

DATE ISSUED: September 25, 2008 **REPORT NO. PC-08-128**

ATTENTION: **Planning Commission, Agenda of October 2, 2008**

SUBJECT: NOLEN RESIDENCES – PROJECT NUMBER 145713
PROCESS 2

OWNER/ Ken Nolen
APPLICANT: Craig Frieauf

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Development Services Department decision to approve a Coastal Development Permit allowing the demolition of an existing single-family dwelling unit and the construction of two new residential units at 4677 Niagara Avenue within the Ocean Beach Community Planning area?

Staff Recommendation:

1. DENY the appeal and CERTIFY Mitigated Negative Declaration No. 145713;
 and
2. APPROVE Coastal Development Permit No. 510984

Community Planning Group Recommendation: On June 4, 2008, the Ocean Beach Community Planning Board voted 11-1-0 recommending the Development Services Department deny the proposed development based on the issues of bulk and scale, historical concerns and inconsistency with the Ocean Beach Precise Plan. The Ocean Beach Planning Board is the appellant of the Development Services Department decision and these issues are discussed in greater detail within this report.

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 area: **HISTORICAL RESOURCES (ARCHAEOLOGY)**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of the Mitigated Negative Declaration. 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: There is no fiscal impact with this project. All costs associated with processing the application are paid by the applicant.

Code Enforcement Impact: None. There is no code violation registered on this property.

Housing Impact Statement: The project proposes to demolish an existing single-family residence and construct two single-family residences on a 7,000 square-foot site. The proposal would result in a net gain of 1 dwelling to the Ocean Beach plan area. Also, the proposed project is within the Coastal Overlay Zone and has been reviewed for compliance with the regulations in the Coastal Overlay Zone Affordable Housing Replacements Requirements division of the Land Development Code. This division is not applicable to this proposal because the proposal does not involve demolition of a residential structure with three or more dwelling units or demolition of at least eleven units when two or more structures are involved.

BACKGROUND

The project site is located at 4677 Niagara Avenue within the Ocean Beach Community Plan area. The Ocean Beach Precise Plan designates the 0.16 acre property for multi-family residential land use at a density of 8-14 dwelling units per net residential acre, and the site is zoned RM-1-1 which is tailored to multi-family development. The property is within a fully developed urbanized community and surrounded by a variety of single and multi-family housing types. The existing residential structure was constructed in 1912 then modified in 1971. Staff review of the structure by the Historic Resource Board staff concluded that the building is not historically significant either in terms of the architecture or because an important person resided at the property.

DISCUSSION

Project Description:

The project proposes the demolition of the single-family house and the construction of two new residential dwelling units. The RM-1-1 Zone allows for a density of 1 dwelling unit per 3,000 square-feet of lot size therefore, the 7,000 square-foot lot can accommodate the two proposed units. The structures would be detached and sited front and back of the lot. Both units are proposed to be two stories and include some partially subterranean basement area. Unit 1 would front on Niagara Avenue with 2,376 square feet of gross floor area and includes four designated bedrooms, an office space and four bathrooms along with the common living areas. Unit 2 would be located off the rear alley and include 2,813 square-feet of gross floor area. Unit 2 is also a four bedroom unit with two full and two half bathrooms. The total floor area of Unit 2 includes 526 square feet of non-habitable floor area designated as two single-car garages. Access to the garage spaces and three additional surface parking spaces is from the abutting

alley. The architectural style of the house would be aptly described as Spanish/ Mediterranean with a coastal motif that includes finish materials of salt white smooth stucco, exposed rafter entries and Barcelona barreled roof tiles. The structures include off-setting plains and pitched roofs that provide building articulation which is accented by balconies and roof decks with metal railings.

The two proposed units are significantly larger than the existing single-story residential structure, but the development would be consistent with the recommended land use and density of the Ocean Beach Precise Plan and would comply with the development regulations of the underlying RM-1-1 Zone. No deviation or variance is sought in conjunction with the Coastal Development Permit application. The two story units would be compatible with the surrounding neighborhood and outlying Ocean Beach community which offers a diverse mix of residential development both new and old, with a variety of large and small unit types.

