

**DATE ISSUED:** January 19, 2006

**REPORT NO. PC-06-042**

**ATTENTION:** Planning Commission, Agenda of February 2, 2006

**SUBJECT:** 4650-60 NIAGARA TENTATIVE MAP – OCEAN BEACH –  
PROJECT No. 77221, PROCESS 4.

**OWNER:** Karen R. Anderson

**APPLICANT:** Robert Bateman

## **SUMMARY**

**Issue:** Should the Planning Commission approve a Coastal Development Permit, Tentative Map, and Undergrounding Waiver to convert five existing residential units to condominiums at 4650-60 Niagara Avenue, in the RM-1-1 Zone of the Ocean Beach Precise Plan?

### **Staff Recommendation:**

1. APPROVE Coastal Development Permit 242891
2. APPROVE Tentative Map No. 242893

**Community Planning Group Recommendation:** The Ocean Beach Planning Board considered the project at their meeting on December 7, 2005 where a motion to recommend denial carried by a vote of 8-0-0 over concerns of parking (Attachment 9).

**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, August 5, 2005 (Attachment 15). This project is not the subject of an environmental appeal.

**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 5 existing apartment units to condominiums. There would be a loss of 5 rental units and a gain of 5 for-sale units. This project is subject to the Inclusionary Housing Regulations, which are conditions of the proposed Tentative Map for Condominium Conversions. The applicant proposes to pay an in-lieu fee of \$5,312 to the Housing Commission.

## **BACKGROUND**

A Tentative Map to convert existing apartment units into condominiums is a Process Four, Planning Commission decision per San Diego Municipal Code Section (SDMC)125.0430. A Tentative Map for Condominium Conversion is a subdivision of land and 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. A Coastal Development Permit (CDP) is required for the *coastal development* per SDMC 126.0702. *Coastal development* as defined in the SDMC at 113.0103 includes subdivision of land.

The developed 10,436 square-foot (0.24 acre) site is located at 4650-60 Niagara Avenue (Attachment 1) within the East Ocean Beach neighborhood of the Ocean Beach Precise Plan and Local Coastal Program (Attachment 2). The site includes the following addresses: 4650, 4652, 4654, 4656, and 4660 Niagara Avenue. The land is designated single-family residential in the community plan at a density of 14 dwelling units per acre (du/ac). The site is zoned RM-1-1 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 five rental units to five for-sale condominiums. The project consists of three, detached, one-story, single-family homes; and one, two-story duplex building for a total of 4,250 square feet of living area. The project provides two, one-bedroom units (700 square feet each) at 4650 and 4660 Niagara Avenue; two, two bedroom units (750 and 1,100 square feet each) in the duplex building at 4654-56 Niagara Avenue; and one, three-bedroom unit (1,000 square feet) at 4652 Niagara Avenue. Current parking requirements for the project, if constructed today, would be 11 spaces. The project was constructed with, and proposes seven parking spaces : two, one-car garages in the interior of the project site accessed from Niagara Avenue; one, two-car garage accessed from the alley; and one, three-car garage in the duplex building accessed from the alley. 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 five-unit project was constructed between the 1950s and the 1980s to the existing density of 21 dwelling units per acre (du/ac). The three detached single-family structures were constructed in 1956. The two story duplex building and one-story, two-car garage at 4654 and 4656 Niagara Avenue in the rear of the project site at the alley were added in 1963 with a building permit issued October 27, 1963. One of the single-family structures (4652 Niagara Avenue) underwent a bedroom addition in the 1980s.

At the time of initial project construction, the site was zoned R-2 and permitted three units (the three detached single-family homes at 4650, 4652, and 4660 Niagara Avenue). These three units on the 0.24-acre site resulted in a density of 12.5 du/ac. In 1975, the Ocean Beach Precise Plan established a recommended density for this area of 14 du/ac. The current RM-1-1 zone would only allow three units if constructed today (one per each 300 square feet of lot area). The duplex building (4654 and 4656 Niagara Avenue) and the two-car garage building adjacent to the alley have building permits (10/27/63). The build-out of the site resulted in a density of 21 du/ac. While the density exceeds current community plan recommendation, the project site total Floor Area Ratio (FAR) is within current requirements: 0.41 where 0.75 is allowed. Under the current Code, 11 parking spaces would be required whereas the project exists with seven off-street parking spaces. 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 Lindbergh Field operations. However, an Avigation Easement is not required pursuant to the Municipal Code at 132.0309 as there is no increase proposed in the number of dwelling units.

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 December 5, 2004 (Attachment 13).

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 20 for which an undergrounding date has not been set by Council (Attachment 12). This project incorporates the new permit condition to underground all onsite utilities serving the subdivision.

Affordable Housing - This project is subject to the Inclusionary Housing requirements. The Inclusionary Housing in-lieu fee would be \$5,312 based on 4,250 square feet of living space at a charge of \$1.25/square foot. Prior to filing a final map, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, 144.0503).

Community Planning Group Recommendation – On December 7, 2005, the Ocean Beach Planning Board considered this project at their General Meeting, at which a quorum was present. A motion to deny the project passed unanimously by an 8-0-0 vote (Attachment 9).

1. *Inadequate parking:* Current parking requirements for the project, if constructed today, would be 11 spaces. However, the project was constructed with, and maintains previously conforming rights to, seven parking spaces:
  - two, single-car garages in the interior of the project site accessed from Niagara Avenue;
  - one, two-car garage accessed from the alley; and
  - one, three-car garage in the duplex building accessed from the alley.
2. *Non-undergrounding of the utilities within the project property:* The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by Engineering staff, who determined that the waiver request meets the requirements of City Council Policy 600-25.
3. *Lack of well-articulated plan for improvements:* The owner intends to improve the structures prior to any sale. However, well-articulated plans are not yet defined as the owner does not have immediate intentions to sell.

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of five 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 242891 and Tentative Map No. 242893 with modifications.
2. Deny Coastal Development Permit 242891 and Tentative Map No. 242893 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

STROHMINGER/CHW

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. Project Chronology
12. Undergrounding Schedule
13. Copy of Tenant Notices
14. CEQA Exemption