



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** April 19, 2007 **REPORT NO:** PC-07-046

**ATTENTION:** Planning Commission, Agenda of April 26, 2007

**SUBJECT:** 713 SANTA BARBARA TENTATIVE MAP; PROJECT NO. 105096  
PROCESS FOUR

**OWNERS:** George Kung and Jean Cheng (Attachment 8)

**APPLICANT:** Leppert Engineering Corporation

### SUMMARY

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of ten (10) existing residential units to condominiums at 713 Santa Barbara Place, within the Mission Beach Community Plan Area?

### **Staff Recommendation:**

1. Recommend **Approval** of Tentative Map No. 349427 and waiver of the requirement to underground the existing overhead utilities.

**Community Planning Group Recommendation:** On July 18, 2006, the Mission Beach Community Planning Group voted 13-0 to recommend approval of the project with recommendations as described on Page Three of this report (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on June 22, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 20, 2007. Therefore, the scope of the subject hearing only includes the project, not the environmental determination.

**Fiscal Impact:** None associated with this action. All costs associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this project.

**Housing Impact Statement:** With the proposed conversion of 10 existing residential units to condominiums, there would be a loss of 10 rental units and a gain of 10 for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.11-acre site is located at 713 Santa Barbara Place (Attachment 1), at the southeast corner of Strandway and Santa Barbara Place, in the RS Zone of the Mission Beach Planned District within the Mission Beach Community Plan area (Attachment 3). The project site is also located within the Parking Impact, Residential Tandem Parking and Transit Area overlay zones, as well as the Coastal Zone Deferred Certification area, which requires that Coastal Permits be obtained directly from the Coastal Commission, and the Coastal Height Overlay Zone.

The current RS zoning would allow for a maximum of four units on the subject site. The Mission Beach Community Plan designates the site for residential development at a rate of 36 dwelling units per acre, or four dwelling units allowed on this site. Although the 10 existing units exceeds the current density allowance for the site, 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 developed with one two-story multi-family structure that was built in 1950. The building consists of 8, one-bedroom units and 2, two-bedroom units with square footages ranging from 350 to 600 square feet. There are 13 onsite parking spaces, consisting of six garage parking spaces accessed from the alley and seven open spaces located along Santa Barbara Place. Under current standards, 19 parking spaces would be required for this site, 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 project is located in an established residential area and is surrounded by multi-family residential development on all sides. The project complies with the zoning and development regulations in effect at the time of construction and there are no active Building or Zoning Code violations for the subject property.

Please note this project is not subject to the condominium conversion ordinance that was passed by the City Council on June 13, 2006. The project site is located within the Coastal Zone and the new condominium conversion ordinance has not yet been approved by the Coastal Commission. Therefore, the building conditions report requirement, building and landscape upgrades and parking requirements of the new ordinance are not required for this project.

## DISCUSSION

The project proposes a Tentative Map for the subdivision of a 0.11-acre site to convert 10 exiting multi-family units in one structure into condominiums (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived. Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land.

According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decisionmaker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

### Undergrounding Waiver Request:

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 15 of the draft Tentative Map resolution (Attachment 6).

The site is served by existing overhead utility lines which are connected to power poles located along the opposite side of the alley right-of-way at the rear of the property. These power poles also serve other properties in the neighborhood. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 2S, which was allocated funds for undergrounding in 2008 (Attachment 10).

### Community Planning Group Recommendation:

On July 18, 2006, the Mission Beach Community Planning Group voted 13-0 to recommend approval of the project with two recommendations (Attachment 7) which are listed below:

1. *Confirm if two balconies facing Santa Barbara Place encroach into the setbacks:* The building was constructed in 1950 in conformance with the code requirements at that time. No additional construction is proposed with this condominium conversion and the building has existing non-conforming rights to be maintained as described in the municipal code.

2. *Last parking space next to Strandway alley red line needs to be moved back to property line for turning into the alley:* The Tentative Maps shows all onsite parking as occurring on the property, not on City right-of-way and all parking striping must be reflected accordingly.

#### Noticing:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640). The applicant certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to existing tenants on January 2, 2007 (Attachment 11). Additionally, the applicant has certified that per Government Code 66452.3, a copy of the staff report was served to each tenant at least 72 hours prior to the hearing.

#### 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 November 14, 2006, the San Diego Housing Commission completed a tenant income survey of the existing residents which found one one-bedroom unit occupied by *low-income* households. The applicant must set aside one one-bedroom replacement unit affordable to low-income households for a period of five years or pay a Coastal In-Lieu fee of \$29,700 pursuant to the Coastal Affordable Housing Replacement regulations of the Municipal Code at Sections 143.0810 through 143.0860.

In addition, this project is subject to the Inclusionary Housing requirements of San Diego Municipal Code Chapter 14, Article 2, Division 13. The Inclusionary Housing in-lieu fee would be \$10,250 based on 4,100 square feet of living space at the rate of \$2.50/square foot.

For projects that have both Inclusionary Housing and Coastal Affordable Housing requirements, the project is only subject to the more stringent of the two requirements, not both. In this case, the Coastal In-Lieu fee of \$29,700 is more stringent. Additionally, Condition 13 of the draft Tentative Map resolution requires the applicant to demonstrate compliance with the Tenant Relocation Benefit requirements prior recordation of the Final Map.

#### **CONCLUSION:**

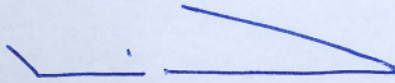
Staff has reviewed the request for a Tentative Map for the conversion of ten existing residential units to condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities.

Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES:**

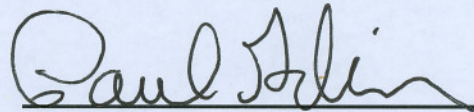
1. **Approve** Tentative Map No. 349427, **with modifications.**
2. **Deny** Tentative Map No. 349427, **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**



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**Mike Westlake**  
**Program Manager**  
**Development Services Department**



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**Paul Godwin**  
**Development Project Manager**  
**Development Services Department**

WESTLAKE/PBG

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 Resolution
7. Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Undergrounding Master Plan (2S)
11. Sample 60-Day Notice
12. Photos of Existing Building