



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 31, 2012 **REPORT NO. PC-12-051**

ATTENTION: Planning Commission, Agenda of June 14, 2012

SUBJECT: 5104 CAPE MAY TENTATIVE MAP
PROJECT NO. 126046 - PROCESS FOUR

**OWNER/
APPLICANT:** Stephanie Young, Trustee (Attachment 6)
Richard Spear

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to convert five existing residential units to condominiums located at 2660 Abbott Street within the Ocean Beach Community Plan area?

Staff Recommendation: APPROVE Tentative Map No. 497518.

Community Planning Group Recommendation: On June 4, 2008, the Ocean Beach Community Planning Board voted 12-0-0 to deny the project due to the lack of building improvements and the group felt the project was under parked (Attachment 5).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 (Existing Facilities) on February 14, 2008. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on September 9, 2008 (R-2009-407) (Attachment 8).

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of 5 existing apartment units there would be loss of 5 rental units and a gain of 5 for sale units. This Tentative Map was deemed complete subsequent to February 7, 2004, and therefore is subject to the previously adopted Inclusionary Housing requirements.

BACKGROUND

The Ocean Beach Community Plan designates the site as Residential at a density of 25 dwelling units per acre (Attachment 2). The 0.19 acre site has been developed with 5 residential units. The development site is located at located at 2660 Abbott Street on the corner of Abbott Street and Cape May Avenue in the RM-2-4 zone within the Ocean Beach Community Plan area, and in the State Coastal Permit Jurisdiction, Coastal Height Limit, Airport Influence Area, Airport Approach, FAA Part 77, Parking Impact, and Residential Tandem Parking overlay zones.

The existing development was constructed in 1986, as five, three bedroom condominium units when the site was zoned R-1750 under State Coastal Development Permit No. 6-86-634 (Attachment 9). While the property was originally intended as a condominium project, the Final Map was never completed and the building has been utilized as apartments since its construction. Therefore, this Tentative Map project is subject to the current condominium conversion regulations and as proposed meets all those required regulations.

The site is presently improved with one 6,250 square foot two story building containing a total of five, three bedroom residential units, and ten covered parking spaces as was originally permitted by the Coastal Permit. No building or zoning code violations are recorded against the property. According to the San Diego Municipal Code Section 142.0525(a) (Table 142-05C), requires 1.75 parking spaces, per bedroom for a three bedroom development within the Parking Impact area. Using this calculation for the five, three bedroom units would require nine spaces and ten spaces are provided. Therefore the project complies with the required parking regulations.

DISCUSSION

The current application proposes a Tentative Map to convert five existing residential units into five condominium units. There are no physical changes to the site proposed and utilities for the site and surrounding area were completed since the projects application for the Tentative Map.

San Diego Municipal Code (SDMC) Section 125.0410 requires a Tentative Map (Attachment 3) be processed for the subdivision of land. According to SDMC §125.0440 and §125.0444, Findings for Tentative Maps and for Condominium Conversions, the decision-maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision-maker finds the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code (SDMC). Staff has reviewed the proposed condominium conversion and determined it complies with both the Subdivision Map Act and San Diego Municipal Code.

The proposed condominium conversion is subject to the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). Prior to issuance of the final map, the project is conditioned to pay an in-lieu fee of \$ 19,750.00 (6,250 square feet @\$3.16 per square foot) or enter into an Agreement with the San Diego Housing Commission, to ensure payment of the in-lieu fee.

Community Planning Group

The Ocean Beach Community Planning Board voted to deny the project due to no improvement plans and parking concerns (under-parked). As discussed, the project currently exceeds the parking requirements of the current SDMC by having one additional parking space. Additionally, the project has provided a building conditions report and the project complies with the current health and safety requirements of the building code and all requirements of the SDMC for condominium conversions (Attachment 5).

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of five residential units to condominium units and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating the requested approval. Staff has provided draft findings to support approval of all actions and recommends approval of the project as proposed.

