

DATE ISSUED: May 5, 2005

REPORT NO. PC-05-137

ATTENTION: Planning Commission, Agenda of May 12, 2005

SUBJECT: DEL MONTE AVENUE CONDOMINIUMS
PROJECT No. 29981. PROCESS 4

OWNER: Louise Tompkins, Rod Tompkins and Michael Zarro

APPLICANT: Robert Bateman, San Diego Land Surveying & Engineering

SUMMARY

Issue: Should the Planning Commission approve an application for a Tentative Map and Coastal development Permit to convert eight existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Tentative Map No. 80986;
2. APPROVE Coastal Development Permit No. 80985; and
3. WAIVE the requirement to underground overhead utilities.

Community Planning Group Recommendation: The project was presented at the Ocean Beach Planning Board's General Meeting on July 7, 2004 and voted to approve the project for conversion to condominiums, but not to approve a waiver for the undergrounding of utilities by a vote of 9 in favor, 0 opposed, and 0 abstentions.

Environmental Review: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with the State CEQA Guidelines 15301(k), existing facilities.

Fiscal Impact: The cost of processing this application is paid for by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is the conversion of eight existing apartment units to condominiums. There would be a loss of eight rental units and a gain of eight for-sale units. This project is subject to the Coastal Overlay Zone Affordable Housing Replacement Regulations and has fulfilled its obligations because the Housing Commission survey of existing tenants found no low- or moderate-income tenants. The project therefore is subject to the Inclusionary Housing In-Lieu fee of \$3,706.

BACKGROUND

The 7,003 square foot site is located at 4841 Del Monte Avenue and lies within the RM-2-4 Zone, Non-Appealable Coastal Overlay Zone, Coastal Height Limit Zone, Airport Approach Zone and the Airport Environs Zone of the Ocean Beach Community Plan. The site currently consists of two lots. The project sits mid-block and on the west side of Del Monte Avenue, south of Cable Street and north of Sunset Boulevard. The subject property is surrounded by similar multi-family and single family development.

The site is presently improved with a two story, eight-unit apartment building that includes eight two bedroom units, a storage area and a laundry room. The structure was constructed in 1958 under building permit number 3608-A. When constructed local zoning regulations did not require off-street parking. Further, no new parking is required as a condition of this action. The original building plans included paved parking areas accessible from Del Monte Avenue and the alley at the rear of the property, but did not show defined, designated parking spaces. As such, to maintain consistency with the previously conforming status, no parking spaces are shown on the Tentative Map exhibit.

DISCUSSION

Project Description: The project proposes a Coastal Development Permit and Tentative Map to for the conversion of eight existing multi-family dwelling units into eight condominiums (Attachment 4) and a request to waive the requirement to place existing overhead utilities underground. No construction is proposed with this project.

Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion, 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 that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion, and determined that it complies with both the Subdivision Map Act and the Municipal Code.

A Final Map is required to consolidate the existing two lots into one lot and to subdivide the ownership interest as a condition of the tentative map.

Project-Related Issues:

Municipal Code Conformance - The 7,003square foot site is currently in the RM-2-4 zone as applied to the site in January 2000. Previous zoning includes the R-1750 zone established in April 1985, and the original R-4zone applied in April 1930. The two-story structure was originally built as eight units under the requirements of the R-4 Zone. Under current RM-2-4 zone, only four units could be constructed on the site (one unit per 1,750 square feet of lot area.) In 1958, under the R-4 zone, no off-street parking was required. However, current requirements within the RM-2-4 zone would require 18 parking spaces for eight two-bedroom units. As such, the site deviates from current density and parking requirements.

Although the existing multi-unit complex does not meet the current parking or zoning requirements, it has previously conforming rights in accordance with Chapter 12, Article 7, Division 1 of the San Diego Municipal Code (SDMC). Further, no code violations exist on the project site.

The site is within the Coastal Overlay Zone (non-appealable), the Beach Parking Impact Zone, Airport Approach Overlay Zone (AAOZ), Airport Environs Overlay Zone (AEOZ), and Ocean Beach Cottage Emerging Historic District. Future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2 of the Land Development Code.

Coastal Overlay Zone – The project location is within the Coastal Overlay Zone (Map C-730) which is permit jurisdiction of the City of San Diego and non-appealable to the California Coastal Commission. Pursuant to §126.0708(a) of the San Diego Municipal Code, findings for Coastal Development Permit 174907 are substantiated in the draft resolution (attachment 7.) The project site is not within the First Public Roadway, contains no Environmentally Sensitive Lands, is a consistent land use as designated in the Precise Plan, and does not encroach on physical or visual access to the ocean.

Airport Environs Overlay Zone (AEOZ) - The project site is within the Airport Environs Overlay Zone (AEOZ) and within the 65 - 70decibel (dB) Community Noise Equivalent Level (CNEL) for Lindbergh Field operations. As a permit condition, an Avigation Easement shall be granted to the airport operator for airport noise. Under the existing Lindbergh Field Comprehensive Land Use Plan (CLUP), a recorded Avigation Easement would make this a compatible land use.

Airport Approach Overlay Zone (AAOZ) - The project site is within the Airport Approach Overlay Zone (AEOZ) for Lindbergh Field operations. Pursuant to §132.0202, structures less than 30 feet high are exempt from further requirements of the AAOZ.

Undergrounding Waiver Request - There are existing overhead facilities adjacent to the project site. San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the parcel or subdivision. Staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developers Expense, in that it would not represent a logical extension to an underground facility, would

represent an isolated undergrounding, and involves a short span (less than a full block in length). The project is located within Block 2Q for which an undergrounding date has been set by Council for Fiscal Year 2010 allocation.

Affordable Housing - This project is subject to the requirements of the Coastal Overlay Zone Affordable Housing Replacement Regulations of the San Diego Municipal Code at Chapter 14, Article 3, Division 8. The San Diego Housing Commission completed a tenant income survey of the existing residents which found the following existing conditions: no units occupied by *low-income* or *moderate-income* households Pursuant to the March 21, 2005 direction from the Housing Commission, the applicant has no further obligations to provide affordable replacement housing or an in-lieu fee pursuant to the Coastal Affordable Housing Replacement Regulations of the Municipal Code at Sections 143.0810 through 143.0860. The project, therefore, is subject to the Inclusionary Housing In-Lieu fee.

This project was deemed complete on March 23, 2004 and is under ten units, therefore is subject to an in-lieu fee of \$050 per square foot. As the existing development provides 7,413 square feet of living space, the applicant is required to either pay a total of sum of \$ 3,706 or set aside 10% of the units as Affordable.

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). The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on June 30, 2004. Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each least 72-hours (three calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before May 9, 2005.

Conclusion:

Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Coastal Development Permit No. 80985 and Tentative Map No. 80986 with modifications.
2. Deny Coastal Development Permit No. 80985 and Tentative Map No. 80986 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeff Strohminger
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Development Services Department

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Attachments:

1. Area Location
2. Aerial Photograph
3. Zone
4. Community Plan Land Use Map
5. Project Data Sheet
6. Tentative Map
7. Draft Tentative Map Resolution
8. Draft Coastal Development Permit Resolution
9. Draft Coastal Development Permit
10. Ownership Disclosure Statement
11. Project Chronology
12. Noticing
13. Ocean Beach Planning Board Recommendation
14. Undergrounding Map and Schedule
15. Housing Commission Requirements