbors believe the character of the neighborhood is being changed from small-cottage, single-family development to larger multi-family development, and believe the project to be inappropriate for the zone and the community plan. As such, the appeal was filed on this project on the basis of bulk and scale and non-conformity with the community plan.

DISCUSSION

Project Description:

The project before the Planning Commission is a Coastal Development Permit (CDP) to allow for construction of a three-story, single-family dwelling unit (three bedroom, three and one-half bath), on a 3,500 square foot, vacant lot. A two-car garage (380 square feet) would be provided at the rear of the site for driveway access from the alley. All construction would be at grade. The development includes a ground floor office and living areas, second floor bedrooms, and third floor family room with roof deck. The exterior treatment would complement the adjacent development as white stucco over wood, with clay tile roof.

The site is located at 4670 Point Loma Avenue between Ebers and Froude Streets in the RM-1-1 Zone within the Ocean Beach Precise Plan, the Coastal Height Limitation Overlay Zone, the Coastal Zone (Non-Appealable Area 2), and the Ocean Beach Emerging Historical District. The project fronts Point Loma Avenue which is a wide, major thoroughfare connecting Ocean Beach with Point Loma. At this location, Point Loma Avenue is a two lane major road in an approximately 72-foot right of-way. Warren -Walker elementary school (K-8, approximately 327 students) also fronts Point Loma Avenue to the east of the project location.

San Diego Municipal Code (SDMC) Analysis:

The site is zoned RM-1-1 which allows for a Floor Area Ratio (FAR) of 0.75 (2,625 square feet), where 0.747 (2,614 square feet) is proposed. The zone allows for one dwelling unit for every 3,000 square feet of lot area. Therefore, one dwelling unit is allowed, and one is proposed.

The project has demonstrated conformance with the height limits per SDMC 132.0505 and SDMC 131.0431(e). The project has demonstrated conformance with the required setbacks. The front setback meets requirements per SDMC 131.0431(e). Fifty percent of the building envelope is set back 15 feet, and 50 percent is set back 20 feet. Side setbacks meet requirements per SDMC 131.0443(d)(2)(B). Three feet is provided where three feet is required. The rear setback meets requirements per SDMC 131.0443(d)(4), giving five feet where five feet is required. The project has demonstrated conformance with the angled building envelope on all elevation views per SDMC 131.0444(e)(1). The project has demonstrated conformance with SDMC 131.0454, regarding storage in the RM Zones. The project has demonstrated compliance with SDMC 131.0464(d), Supplemental Requirements for the RM-1-1, RM-1-2, RM-1-3 Zones, by showing that there are at least 20 square feet of windows on the second and third floor façade.

Community Plan Analysis:

The proposed project conforms with the certified Ocean Beach Precise Plan and Local Coastal Program which designates the site for residential use at a density of 14 dwelling units per acre (du/ac) where 12.5 du/ac is proposed, and is consistent with the design guidelines and development standards in effect for this site per the Coastal Overlay Zone (Non-Appealable Area), and Coastal Height Overlay Zone. The project site is on the boundary line of the residential area of East Ocean Beach, and the commercial area of the Point Loma Ebers Community Commercial center. As such, the project reflects a transition between the two land use designations. The Ocean Beach Precise Plan specifically calls for the maintenance of the commercial center near the project location and identifies the adjacent Point Loma / Ebers Shopping area as a Major Activity Area (one of only twelve) in Ocean Beach. As such, the Plan is clear that the entire project vicinity is not solely a single-family neighborhood, but a mix of uses. The Plan recognizes that new development should not be disruptive to the scale and character of the surrounding community due to excessive height and bulk, lack of landscaping, and visible parking in front of buildings. The project has demonstrated conformance with these guidelines of the plan as implemented through the underlying zone as explained above.

The project meets the bulk and scale recommendations of the community plan through its demonstrated compliance with the San Diego Municipal Code (SDMC) requirements for the zone, which implements the Precise Plan. The project was designed with the goal of reducing bulk and scale. The east and west elevations show each floor stepped back from the street to reduce massing as viewed from a pedestrian orientation. The entryway and first floor begin at the 15' setback line. The second story portion of the structure, which is the majority of the bulk, begins at 40' back from the property line. The third story consists of one small room at the center of the lot. Therefore, as viewed from the east and west elevations and from the pedestrian orientation along the sidewalk, the structure is both setback and stepped back from the frontage.