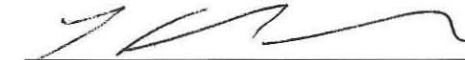
ALTERNATIVES

1. APPROVE Tentative Map No. 497518, with modifications.
2. DENY Tentative Map No. 497518, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

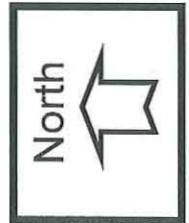
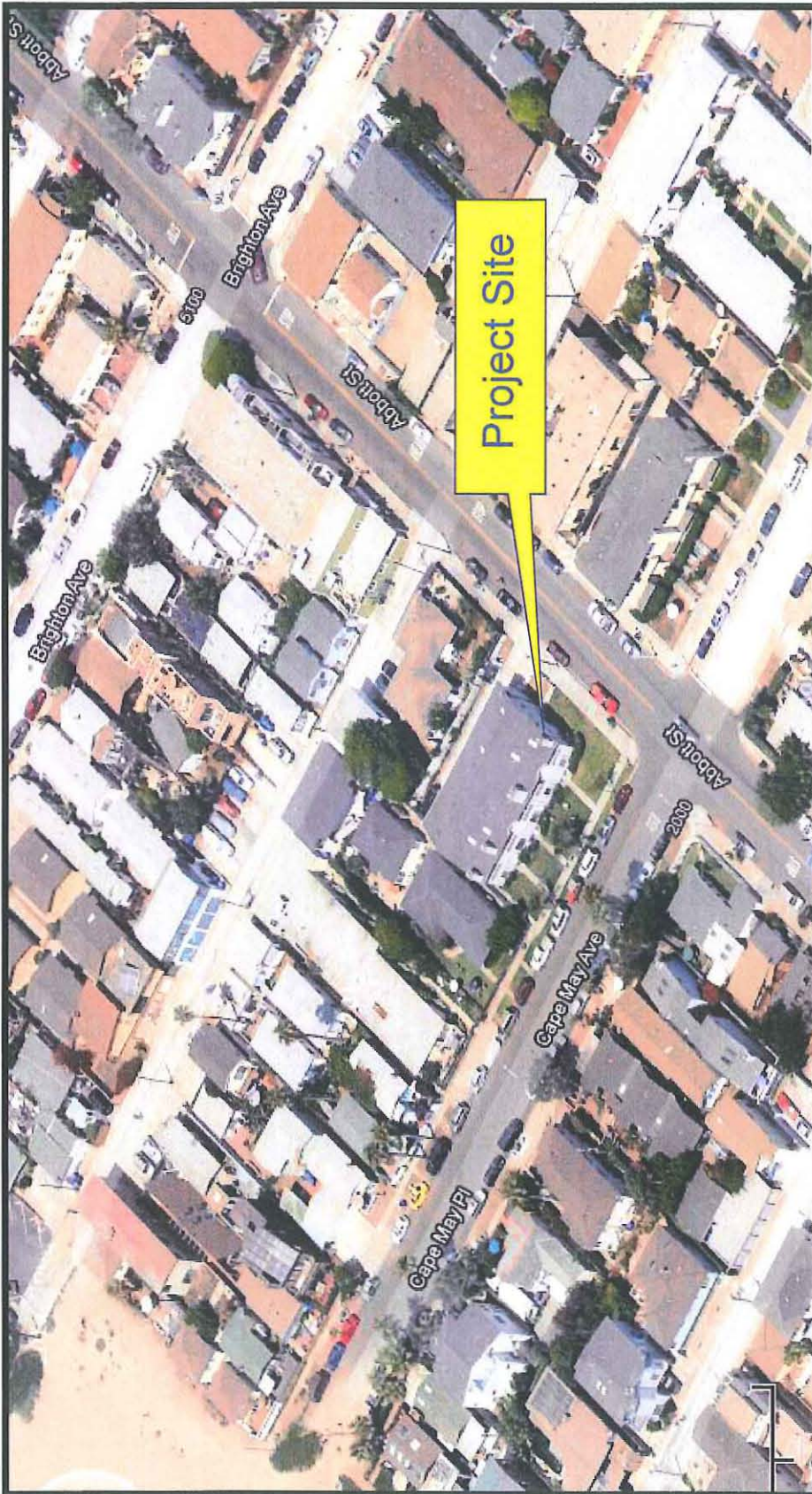


