



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: November 14, 2007 REPORT NO.: 07-185

ATTENTION: Council President and City Council
Docket of November 20, 2007

SUBJECT: West Ocean Beach Park Units - Project No. 95894, Council District 2,
Process Four Appeal

REFERENCE: Report to the Planning Commission No. PC-07-142 (Attachment 12)

REQUESTED ACTION: Should the City Council approve or deny an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Planned Development Permit (PDP) to allow the demolition of two existing, one-story residential units, and the construction of seven new, three-story residential units in five detached buildings and one duplex, with a deviation from the regulations of the Municipal Code?

STAFF RECOMMENDATION:

1. **DENY** the appeal and UPHOLD the Planning Commission's decision to **APPROVE** Coastal Development Permit No. 310804, and Planned Development Permit No. 456171.
2. **CERTIFY** Mitigated Negative Declaration No. 95894, and **ADOPT** the Mitigation, Monitoring, and Reporting Program.

SUMMARY:

Planning Commission Decision:

On September 27, 2007, the City of San Diego Planning Commission certified the Mitigated Negative Declaration and approved the proposed project by a vote of 5-0-2 (Attachment 8). The decision to approve the project was conditioned to eliminate a request for an over-height retaining wall. The over-height retaining wall has been eliminated from the project.

Appeal Issues:

On October 11, 2007, an appeal of the Planning Commission's decision was filed asserting factual error, and city-wide significance (Attachment 13). These issues are discussed further in this report.

Background:

The project is located at 4824 - 4836 West Point Loma Boulevard within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (Attachment 1). The Precise Plan designates the 0.03-acre site and surrounding neighborhood for multi-family land use at a maximum density of 25 dwelling units per acre (Attachment 2). The site is zoned RM 2-4 and subject to the applicable development regulations of the Land Development Code (Attachment 4).

The property is developed with two single-family houses constructed in 1912 and 1914. City staff determined that neither of the single-family homes is historically significant. The project site is surrounded by established single-family and multi-family residential developments to the west, east, and south, and open space park land to the north (Attachment 3).

Project Description:

The project is requesting a Coastal Development Permit (CDP) and a Planned Development Permit (PDP) in accordance with the City of San Diego Land Development Code to demolish two existing, one-story residential units, and the construction of seven new, three-story residential units in five detached buildings and one duplex. The project includes a request to deviate from the applicable regulations of the Municipal Code to allow less than 50% of the length of the building façade on the ground floor to enclose habitable area. The Coastal Development Permit is required for the demolition and new construction on the property within the Coastal Zone, and the Planned Development Permit is required to allow for the deviation to the Municipal Code`.

The proposed project consists of seven residential units; the five detached structures would be three stories. These units have been identified in the plans as Buildings A and B. The duplex structure is also three stories and is shown in the plans as Building C. Building A is repeated on the site four times, Building B and C are used only once each. Building A would provide 957 square feet of living area. Building B would provide 1,030 square feet of living area. Building C would provide 2,033 square feet of living area for two units (Attachment 5). The project would also include 16 on-site parking spaces. The design of the structures is a contemporary style utilizing clean straight lines, multiple building planes and façade articulations, and large balconies (Attachment 5). The proposed design would comply with all of the applicable development regulations of the RM-2-4 Zone including the 30-foot height limit.

Although the new structures may represent a notable change from that of the existing houses, and would be dissimilar to the row of old single family homes, the design of the residence would be consistent with new single-family homes throughout the Ocean Beach community and compatible with adjacent two and three-story structures in the neighborhood. Likewise, the proposed residential structures would be consistent with the Ocean Beach Precise Plan that envisioned new and revitalized development, and the project would conform to the Land Development Code regulations with the approval of the appropriate development permits.

A Planned Development Permit is required to allow for a deviation to the regulations of the Municipal Code (SDMC Section 143.0403).

The requested deviation from the Municipal Code is to allow less than 50% of the length of the building façade on the ground floor to enclose habitable area per SDMC 131.0464(e)(3). In order to provide a project with the proposed small footprints and detached structures, the driveway configuration bisects the parcel to allow for vehicular access to all the detached cottages in the rear of the parcel. The front two structures exceed the 50% non-habitable area maximum by approximately six feet. Without this deviation, the design alternative at the same density would be a “box-like” form, increasing visual bulk and scale. This form would be out of character with the surrounding neighborhood.