Community Plan Analysis:

The proposed project is a Coastal Development Permit (CDP) to demolish one existing residential dwelling unit and construct two 2-story residential dwelling units on a 7,000 square foot site located at 4677 Niagara Avenue in the Ocean Beach Precise Plan area. The proposal is in an area designated for multi-family development at a low-medium density range of 8-14 dwelling units per net residential acre and could accommodate between 2 to 3 dwelling units. The proposal to construct 2 dwelling units would meet the density range of the low-medium residential designation.

The Land Use and Community Planning Element implements the City of Villages Strategy within the context of San Diego's community planning program, and includes goals for balanced communities and equitable development. Specifically a goal of this element is to, "Ensure diverse and balanced neighborhoods and communities with housing available for households of all income levels." Similarly, the residential element of the Ocean Beach Precise also contains goals to address housing needs, in particular, "Promote the continuation of an economically balanced housing market, providing for all age groups and family types." Additionally, the proposal is for two new units and therefore would be required to comply with the Inclusionary Housing Ordinance and meets the community plan goal by providing housing opportunity for households of all income levels, age groups and family types.

The Housing Element has specific measurable goals to address the City's critical housing needs. One such goal is for the "Provision of an adequate site inventory and new construction capacity." This proposal would replace one dwelling unit with two and would add one unit to the City's housing stock, implementing this goal of the Housing Element.

The Urban Design Element of the General Plan is based on the guiding principle of building upon our existing communities. Goals of this element include, "Build upon our existing communities," and, "Preserve stable residential neighborhoods." This proposal would implement these General Plan goals. In addition, the Ocean Beach Precise Plan includes the goals "To upgrade the physical character of the community," and "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,” and “Maintain the existing residential character of Ocean Beach as exemplified by a mixture of small scale residential building types and styles.” The proposed project does not represent excessive height and bulk, and is compatible in design with the existing community because it will include finished materials, colors and structured elements compatible with existing structures.

Environmental Analysis:

A Mitigated Negative Declaration (Project No. 145713) was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines and it was determined the project would not have a significant effect on the environment.

Appeal Issues:

The Ocean Beach Community Planning Board provided an official recommendation to the Development Services Department stating that the proposed development should be denied. The reasons cited for the recommendation to deny the project, as noted in the general meeting minutes of June 4, 2008, included the historical nature of the existing structure, the bulk and scale of the proposed development, and inconsistency with the Precise Plan. These same issues are the crux of the subsequent appeal submitted by the Planning Board (Attachment 9).

Staff had considered each of the appeal issues prior to approving the Coastal Development Permit and determined that they were without merit from a regulatory standpoint for the following reasons:

Historical Significance

The City reviews projects requiring the demolition of residences 45 years or older for historic significance in compliance with the California Environmental Quality Act (CEQA). CEQA Section 21084.1 states that “A project that may cause a substantial adverse change in the significance of a historical resource is a project that may cause a significant effect on the environment.” In the case of the Nolen Residences, the project would require the demolition of a residence built in 1912, modified in 1971, and located within the voluntary Ocean Beach Emerging Cottage District. Properties within this district can be designated as historical only at the request of the property owner. Due to the age of the buildings, the existing residence was reviewed by qualified Historic Resource Board staff for significance; and it was determined that the house would not warrant designation as an individual resource. The project was also reviewed for significance under CEQA and it was determined the residence has been modified and has not retained its architectural integrity or significance. No historically important persons are known to be associated with the building or the property. It was concluded that the project would not be considered significant under CEQA in terms of architectural style, appearance, design, construction or association with important persons or events in history. Since the demolition would not result in a significant impact to significant historic resources, no mitigation was required.