Helene Deisher
Project Manager
Development Services Department

BROUGHTON/HRD

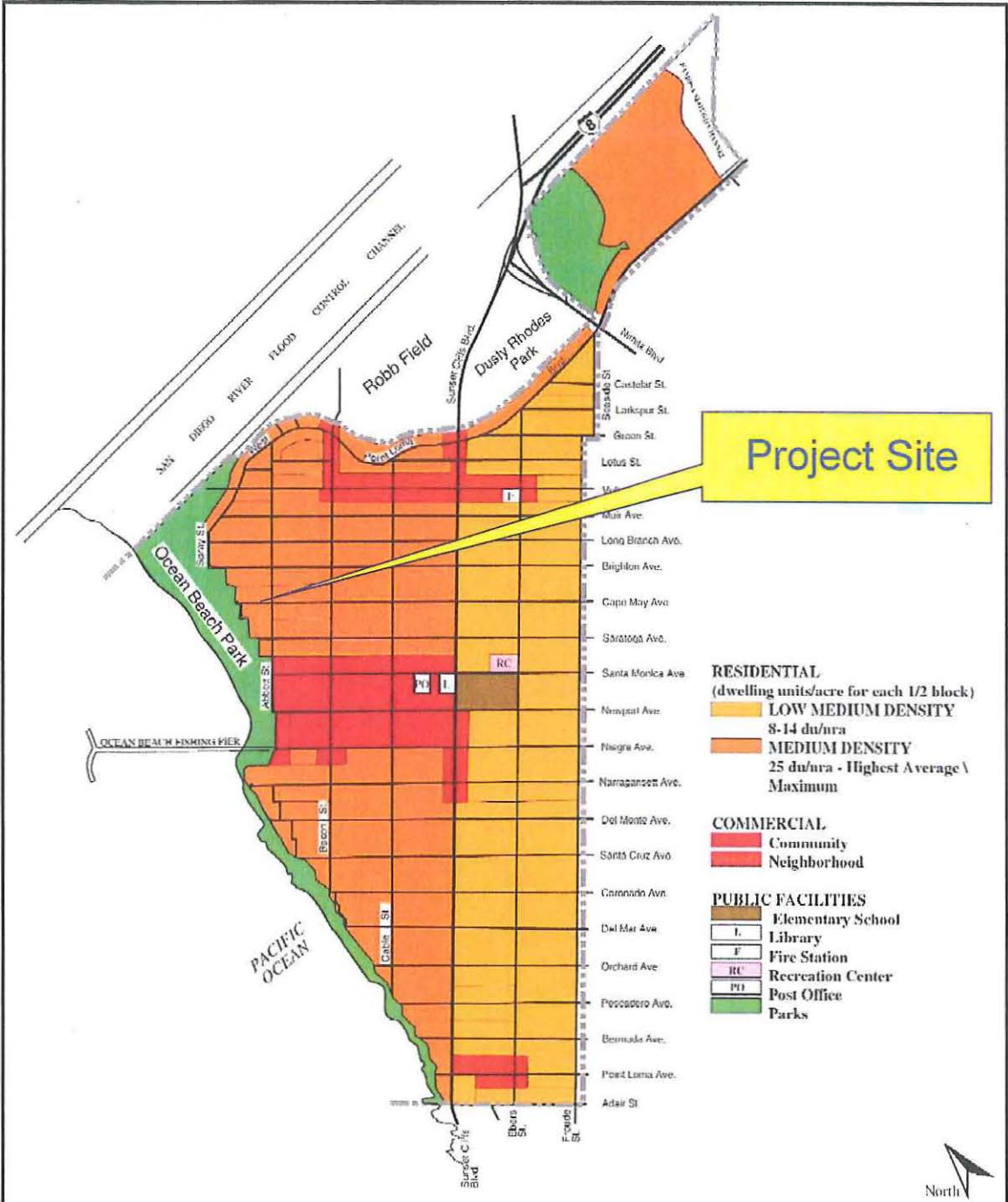
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Tentative/Vesting Tentative Map
4. Draft Map Conditions and Subdivision Resolution
5. Community Planning Group Recommendation
6. Ownership Disclosure Statement
7. Building Conditions Report (Distributed to Planning Commission only)
8. City Council Environmental Appeal Resolution (R-2009-407)
9. Coastal Development Permit No. 6-86-634