Community Plan Analysis:

The 0.30-acre site, located at 4824-4836 West Point Loma Boulevard, is designated as Medium Residential in the Ocean Beach Precise Plan, which allows a maximum density of up to 25 dwelling units per acre and a density yield of eight units. The applicant is proposing seven dwellings on the site and therefore, the proposal would not have a negative impact on the community plan.

The plan includes the goal to, “Maintain the existing residential character of Ocean Beach as exemplified by a mixture of small scale residential building types and styles.” The existing neighborhood character is a combination of older, one-story dwellings on the north side of West Point Loma Boulevard west of Sunset Cliffs Boulevard; and newer, one-and two-story structures over parking on the south and north side of West Point Loma Boulevard, west and east of Sunset Cliffs Boulevard. Many of the two-stories above garage dwellings feature little articulation or step backs and, as a result, appear bulky. The design of the proposed project includes below grade construction, architectural articulation featuring balconies, varied façade materials, curvilinear rooflines and six separate structures with offsetting planes, all serving to break up building bulk. Therefore, the proposed project would implement the recommendations of the plan.

The plan also states, “That yards and coverage be adequate to insure provision of light and air to surrounding properties, and that those requirements be more stringent where necessary for buildings over two stories in height and for lots greater than 40’ in width.” The applicant proposes to construct five cottages and one duplex rather than a single large multi-tenant structure, which would ensure adequate air and light and yard space and also minimize the bulk and scale of the project. This design also serves to minimize visual impact.

Although the proposed structure is 30-feet in height and is taller than the immediately adjacent dwellings, the height is consistent with the limits of Proposition D. The proposed design is less bulky than would be associated with one, large multi-family residence containing seven units, and therefore, the proposed project will not have a negative impact on the community plan.

Environmental Analysis:

A Mitigated Negative Declaration Project No. 95894 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines. While the general project vicinity is known to contain archaeological resources, this specific project site is not designated as an "important archaeological site" within the meaning of the SDMC. However, A Mitigation, Monitoring and Reporting Program is required for Archaeological Resources and Noise to reduce any potential impacts to below a level of significance.

The existing buildings were also reviewed for potential historical significance and it was determined that the structures are not potentially historic. The structures were reviewed by the Environmental Analysis Section and the Historical Resources Board.

The Initial Study for the project also addressed Land Use, Paleontology, Water Quality, Geology and Historical Resources (Architecture). Prior to preparing the Initial Study, staff also evaluated potential impacts in all of the issue areas listed in the MND's Initial Study Checklist.

Project-Related Issues:

Appeal Issues:

On October 11, 2007, an appeal was filed by Ms. Patricia Hausman asserting factual error, and city-wide significance (Attachment 13). These issues are addressed below in the approximate order they appear within the appeal and include staff's response:

Appeal Issue No. 1: The appeal states that the proposed project is not consistent with the character and standard of the neighborhood.

Staff Response: Staff reviewed the project pursuant to the Ocean Beach Community Plan and determined that the project would be consistent with the proposed and existing neighborhood character. The project proposes the demolition of the two existing one-story, single-family houses and the construction of five detached, three-story structures and one duplex fronting West Point Loma Boulevard. While the proposed structures are greater in number than the existing residences to be demolished, individually, each detached unit is an extremely small scale residential building type consisting of units of only approximately 900 square feet.

The block where the subject site is located contains predominately residential development, with much of the surrounding development at single-story. However, there is a general mixture of both single and multi-family residential development, both single and multi-stories in height within a 300 foot radius of the subject site.

The project has incorporated yard and setback requirements of the RM-2-4 zone, the design included multiple street front setbacks to reduce perceived impacts from the three story units. The entire ground floor of the front units facing West Point Loma Boulevard observes a 20 foot front setback, where up to 50% of the structure could have observed a 15 foot setback. To further accentuate the façade, the second story utilizes a 15 foot setback to create a covered porch for the unit's main entry below. The third floor, which is approximately 400 square feet, observes a 30 foot setback. These setbacks help to preserve a pedestrian orientation that assists in implementing the, "small-scale residential building types" identified in the Ocean Beach Precise Plan.