COMMUNITY PLANNING GROUP RECOMMENDATION

On August 16, 2006, the Ocean Beach Planning Board voted to deny the project by a vote of 6-1-0 (Attachment 13) on the following basis:

This project does not conform to the OB [Ocean Beach] Precise Plan due to excessive height and bulk. It is disruptive to the scale and character of the surrounding community.

In an April 22, 2006 letter, the Planning Board provided the following clarification (Attachment 13):

This project was presented at the Ocean Beach Planning Board's General Meeting on August 16, 2006 at which a quorum was present. Tom Gawronski, Chair, reported that several neighbors had contacted him with concerns about this project and indicated that they had submitted a petition to deny the project to Development Services. Cory Wilkinson confirmed that he had received feedback from the neighbors including the petition signed by 26 neighbors. Several board members expressed concerns about the projects' height, its bulk and scale and incompatibility with the OB Precise Plan. A motion was made and seconded to deny the project as submitted due to its bulk and scale and incompatibility with both the existing neighborhood and the OB Precise plan.

In addition, 26 neighbors have signed a statement opposing the project based on bulk and scale, conformity, and community character and one additional letter (Attachment 14) likewise opposing the project on the basis of community character and bulk/scale issues.

APPEAL ISSUES

1. This project does not conform to the OB [Ocean Beach] Precise Plan due to excessive height and bulk.

The project meets the bulk and scale recommendations of the community plan through its demonstrated compliance with the San Diego Municipal Code (SDMC) requirements for the zone, which implements the Precise Plan. The project was designed with the goal of reducing bulk and scale. The project was designed with the goal of reducing bulk and scale. The east and west elevations show each floor stepped back from the street to reduce massing as viewed from a pedestrian orientation. The entryway and first floor begin at the 15' setback line. The second story portion of the structure, which is the majority of the bulk, begins at 40' back from the property line. The third story consists of one small room at the center of the lot. Therefore, as viewed from the east and west elevations and from the pedestrian orientation along the sidewalk, the structure is both setback and stepped back from the frontage.

The proposed project conforms with the certified Ocean Beach Precise Plan and Local Coastal Program which designates the site for residential use at density of 14 dwelling units per acre (du/ac) where 12.5 du/ac is proposed. The site is zoned RM -1-1 which allows for a Floor Area Ratio (FAR) of 0.75 (2,625 square feet), where 0.747 (2,614 square feet) is proposed. The zone allows for one dwelling unit for every 3,000 square feet of lot area. Therefore, one dwelling unit is allowed, and one is proposed.

The project has demonstrated conformance with the height limits per SDMC 132.0505 and SDMC 131.0431(e). The project has demonstrated conformance with the required setbacks.

2. It is disruptive to the scale and character of the surrounding community.

The project site is on the boundary line of the residential area of East Ocean Beach, and the commercial area of the Point Loma Ebers Community Commercial center. As such, the project should reflect a transition between the two land use designations. The Ocean Beach Precise Plan specifically calls for the maintenance of the commercial center near the project location and identifies the adjacent Point Loma / Ebers Shopping area as a Major Activity Area (one of only twelve) in Ocean Beach. As such, the Plan is clear that the entire project vicinity is not solely a single-family neighborhood, but a mix of uses. The Plan recognizes that new development should not be disruptive to the scale and character of the surrounding community due to excessive height and bulk, lack of landscaping, and visible parking in front of buildings.

ALTERNATIVES

1. **Deny the Appeal and Approve Coastal Development Permit No. 327626 with modifications.**
2. **Approve the Appeal and Deny Coastal Development Permit No. 327626, if the required findings cannot be affirmed.**

Respectfully submitted,

**Mike Westlake
Program Manager
Development Services Department**

**Cory H. Wilkinson, AICP
Development Project Manager
Development Services Department**

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Attachments:

1. Site Location
2. Aerial Photograph
3. Community Plan Land Use Maps
4. Existing Land Use
5. Zone
6. Site Photos
7. Project Plans
8. Compatible Structures in Neighborhood
9. Coastal Development Permit
10. Resolution
11. Notice of Process 2 Decision
12. Appeal
13. Community Planning Group Recommendation
14. Letters from Public
15. Ownership Disclosure Statement
16. Project Chronology
17. Data Sheet
18. Environmental Determination