Aerial Photo
5104 CAPE MAY TENTATIVE MAP
PROJECT NO. 126046





Ocean beach Land Use Map

5104 CAPE MAY TENTATIVE MAP
PROJECT NO. 126046



PLANNING COMMISSION RESOLUTION NO. xxxxx
TENTATIVE MAP NO. 497518
5104 CAPE MAY TENTATIVE MAP - PROJECT NO. 126046
DRAFT

WHEREAS, Stephanie Young, Trustee, Subdivider, and DGB Engineering, Alan F. Schuler, Engineer, submitted an application to the City of San Diego for Tentative Map No. 497518 to convert five existing residential units to condominiums. The project site is located at 2660 Abbott Street at the northwest corner of Abbott Street and Cape May Avenue in the RM-2-4 Zone within the Ocean Beach Community Plan area. The property is legally described as the Southwesterly 3/5ths of Lots 21, 22, 23 and 24, in Block 77 of Ocean Beach, according to Map No. 279 filed May 28, 1887; and

WHEREAS, the Map proposes the Subdivision of a 0.19 acre site into five residential condominiums; and

WHEREAS, on February 14, 2008, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Article 19 Section 15301 Existing Facilities and the Environmental Determination was appealed to City Council, which heard and denied the appeal on September 9, 2008 pursuant to Resolution No. R-2009-407; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is five; and

WHEREAS, on June 14, 2012, the Planning Commission of the City of San Diego considered Tentative Map No. 497518, and pursuant to San Diego Municipal Code section(s) 125.0440 and 125.0444, and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No.497518:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. As currently proposed the subdivision of the existing five unit apartment complex into condominium ownership interests would comply with the development regulations of the underlying RM-2-4 zone and the existing development meets all of the applicable development regulations of the Land Development Code including the regulations for condominium conversions. No deviations or variance being requested with this application. No construction is approved or requested with this application and the subdivision will comply with the parking requirements in place at the time of the subdivision approval. Any future construction must conform to the development regulations in place at the time of construction.

2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The proposed project is a subdivision of an existing five unit apartment complex into five condominium ownership interests. The project is located within the Ocean Beach Plan area which designates the site for residential development at 25 dwelling units per acre. The proposed subdivision complies with the policies, goals, and objectives of the applicable land use plan by providing residential development consistent with the community plan.. The existing development was previously approved as a condominium project and permitted pursuant to the zoning and development regulations at the time of construction.

There is not increase in density or intensity with the conversion of apartment units to condominium ownership and therefore the project does not increase impacts to public services or fiscal or environmental resources.

3. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required (San Diego Municipal Code § 125.0444(a) and Subdivision Map Act §§ 66452.17; 66427.1). A signed affidavit has been provided to the Development Services Department identifying each of the tenants of the proposed project and stating each tenant received, pursuant to State Map Action Section 66452.9, written notification of intention to convert. This notice was sent at least 60 days prior to filing for the map on January 17, 2006.

4. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)). This project is privately financed and no funds were obtained from a governmental agency to provide for elderly, disabled, or low income housing

5. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (San Diego Municipal Code § 125.0444(c)). This project was not developed to provide housing for the elderly, disabled or to provide low income housing.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 497518, is hereby granted to Stephanie Young, Trustee, subject to the attached conditions which are made a part of this resolution by this reference.

By _____

Helene Deisher
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 23427594

**PLANNING COMMISSION CONDITIONS FOR TENTATIVE MAP NO. 497518
5104 CAPE MAY TENTATIVE MAP - PROJECT NO. 126046**

ADOPTED BY RESOLUTION NO. PC XXX ON JUNE 14, 2012

DRAFT

GENERAL

1. This Tentative Map will expire June 14, 2015.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. Prior to the recordation of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. To satisfy this condition, proof of a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the office of the San Diego County Recorder.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within ten days of the project application for the condominium conversion being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.

