

DATE ISSUED: July 31, 2008 **REPORT NO. PC-08-089**
ATTENTION: Planning Commission, Agenda of August 7, 2008
SUBJECT: OCEAN PARK VILLAS – PROJECT NUMBER 140430, PROCESS 5
OWNER/ Tony Struyk (Attachment 9)
APPLICANT: Steven Lombardi

SUMMARY

Issue(s): Should the Planning Commission recommend that the City Council approve a Tentative Map including the vacation of dedicated public right-of-way to develop twelve future condominium units at 5113 Saratoga Avenue within the Ocean Beach Community Plan area?

Staff Recommendation:

1. CERTIFY Mitigated Negative Declaration No. 140430; and
2. APPROVE Tentative Map No. 490361; and
3. APPROVE Public Right-of-Way Vacation No 490362.

Community Planning Group Recommendation: On July 2, 2008, the Ocean Beach Planning Board discussed the project and continued any formal recommendation until August 6, 2008 (Attachment 8). The project was continued to confirm that the reversion rights of the vacated right-of-way would be assigned to the property owner rather than the City of San Diego. Staff will report the outcome of the August 6, 2008, meeting to the Planning Commission on August 7, 2008.

Environmental Review: The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Historical Resources Paleontology and Solid Waste Generation. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of Mitigated Negative Declaration No. 140430. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified,

and the preparation of an Environmental Impact Report will not be required.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this application are paid for by the applicant.

Code Enforcement Impact: None with this action. There are no code compliance issues with this development.

Housing Impact Statement: The project proposes to replace 15 units with a 12-unit residential condominium complex on a .46-acre site (including street vacation acreage). The proposal would result in a net loss of 3 units to the Ocean Beach plan area.

BACKGROUND

The project site is located at 5113 Saratoga Avenue in the Ocean Beach Community Plan area (Attachment 1). The Ocean Beach Precise Plan designates the existing 0.40 acre parcel for multi-family residential land use with a medium density of up to 25 dwelling units per acre (Attachment 2).

The site is relatively flat and developed with four existing apartment buildings. Two of the buildings are single story and were constructed in 1952. The two additional buildings are both two-story structures and were added to the site in 1953. The buildings contain a total of 15 dwelling units and are in a state of disrepair. The site is bounded on all sides by public right-of-way including two streets and two unnamed alleys. The property includes street frontages on Saratoga Avenue which is the north property line and Abbott Street which abuts the east property line. The two alleys abut the south and west property line and are adjacent to City owned designated parkland (Attachment 3).

The property is directly adjacent to the Ocean Beach Park on the west and the Ocean Beach Main Lifeguard Station on the south. The surrounding neighborhood is characterized primarily by older medium to high density multi-family development and a mix of commercial uses. The Newport Avenue commercial district is located one block from the site and there is a good deal of pedestrian, bike and vehicle traffic due to the close proximity to the beach and the parkland.

The property is zoned RM-2-4 and is subject to the applicable development regulations in the City's Land Development Code. The project is also within the State Coastal Deferred Certification Area, Coastal Height Limit, Parking Impact Overlay, Residential Tandem Parking and the Airport Influence Area, FAA Part 77.

DISCUSSION

Permit Jurisdiction

The property is located within the State Coastal Deferred Certification Area wherein the State of California retained permit authority over the City's local coastal program. The California Coastal Commission staff will process the Coastal Development Permit application for the site,

and the Coastal Commission will act as the decision maker for that discretionary property entitlement. The City of San Diego is only charged with processing the tentative map and the accompanying public right-of-way vacation action. The project's structures, parking and landscape will be required to comply with all RM-2-4 Zone requirements as well as all other applicable regulations of the Land Development Code. Any deviation to the City's development regulations would require the project to come back into the City's jurisdiction for a Planned Development Permit.

Tentative Map

The project is requesting a tentative map with a street vacation in order to develop 12 market rate condominium units with underground parking. The right-of-way vacation is required to accrue a sufficient amount of additional site area to develop the requested 12 units. The project proposes a Tentative Map for the subdivision of a 0.40-acre site into one lot to develop 12 condominium dwelling units (Attachment 5). Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440, *Findings for Tentative Maps* the decisionmaker may approve a Tentative Map or a Vesting Tentative Map for the purposes of the subdividing residential property into a condominium project if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed tentative map and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

Public Right-of-Way Vacation

The request to vacate portions of the public right-of-way surrounding the project site includes the two alleys that abut City owned parkland and the Ocean Beach Lifeguard station. Vacating the alleys would provide an additional 3,000 square feet to the premises and allow the development of two additional dwelling units. The alleys are connected and form an "L" shape at the west and south property lines (Attachment 4). The alleys were barricaded off to prevent vehicular traffic circulation as cars would attempt to circle the property through the alleys while searching for available parking. There are no records indicating the exact year the barricades were installed however, it is believed by staff that they have been in place since the mid 1980's.

