

DATE ISSUED: April 19, 2007

REPORT NO. PC-07-047

ATTENTION: Planning Commission, Agenda of April 26, 2007

SUBJECT: 4712 WEST POINT LOMA TENTATIVE MAP – OCEAN BEACH –
PROJECT No. 107269 PROCESS 4.

OWNER: Thomas P. and Nadia Q. Davies

APPLICANT: Robert Bateman

SUMMARY

Issue: Should the Planning Commission approve a Coastal Development Permit, Tentative Map to convert eight existing residential apartment units to condominiums with seven legal parking spaces at 4712 West Point Loma Avenue, in the RM-2-4 Zone of the Ocean Beach Precise Plan?

Staff Recommendation:

1. APPROVE Coastal Development Permit 358089
2. APPROVE Tentative Map No. 356730

Community Planning Group Recommendation: The Ocean Beach Planning Board considered the project at their meeting on October 4, 2006 where a motion to recommend approval carried by a vote of 6-0-0 (Attachment 9). This recommendation was based on a project definition of 8 units and 8 parking spaces. The Board did not review a project scope of 8 units and 7 parking spaces.

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, July 27, 2006 (Attachment 13). This determination was appealed on July 31, 2006, but denied by City Council on March 20, 2007.

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 8 existing apartment units to condominiums. There would be a loss of 8 rental units and a gain of 8 for-sale units. This project is subject to the Inclusionary Housing and Coastal Affordable Replacement Regulations, which are conditions of the proposed Tentative Maps for Condominium Conversions. Pursuant to the Coastal Affordable Replacement Regulations, a tenant income survey was completed November 2006 (Attachment 12) and found no low- or moderate-income tenants. Therefore, the applicant has no further obligation under the Coastal Affordable Replacement Regulations and is only subject to the Inclusionary Housing requirements. The applicant proposes to pay the Inclusionary Housing in-lieu fee assessed for 5,592 square feet of living area to satisfy these requirements, anticipated to be \$20,412.63.

BACKGROUND

A Tentative Map to convert existing apartment units into condominiums is a Process Four, Planning Commission decision per San Diego Municipal Code Section 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

The developed 7,318 square-foot (0.17 acre) site is located at 4712 West Point Loma Avenue (Attachment 1) within the North Ocean Beach neighborhood of the Ocean Beach Precise Plan and Local Coastal Program (Attachment 2), abutting the Mission Bay Park community planning area to the north. The land is designated multifamily residential in the community plan at a high density of 25 du/ac. The site is zoned RM-2-4 and is within the coastal zone permit jurisdiction of the City of San Diego (non-appealable). The site is within the Airport Approach Overlay Zone (AAOZ), the Airport Environs Overlay Zone (AEOZ) [65 decibel noise contour], the Coastal Parking Impact Overlay Zone, and the Ocean Beach Emerging Historic District. The site abuts the city-owned open space of Dusty Rhodes Park to the north (also zoned RS-1-1) with multifamily adjacent. The site has no rear alley. There are no overhead facilities within the abutting public right-of-way, therefore, no request for undergrounding waiver is made.

This project was Deemed Complete on July 14, 2006. Therefore, the new condo conversion regulations are not yet applicable as the project is located within the Coastal Zone, and those regulations have not yet been approved by the California Coastal Commission. Therefore, the applicant has provided a building conditions report and landscape concept plan. However, those documents have not been reviewed or accepted by city staff as it is not yet a requirement of the Municipal Code.

DISCUSSION

Project Description: The project proposes to convert the existing eight apartments to eight condominiums. The project consists of three, one-bedroom units (616 - 621 square feet), and five two bedroom units (651 – 825 square feet) in a two story building built in 1960 with a total of 5,592.5 square feet of living area. Current parking requirements for the project, if constructed today, would be 15 spaces. The project was constructed with, and proposes seven parking spaces. The project has established previously conforming rights. There are no zoning or code violations associated with the property.

Project-Related Issues:

Municipal Code Conformance – The eight-unit project was constructed in 1960 at a density of 47 dwelling units per acre (du/ac). In 1975, the Ocean Beach Precise Plan established a recommended density for this area at 25 – 38 du/ac. At the time of project construction, the site was zoned R-4 in 1930, rezoned to R 1750 in 1985 and permitted 8 units. The current RM-2-4 zone would only allow 4 units if constructed today (one per each 1,750 square feet of lot area). Under the current Code, 17 parking spaces would be required. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

The site is within the Coastal Overlay Zone (Map C-730) permit jurisdiction of the City of San Diego (non-appealable), the Beach Parking Impact Zone (Map C-731), Airport Approach Overlay Zone (AAOZ), Airport Environs Overlay Zone (AEOZ), and Ocean Beach 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 219384 (Attachment 7) are substantiated in the Resolution (Attachment 8). 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 decibel (dB) Community Noise Equivalent Level (CNEL) for San Diego International Airport operations. However, an Aviation Easement is not required pursuant to the Municipal Code at 132.0309 as there is no increase in the number of dwelling units. Nonetheless, a request for Consistency Determination was submitted to the Airport Land Use Commission on November 15, 2006. The Airport Land Use Commission has not deemed the application complete, but responded on December 8, 2006 that they are working projects on a priority basis and that condo conversions were not at the top of the priority list due to staffing

constraints. It is anticipated that the project would be found to be Conditionally Compatible with the Airport Land Use Compatibility Plan with the requirement for an Aviation Easement.

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.

Noticing - The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on April 6, 2006 (Attachment 11).

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of eight residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps, Coastal Development Permits, and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Coastal Development Permit 358089 and Tentative Map No. 356730 with modifications.
2. Deny Coastal Development Permit 358089, and Tentative Map No. 356730 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

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

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photo
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Draft CDP Permit
8. Draft CDP Findings
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Tenant Notices
12. Housing Commission Requirements
13. CEQA Exemption