7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least ten days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall give each tenant a notice of termination of tenancy sixty days prior to being required to vacate the property (San Diego Municipal Code 125.0431 (a)(4)).
11. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
12. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to opening escrow account (San Diego Municipal Code 125.0431(a)(4)).
13. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
14. Prior to recordation of the Final Map subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

AFFORDABLE HOUSING

15. Prior to recordation of the Final Map the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by paying an in-lieu fee of \$19,750.00 (6,250 square feet @\$3.16 per square foot) by entering into an Agreement with the San Diego Housing Commission, to ensure payment of the in-lieu fee.
16. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Coastal Overlay Zone Affordable Housing Replacement Regulations (Chapter 14, Article 3, Division 8), to the satisfaction of the Development Services Department and the Housing Commission.
17. The Developer/Applicant must submit an application for a Coastal Affordable Housing Compliance Permit to the San Diego Housing Commission.
18. Within 45 days from the date of application, the Housing Commission will conduct a tenant income survey and determine whether there are any affordable housing replacement requirements. The result of this determination shall be included in the report to the Planning Commission/Hearing Officer for approval of the Tentative Map.
19. Prior to the recordation of the Final, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
20. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
21. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

BUILDING SAFETY

22. Per San Diego Municipal Code Paragraph 144.0507 (c) Smoke Alarms shall be installed within dwelling units and designed to operate in compliance with the prevailing Code. Smoke alarms shall be interconnected and shall receive their primary power from the building wiring and shall be equipped with battery backup. Within sleeping rooms, smoke alarms shall include a visual notification device to notify hearing impaired occupants.

ENGINEERING

23. The subdivider shall reconstruct the existing driveway, per City Drawing G-14B and maintain the existing driveway width, adjacent to the site on Abbott Street, satisfactory to the City Engineer.
24. The subdivider shall reconstruct the existing curb ramp to current City Standards, at the intersection of Abbott Street and Cape May Avenue, adjacent to the site, satisfactory to the City Engineer.
25. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
26. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
27. Prior to recording a Final Map, the Subdivider shall provide an independent evaluation by a California registered architect or engineer licensed by the State of California to perform these services, prepared in accordance with the State of California Business & Professions Code (including Section 7195) of the existing conditions of the building to the satisfaction of the Development Services Department. This information shall include, but not be limited to: the structural integrity; mechanical; electrical; and plumbing systems of the building. The applicant shall provide proof of compliance or other means to assure any recommendations to repair or replace those systems with a life of five years or less are completed to the satisfaction of the Development Services Department.
28. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer.
29. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
30. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

31. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
32. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
33. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

34. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
35. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

LANDSCAPE

36. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
37. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
38. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
39. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
40. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
41. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON JUNE 14, 2012.

By

Helene Deisher
Development Project Manager
Development Services Department

Job Order No. 23427594

OCEAN BEACH PLANNING BOARD

GENERAL MEETING AGENDA

Wednesday, June 4, 2008 - 6:00 p.m.

Ocean Beach Recreation Center - 4726 Santa Monica Ave., Ocean Beach 92107

Call to order at 6:03 by Landry Watson

• **Quorum/Introductions-** Ronson Shamoun, Nancy Taylor, Amanda Lopez, Giovanni Ingolia (arrived at 6:30), Landry Watson, Seth Connolly, Craig Klein, George Murphy, Bill Bushe, Tom Gawronski, Jane Gawronski and Brittany Taylor.

• **Agenda modifications and approval-** Motion for approval by Jane Gawronski, approved 9-0-0

• **Approve previous meeting minutes-** April 2nd Minutes Nancy Taylor motioned to approve with necessary changes, approved 11-0-0

May 7th Minutes Nancy Taylor motioned to approve with addition of attendance, approved 11-0-0

May 21st Minutes Ron Shamoun motioned to approve, motion passed 7-0-4. Tom, Jane, Craig and Brittany abstained due to absence.