Bulk and Scale

The Development Services Department's technical review staff applied the appropriate regulations of the Land Development Code, including the underlying RM-1-1 Zone development regulations, and determined that the project complies with all of the applicable requirements of the City of San Diego Municipal Code. The bulk and scale of proposed development is not considered in the applicable findings necessary to approve a Coastal Development Permit. Further, it is generally considered that a project that wholly complies with the Land Development Code and therefore does not deviate from the development regulations for structure height, building setbacks and gross floor area, does not present bulk and scale issues. A field reconnaissance of the surrounding neighborhood found that there are several "two-on-one" type of developments similar in design and size to the proposed project, making the Nolen Residences compatible with the local community.

Community Plan Consistency

The Ocean Beach Precise Plan designates the property for multi-family residential land use at a density of 8-14 dwelling units per net residential acre. The proposed development is consistent with both the recommended land use and the development intensity prescribed for the site. Further, the proposed project would implement several goals and recommendations of the Precise Plan through implementation of the Land Use and Community Planning Element, Housing Element and the Urban Design Element of the General Plan. Specifically, the project would add an additional unit within a multi-family zone; preserve the character of the neighborhood and upgrade the physical character of the community.

Conclusion:

The proposed development has been reviewed for consistency with the Ocean Beach Precise Plan and conformance with the applicable development regulation of the Municipal Code. Staff has determined the two-unit project conforms to the recommended land use and density prescribed for the 7,000 square-foot site, and the design of the project corresponds with the purpose and intent of the RM-1-1 Multi-Family Zone. Staff considered the Ocean Beach Community Planning Board recommendations and determined the appeal issues do not warrant a denial of the project based on the application of the City's current land use policies and development regulations for this type of development.

Staff determined that the existing structure is not historically significant and demolition would not impact the community's historic fabric. Staff concedes that the proposed development would be considerably larger than what exists on the property, but that the bulk and scale of the design are consistent with the purpose and intent of the underlying zone and similar in nature to the surrounding urban environment. Finally, staff believes that the proposed project would be consistent with the goals and recommendations of the Ocean Beach Precise Plan and the General Plan by providing new housing units, upgrading the property and preserving the multi-family character of the neighborhood.

The Development Services Department believes that the applicable coastal development findings can be affirmed and therefore recommends that the Planning Commission deny the appeal, certify the environmental document and approve the project as conditioned in Coastal Development Permit No. 510984.

ALTERNATIVE:

1. **Deny** the appeal and **Approve** the project with modification; or
2. **Approve** the appeal and deny the project.

Respectfully submitted,

Mike Westlake
Project Manager
Development Services Department

Patrick Hooper
Project Manager
Development Services Department

WESTLAKE/JPH

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Project Site Plan
6. Project Plans
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Copy of Appeal
10. Community Planning Group recommendation

15. Community Planning Group Recommendation
16. Ownership Disclosure Statement (THESE MUST BE UPDATED AND COMPLETE PRIOR TO HEARING. VERIFY ALL INFORMATION WITH OWNER TWO DAYS PRIOR TO HEARING. **ENSURE THAT YOU INCLUDE AN ATTACHED LIST OF EACH INTERESTED PERSON (I.E., CORPORATE OFFICERS, BOARD OF DIRECTORS) WITH THE OWNERSHIP DISCLOSURE STATEMENT.**)
17. Project Chronology
18. IF PROJECT IS FOR AN ALCOHOL CUP, INCLUDE A MAP SHOWING CENSUS TRACTS AND THE DISTRIBUTION OF LIQUOR LICENSES.
19. COPY OF RELEVANT MUNICIPAL CODE SECTIONS IF AN OLD CODE PROJECT.
 1. LABEL EACH ATTACHMENT ON THE UPPER RIGHT-HAND CORNER OF EACH PAGE TO CLEARLY IDENTIFY IT, E.G., ATTACHMENT 1, ATTACHMENT 2, ETC.
 2. EACH ATTACHMENT SHOULD HAVE ITS OWN PAGE NUMBERING, AT THE BOTTOM, IN THE CENTER OF THE PAGE.

Rev 01-04-07/rh