The project was also designed to minimize the footprint. The small footprints and detached structures combined with staggering of the structures and allowing the structures to follow the natural contours of the parcel, help minimize the building mass and profile to the neighborhood. The project also includes open space at the front and rear yards, along with substantial landscaping around all the units. The project meets the requirements of the Municipal Code and recommendations of the community plan with respect to density, building height and setbacks.

Appeal Issue No. 2: The appeal states that the proposed construction will tower over the small cottage next door and ruin the façade of the “Entryway”.

Staff Response: Staff reviewed this issue and determined the proposed development complies with the Land Development Code height limit and would not affect the street façade. The proposed project is an interior parcel, located three lots from the intersection of West Point Loma Boulevard and Sunset Cliffs Boulevard (The Entryway). The Parcels between the corner and the proposed project are developed with two, two-story condominiums units; therefore, the height and density of the project would be consistent with the neighborhood.

Appeal Issue No. 3: The appeal states that human life is potentially at risk if a hasty decision is allowed to be made, without professional input on the traffic situation at this location.

Staff Response: The City’s Transportation Engineering staff reviewed the proposed project in accordance with the applicable regulations of the Land Development Code and determined that a traffic study would not be required.

Per the *City of San Diego Traffic Impact Study Manual*, if a project that conforms to the Community Plan Land Use and Transportation Elements, then a traffic study must be completed for any project generating more than 1,000 average daily trips (ADT) or more than 100 ADT during the peak hour.

The proposed project conforms to the Community Plan Land Use and Transportation Elements and is estimated to generate a total of 42 ADT (at a rate of 6 trips/dwelling unit) with 3 a.m. peak-hour trips and 4 p.m. peak-hour trips. Therefore, a traffic study is not required for this small project.

Appeal Issue No. 4: The appeal states that the proposed project has insufficient parking based on the assumption that each of the two bedroom dwelling could house up to four people.

Staff Response: Staff determined the proposed development exceeds the minimum parking requirements of the Land Development Code. The new construction would provide seven residential units and 16 on-site parking spaces in accordance with the Land Development Code Section 142.0525. Parking requirements are based on the number of bedrooms in each unit and not on the assumption of how many persons will be living in each unit.

FISCAL CONSIDERATIONS: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None. This action is an appeal of a Process Four Planning Commission decision to approve the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The Ocean Beach Planning Board met on May 2, 2007. During the meeting there were two motions presented concerning this property and neither one passed.

- The first motion was to approve the project as presented. The motion failed by a vote of 5-5-0.
- The subsequent motion was to deny the project as presented. This motion also failed by a vote of 5-5-0.

Various board members noted that the proposed design typified the modern interpretation of the Ocean Beach cottage and was appropriate for the RM-2-4 zone. Various board members also expressed a primary concern that the project could be viewed as too much bulk near the main entrances to Ocean Beach.

KEY STAKEHOLDER: Eric Otterson, Benedicte Otterson and George Vano, Owners
Ricardo Torres, Golba Architecture /Applicant

CONCLUSION

Staff has determined that the proposed project is consistent with the Ocean Beach precise Plan and Local Coastal Program and conforms to the applicable regulations of the Land Development Code regarding the RM-2-4 Zone, as allowed through the Planned Development Permit. Staff has determined the proposed deviation for a shorter length of the front façade will not adversely affect the General Plan, the Ocean Beach Precise Plan, and is appropriate for this location. Staff believes the required findings can be supported as substantiated in the Findings (Attachment 8) and recommends that the City Council deny the appeal and uphold the approval of the project as conditioned.

Patti Boekamp
Interim Director
Development Services Department

William Anderson
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

1. Location Map
2. Precise Plan Land Use Map
3. Aerial Photographs
4. Project Data Sheet
5. Project Development Plans
6. Site Photos
7. Compatible Structures in Neighborhood
8. Planning Commission Resolution of Approval
9. Proposed Draft Permit
10. Draft Environmental Resolution
11. Community Planning Group Recommendation
12. Report to the Planning Commission No. PC-07-142
13. Appeal Application (Dated October 11, 2007)
14. Ownership Disclosure Form