Public Non-Agenda Comment (Comment should not involve items already on agenda)

-Please limit comments to one minute

Sheila Hardin introduced Jeff Graham who discussed the new civic center complex. Landry asked why the builders wouldn't strive for a Platinum LEED certification. #1 reason was because of cost. Tom is concerned with the city building in the most expensive real estate in the city.

Item #001 – Information Item-ITEM REMOVED, NO ONE PRESENT TO DISCUSS

Water Group Job 3010 Presentation. An informational presentation by the City of SD Engineering & Capital Projects Department about water infrastructure upgrades in the Ocean Beach area.

6:31 Item #002 – Information Item

Pedicab Regulations. An informational presentation by the City of SD Traffic Engineering about proposed regulations on Pedicab services.

Presented by Brad Jacobson. Concern is that there are too many operating in downtown. Thinking about capping the amount of operators allowed downtown, this decision would impact 5 communities and Ocean Beach would be one of them. He was asking for the board to review the handouts and to lend support either for or against. He mentioned that the cabs wouldn't be allowed on Newport; however, the board raised concerns that the main area that would need the pedicabs would be on Newport. Jane also mentioned Rob Field for events. Landry requested a sub-committee be formed, Craig and Ron volunteered.

6:35 Item #003 – Action Item

Nolen Residence. Ocean Beach JO#43-0051 (Process2) Coastal Development Permit to demolish existing residence and construct 2 for-rent residential units on a 7,000 sqft site at 4677 Niagra Ave in the RM 1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Airport Approach, Airport Influence Area, FAA Part 77, Parking Impact, Council District 2.

Presented by Craig Frehoff. Review of plans that were presented on May 21st. Giovanni asked about historical feedback.

Ron- Concerned that they just “squeaked” by with FAR

Amanda- felt the project was maxing out the square footage on the property. Pushing bulk and scale.

Tom- 1 of 25 original cottages in OB. He is ok with the back building. Historical society and Precise plan are against the demolition of front structure.

Seth- Concern with scale, intensity and historical significance, but believes this is “density done right”

Craig- Keep historical character and incorporate it into a new front house.

Bill- Maintain the image and historical significance.

George- Bulk and scale

Brittany- historical preservation

Jane- 3 points: issue to preserve neighborhood atmosphere, respect owner use of property but look at how it can be better used, meets the legal requirements of the city but not supportive of OB requirements.

Giovanni motioned to deny as presented based on bulk and scale and historical concerns and the project is inconsistent with the Ocean Beach Precise Plan.

Motion to deny approval 11-1-0

7:15 Item #004 – Action Item

Joseph Residence. Ocean Beach JO#42-8681. (Process3) Coastal Development Permit for a 731 sqft second story addition to an existing dwelling unit on a 3,500 sqft site with an existing 475 sqft one-story dwelling unit on a detached garage. The property is located at 4840 Pescadero Avenue in the RM 2-4 Zone within the Ocean Beach Community Plan, Coastal OZ (appealable), Coastal Height Limit, Airport Influence Area, FAA Part 77, First Public Right of Way, Residential Tandem Parking OZ, Council District 2.

New documents were presented by architect to remove existing garage and provide 4 tandem parking spots. Board members were concerned because the new parking didn't provide and “enclosed” parking structure which many interpreted to mean a garage like structure. And that 1 of 2 spaces must be enclosed. Gio wants to know if this is in compliance with code.

Landry- in support of applicant. They live and work in OB and the have taken necessary steps to properly park the property. Looking to get an approval of a parking variance.

Jane- doesn't support use of property, concerned with bedroom vs an office. Perspective of enclosed is for a garage.

Brittany motioned to approve as newly presented to board with drawings dated June 4, 2008 and conditional to meeting parking requirements. Craig seconded. Jane mentioned that the city hasn't seen this plan and doesn't think that we should be approving something that the city hasn't signed off on.

Motion passed 10-2-0

7:35 Item #006 – Action Item

Kim Mixed Use. Ocean Beach JO#43-0370 (Process 2) Coastal Development Permit to construct 2 residential for rent units on a 7,000 SF site with an existing medical office building at 4851 Santa Monica Ave in the CC 4-2 Zone within the Ocean Beach Community Plan, Coastal Overlay (nonappealable), Coastal Height Limit, Airport Influence Area, FAA Part 77, Parking Impact OZ, Residential Tandem Parking OZ, Council District 2.