Pedestrian access to the beach is currently provided through the alley right-of-way directly from Abbott Street. The requested vacation would retain the public access because half (10 feet) of the 20-foot wide alley right-of-way would revert to the City of San Diego and be annexed into the existing parkland. Additionally, the property side of the vacated alley would require a general utility easement for existing underground facilities and would therefore remain undeveloped. No physical change would result in the existing right-of-way with the exception of eventual landscape improvements deemed acceptable by the Park and Recreation Department. Likewise, half of the west side alley would revert to the City and become parkland and the property owner's side would require a general utility easement for existing sewer facilities. Therefore, no physical change would result on either side of the vacated rights-of-ways.

Staff reviewed the requested public right of way vacation and determined that the applicable subdivision findings to remove the existing dedication can be affirmed (Attachment 5). Generally, the findings determine that the right-of-way is not being used for what it was intended and is unlikely to be used as such in the future. And, that vacating the right-of-way would benefit the public as a whole. Staff determined that the alleys are not being used as intended and in fact, have been barricaded to intentionally restrict any vehicular access. Staff also concluded that the vacation would benefit the public because the action would result in additional useable parkland for the City without altering the existing coastal access.

Community Planning Group Recommendation

On July 2, 2008, the Ocean Beach Planning Board discussed the project and continued any formal recommendation until August 6, 2008 (Attachment 8). The project was continued because there was a misunderstanding regarding the reversion rights of the vacated right-of-way. Some members of the public felt that the entire width of the vacated right-of-way was City-owned property and that the private property owner should not benefit by the vacation without compensation to the City. The applicant has prepared a briefing of property revision rights which will be presented to the Planning Board and the public on August 6, 2008. It is anticipated that the presentation will explain the revision of fee-owned property and the Planning Board will vote on the project. No other issues were raised during the discussion.

Community Plan Analysis:

The subject property is a 0.4-acre site designated for multi-family residential in the Ocean Beach Precise Plan at a density of 25 dwelling units per acre. The subject site, at 5113 Saratoga Avenue is adjacent to other multi-family residential. The designation would allow for 10 dwelling units on-site however, the applicant also wishes to vacate portions of two alleys abutting both Saratoga Ave. and Abbott St. and increase the acreage of the site to .46 acres. This would allow for development of 12 dwelling units.

While the actual design and siting of the development is not a part of this action staff reviewed conceptual plans which featured buildings centered around light wells and arboretum/rock garden/patio features (Attachment 6). This design would implement policies in the Ocean Beach Precise Plan, "That new residential construction be in the form of garden-type units, absent from excessive height and bulk and compatible in design with the existing community." The proposal also implements the policy, "That yards and coverage be adequate to insure provision of light and air to surrounding properties, and that those requirements be more stringent where necessary for buildings over two stories in height and for lots greater than 40 feet in width." The design of the proposal would help to ensure, "That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible."

Environmental Analysis:

The Environmental Initial Study determined that the proposed project could have significant environmental effects in on Historical Resources (Archeology), Paleontology and solid waste generation. To ensure that the site development would avoid any significant environmental

impacts a specific Mitigation, Monitoring and Reporting Program (MMRP) was developed for the project. The MMRP requires pre-construction and post-construction meetings with qualified Archeology and Paleontology monitors and establishes the protocols for subsequent grading activities. The MMRP also requires a solid waste management plan that details the type and amount of debris anticipated to be removed from the project site and the methods of transport and disposal of the solid waste. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report is not required.

Conclusion:

The project proposes a tentative map and a public right-of-way vacation for the future development of twelve residential condominium units. The California Coastal Commission retains the decision making authority for the Coastal Development Permit and the City of San Diego acts as the decision maker on the requested subdivision actions. Staff has reviewed the proposed tentative map and the street vacation and determined that the project would be consistent with the Ocean Beach Precise Plan and complies with the applicable development regulations of the Municipal Code. The project would rehabilitate and revive a highly visible property adjacent to park land and the shoreline and provide a public benefit through better utilization of the land. Staff concludes that the appropriate findings to support the project can be affirmed and recommends that the Planning Commission forward the application on to the City Council with a recommendation to approve the project.

ALTERNATIVES:

1. **Approve** Tentative Map No. 490361 and Public Right-of-Way Vacation No. 490362, with modifications; or
2. **Deny** Tentative Map No. 490361 and Public Right-of-Way Vacation No. 490362, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

John P. Hooper, Project Manager
Development Services Department

BROUGHTON/JPH

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Tentative/Vesting Tentative Map
6. Project Plans (reference materials only)
7. Draft Map Conditions and Subdivision Resolution
8. Community Planning Group Minutes
9. Ownership Form