

**DATE ISSUED:** November 23, 2005

**REPORT NO. PC-05-316**

**ATTENTION:** **Planning Commission, Agenda of December 1, 2005**

**SUBJECT:** 4956 CAPE MAY TENTATIVE MAP – OCEAN BEACH –  
PROJECT No. 70587, PROCESS 4.

**OWNER:** Glenn L. Goldman

**APPLICANT:** Nicole Noble, Sterling Land Services

**SUMMARY**

**Issue:** Should the Planning Commission approve a Coastal Development Permit, Tentative Map, and Undergrounding Waiver to convert eight existing residential apartment units to condominiums at 4956 Cape May Street, in the RM-2-4 Zone of the Ocean Beach Precise Plan?

**Staff Recommendation:**

1. APPROVE Coastal Development Permit 218260
2. APPROVE Tentative Map No. 218262

**Community Planning Group Recommendation:** The Ocean Beach Planning Board considered the project at their meeting on September 7, 2005 where a motion to recommend denial carried by a vote of 8-0-0 over concerns of parking.

**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 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. The applicant proposes to pay an in-lieu fee of \$36,200 to the Housing Commission.

## **BACKGROUND**

A “Tentative Map for a Condominium Conversion” 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 6,996 square foot ( 0.16 acre) site is located at 4956 Cape May Avenue within the North Ocean Beach neighborhood of the Ocean Beach Precise Plan and Local Coastal Program. 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. The site is within the Airport Approach Overlay Zone (AAOZ), the Airport Environs Overlay Zone (AEOZ), and the Ocean Beach Emerging Historic District. The surrounding area contains multifamily and single family development.

## **DISCUSSION**

**Project Description:** The project proposes to convert the existing eight apartments to eight condominiums. The project consists of one, one-bedroom unit (715 square feet), and seven two bedroom units (730 - 895 square feet) in a two story, 3,466 square -foot building built in 1969 with a total of 6,675 square feet of living area. Current parking requirements for the project, if constructed today, would be 18 spaces. The project was constructed with, and proposes eight parking spaces (five single parking spaces and three tandem 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 1969. At that time, the site was zoned R-4 and permitted 17 units (one unit per each 400 square feet of lot area) and 8 parking spaces (five single parking spaces and three tandem spaces). If constructed today under the current Code, 18 parking spaces would be required based on the current bedroom count. However, only four units would be allowed in this RM-2-4 zone (one per each 1,750 square feet of lot area). The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

The eight-unit project was constructed in 1969 at a density of 50 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. The project retains previously conforming rights to density based on compliance with the zone as constructed.

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 21860 are substantiated in the Resolution attached. 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 Lindbergh Field operations. However, an Avigation Easement is not required pursuant to the Municipal Code at 132.0309 as there is no increase in the number of units.

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 requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on November 1, 2004.

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 2R for which an undergrounding date has not been set by Council.

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. On October 25, 2005, the San Diego Housing Commission completed a tenant income survey of the existing residents which found the following existing conditions: one, two bedroom unit occupied by a *low-income* household; and one, two-bedroom unit occupied by a moderate-income household. The applicant must therefore set aside two replacement units in the ratio as found in the survey, or pay the Coastal Affordable In-Lieu fee of \$36,200 pursuant to the Coastal Affordable Housing Replacement regulations of the Municipal Code at Sections 143.0810 through 143.0860.

This project is subject to the Inclusionary Housing requirements. The Inclusionary Housing in-lieu fee would be \$5,841 based on 6,675 square feet of living space at a charge of \$0.875/square foot. However, because the Coastal Affordable Replacement In-Lieu fee would be greater, the project is only subject to the more stringent of the two and not both.

**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 21860 and Tentative Map No. 218262 with modifications.
2. Deny Coastal Development Permit 21860 and Tentative Map No. 218262 if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director,**  
**Customer Support and Information Division**  
**Development Services Department**

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**Cory H. Wilkinson**  
**Development Project Manager,**  
**Customer Support and Information Division**  
**Development Services Department**

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Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map
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. Project Chronology
12. Undergrounding Schedule
13. Copy of Tenant Notices
14. Housing Commission Requirements