Landry doesn't like the fence out front, but supports CDC.

Bill motioned to approve project as presented. Jane seconded.

Motion passed 12-0-0



7:50 Item #005 – Action Item Moved to present last since no one was present

Cape May TM. Ocean Beach JO#42-7594 (Process4) Tentative Map and under groudng overhead utilities waiver to convert 5 existing residential units to condominiums on a 0.19 acre site at 5104 Cape May Ave in the RM 2-4 Zone within the Ocean Beach Community Plan, Coastal Overlay Zone, Coastal Height Limit, Airport Influence Area, Airport Approach, FAA Part 77, Parking Impact Overlay Zone, Residential Tandem Parking OZ, Council Dist 2.

Comment was sent by the owner that it wasn't economically sound to make any improvements to the units. Craig motioned to deny approval of project as presented due to no building improvement plans and feels it is under parked. Seconded by Gio.

Motion to deny approval passed 12-0-0

Meeting adjourned at 7:58.

LO# 42-7594



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title PINNACLE ABBOTT CONDOMINIUMS Project No. For City Use Only 126046

Project Address: 2060 Abbott St., San Diego CA 92107

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):
STEPHANIE YOUNG AS TRUSTEE
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
3999 CROWN POINT DRIVE #29
City/State/Zip:
SAN DIEGO CA 92109
Phone No: (858) 473-0663 Fax No: (858) 273-5263
Signature: [Signature] Date:
Name of Individual (type or print):

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature : Date:
Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Project Title: <u>PINNACLE ABBOTT CONDOMINIUMS</u>	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

- Corporation (Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print): _____

- Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

- Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

- Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

- Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

- Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

- Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print): _____

Title (type or print): _____

Signature : _____ Date: _____

BUILDING CONDITIONS REPORT
DISTRIBUTED TO PLANNING COMMISSION ONLY
CONTACT PROJECT MANAGER



(R-2009-407)

RESOLUTION NUMBER R-304107

DATE OF FINAL PASSAGE SEPTEMBER 9, 2008

5104 CAPE MAY TENTATIVE MAP, PROJECT NO. 126046 -
ENVIRONMENTAL APPEAL BY CORY J. BRIGGS, BRIGGS
LAW CORPORATION, ON BEHALF OF CITIZENS FOR
RESPONSIBLE EQUITABLE ENVIRONMENTAL
DEVELOPMENT.

WHEREAS, on February 4, 2008, Stephanie Young, submitted an application to the City of San Diego for approval of a tentative map and a waiver from the requirements to underground existing overhead utilities to convert five existing residential units to condominiums on a 0.19-acre site located at 2060 Abbott Street (hereinafter referred to as the 5104 Cape May Tentative Map Project); and

WHEREAS, said 5104 Cape May Tentative Map Project was assigned Project No. 126046 by the City of San Diego Development Services Department; and

WHEREAS, on February 4, 2008, the City of San Diego, through the Development Services Department, determined that the application for Project No. 126046 was complete, and therefore, was deemed complete on said date; and

WHEREAS on February 14, 2008, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the 5104 Cape May Tentative Map Project is a Class I, Existing Facilities Project, Categorically exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et seq.) under CEQA Guidelines section 15301(k) (California Code of Regulations sections 15000, 15301(k)); and

(R-2009-407)

WHEREAS, in accordance with CEQA (Public Resources Code section 21151(c)), and Section 112.0520 of the San Diego Municipal Code, Cory J. Briggs, Law Corporation, on behalf of Citizens for Responsible Equitable Environmental Development [hereinafter, Appellant] appealed the Environmental Determination for the 5106 Cape May Tentative Map Project to the Council of the City of San Diego [hereinafter, City Council]; and

WHEREAS, the appeal was set for a public hearing to be conducted by the City Council on September 9, 2008; and

WHEREAS, the issues on appeal were heard, and evidence in the form of testimony and other evidence were accepted into the record, by the City Council on September 9, 2008; and

WHEREAS, the City Council considered, in light of the whole record, the Environmental Determination to Categorically Exempt the 5106 Cape May Tentative Map Project, the potential environmental impacts associated with the 5106 Cape May Tentative Map Project, the issues raised on appeal, and the issues brought up at the hearing through testimony and public participation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council, upon consideration of the whole record before it, that it is determined that the Environmental Determination has been completed in compliance with CEQA and the CEQA Guidelines, that the declaration reflects the independent judgment of

(R-2009-407)

the City of San Diego as Lead Agency, and that the information contained in the Development Services Department staff report and testimony and comments received during the public testimony process have been reviewed and considered by this City Council in connection with the appeal of the Environmental Determination.

BE IT FURTHER RESOLVED, that the City Council finds, based upon the representations of City staff, public testimony and the whole record before it, the following:

1. There is substantial evidence, in light of the whole record, supporting the Environmental Determinations to Categorically Exempt the 5106 Cape May Tentative Map Project under the provisions of CEQA Guidelines section 15301(k);
2. A fair argument, based upon evidence found in the whole record, has not been established demonstrating the exceptions to the Categorical Exemption, within the meaning of CEQA and CEQA Guidelines (California Code of Regulations sections 15300.2), exist with respect to the 5106 Cape May Tentative Map Project; and
3. Based upon substantial evidence in light of the whole record, the 5106 Cape May Tentative Map Project would not result in any significant or potentially significant impacts or effects on the environment.
4. The information provided by the Appellant and his experts are to be excluded from the record.

(R-2009-407)

BE IT FURTHER RESOLVED, that the Environmental Determination of the Development Services Department is sustained, and the appeal of Cory J. Briggs, Briggs Law Corporation, on behalf of Citizens for Responsible Equitable Environmental Development, is denied.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:pev
11/10/08
Or.Dept:Clerk
R-2009-407
MMS #5960

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 297 9740

COASTAL DEVELOPMENT PERMIT NO. 6-86-634

Page 1 of 2



On December 12, 1986, the California Coastal Commission granted to
Stan Dotts and Will Laughlin
this permit for the development described below, subject to the attached
Standard and Special Conditions.

Description: Demolition of a single-family residence and construction of 5
3-bedroom condominium units in a 2-story, 5,840 sq. ft.
structure, with 9 covered parking spaces and 1 open parking
space on an 8,500 sq. ft. lot.

Lot Area	8,500 sq. ft.
Building Coverage	5,840 sq. ft. (27%)
Pavement Coverage	3,744 sq. ft. (44%)
Landscape Coverage	2,436 sq. ft. (29%)
Parking Spaces	10
Zoning	R-1750
Plan Designation	Multi-family Residential
Project Density	25.6 du/a
Ht abv fin grade	28 feet

Site: 2060 Abbott Street, Ocean Beach, San Diego, San Diego County.
APN 448-023-15.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director
and

Patricia J. Rogers

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT
WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

ACKNOWLEDGEMENT

The undersigned permittee acknowledges
receipt of this permit and agrees to
abide by all terms and conditions
thereof.

1-7-87
Date

Stan Dotts
Signature of Permittee

2060 Abbott St.

ATTACHMENT 9

State of California, George Deukmejian, Governor

California Coastal Commission
1333 Camino Del Rio S., Suite 125
San Diego, CA 92108
(619) 297-9740

2060 Abbott St.

Stan Dotts/Will Laughlin

5749 La Jolla Blvd.

La Jolla, CA 92037

NOTICE OF ACCEPTANCE

DATE: January 7, 1987

APPLICANT: Stan Dotts/Will Laughlin

DOCUMENTS OR PLANS: Landscape Plan

SUBMITTED IN COMPLIANCE WITH SPECIAL CONDITION(S) NO(S), #1

OF DEVELOPMENT PERMIT NO. 6-86-634

Material submitted in compliance with said Special Condition(s) of your development permit has been reviewed by the District Director and found to fulfill the requirements of said condition(s). Your submitted material and a copy of this letter have been made a part of the permanent file.

Sincerely,

Tom Crandall
Tom Crandall
District Director

By: *Patricia T. Rogers*
Patricia T. Rogers

