

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: July 20, 2005

TO: Planning Commission

FROM: Laila Iskandar, Development Project Manager

SUBJECT: 1657 BACON STREET TENTATIVE MAP, PROJECT NO. 57931,
SCHEDULED FOR JULY 28, 2005, PLANNING COMMISSION

The Bacon Street Tentative Map project was originally scheduled for the Planning Commission docket of June 16, 2005 and was continued at the request of staff. Please find attached report NO. PC-05-182 originally issued on June 9, 2005. Also, please find attached copy of the tenant relocation benefits provided from the Housing Commission which was sent to each tenant.

Thank you.

Laila Iskandar
Development Project Manager

DATE ISSUED: June 9, 2005

REPORT NO. PC-05-182

ATTENTION: Planning Commission, Agenda of June 16, 2005

SUBJECT: 1657 BACON STREET TENTATIVE MAP
PROJECT No. 57931. PROCESS 4

OWNER/APPLICANT: Mark Winkler, Bacon Street, LLC.

SUMMARY

Issue: Should the Planning Commission approve an application for a Tentative Map and Coastal Development Permit to convert 6 existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Tentative Map No. 16906
2. APPROVE Coastal Development Permit No. 175389and
3. WAIVE the requirement to underground overhead utilities.

Community Planning Group Recommendation: The Ocean Beach Planning Board considered the project at their meeting on March 2, 2005 where a motion to recommend approval of the project carried by a vote of 4 in favor, 3 opposed, and 1 abstention with conditions (Attachment 13).

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 six existing apartment units to condominiums. There would be a loss of six rental units and a gain of

six for-sale units. This project is located within the Coastal Zone and it is determined to be exempt from the Coastal Affordable Replacement regulations. The project therefore is subject to the Inclusionary Affordable Housing Regulations and proposes to pay the in-lieu fee of \$4,289 to fulfill their obligation pursuant to these regulations.

BACKGROUND

The developed 7,013-square-foot (0.16-acre) site is located at 1657-1663 Bacon Street, between Coronado Avenue, and Santa Cruz Avenue within the South Ocean Beach neighborhood of the Ocean Beach Precise Plan and Local Coastal Program (Attachment 1). The land is designated multi-family residential in the community plan at a density of 25 du/ac (Attachment 4). The site is zoned RM-2-4 and is within the Coastal Overlay Zone (Appealable) (Attachment 3), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, Ocean Beach Emerging Historic District, and Council District 2. The surrounding area contains a mix of multi-family and single-family development. The two two story structures were constructed in 1958 and 1959 as six units with six parking spaces.

DISCUSSION

Project Description: This project is a request for a Coastal Development Permit and Tentative Map for the subdivision of a 0.16-acre site into one lot to convert six residential units to six condominium units (Attachment 6), which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. No new construction or grading will take place under Coastal Development Permit No. 175389 and Tentative Map No. 169906 nor are there any known Building or Zoning Code violations of record against this property.

Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map for a Condominium Conversion Process Four, Planning Commission decision be processed for the subdivision of land. According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps for Condominium Conversion the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker 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 Municipal Code.

A Final Map is required to consolidate the existing four lots into one lot and to subdivide the ownership interest as a condition of the tentative map.

Project-Related Issues:

Municipal Code Conformance - The site is a flat 7,013-square-foot, rectangular lot which is currently zoned RM-2-4, a multiple unit residential zone permitting one unit per 1,750-square-feet of lot area. The zone was applied in January 2000. Previous zoning was R-4, which was established on the site in April 1930 and allowed six residential units. Under the current RM-2-4

zone, only four units could be constructed on the site. The site is developed with six residential units within 2 two-structures, including four-two bedroom units for a total of 3,152 square-feet of living area, and two-two bedroom units for a total of 1,750 square-feet of living area. The four unit structure fronting Bacon Street was permitted by Building Permit No. A0387 in 1958, and the two unit structure at the rear of the property was permitted by Building Permit No. A19440 in 1959.

Prior to 1960, no off street parking spaces were required. This project provides 6 off-street open parking spaces. Under current regulations, the project would require 14 spaces, the six 2-bedroom units would require 2.25 spaces each in accordance with LDC-Table 142.05C. The site deviates from current density and parking criteria. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 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 appealable to the California Coastal Commission. Pursuant to §126.0708(a) of the San Diego Municipal Code, findings for Coastal Development Permit 175389 are substantiated in the attached Resolution. The project site contains no Environmentally Sensitive Lands, is a consistent land use as designated in the Ocean Beach Precise Plan and Local Coastal Program 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 60 decibel (dB) Community Noise Equivalent Level (CNEL) for Lindbergh Field operations. Applicant has satisfied this requirement and provided a copy of the recorded Avigation Easement that was granted to the San Diego County Regional Airport Authority on March 25, 2005.

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.

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 600 feet in length). The project is located within Block 2Q for which an undergrounding date has been set by Council for Fiscal Year 2010 allocation (Attachment 14).

Affordable Housing - This project is exempt from the requirements of the Coastal Overlay Zone Affordable Housing Replacement Regulations of the San Diego Municipal Code at Chapter 14, Article 3, Division 8. The project, therefore, is subject to the Inclusionary Affordable Housing Regulations. All condominium conversion projects Deemed Complete on or after February 7,

2004, must conform with the new regulations regarding inclusionary affordable housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on December 21, 2004, and is therefore subject to these new regulations.

The project has been conditioned to require the subdivider conform with the City's Inclusionary Affordable Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). As the existing development provides 4,902 square-feet of living space and is under 10 units, the applicant is required to either pay a total of sum of \$4,289 (f \$0.875 per square-foot) or set aside 10% of the units as Affordable. In addition, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, §144.0503) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

Noticing - 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 has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on March 4, 2005 (Attachment 12).

Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each lease 72-hours (three calendar days) prior to the Public Hearing. This requirement will be fulfilled on or before June 13, 2005.

Community Planning Group Recommendation: The Ocean Beach Planning Board recommended approval of the proposed project at their March 2, 2005, meeting by a vote of 4-3-1, with the provision that the project require a 3-year original owner-occupancy, and that one of the six on-site residential units be designated as an affordable housing unit (Attachment 13).

The Inclusionary Affordable Housing Regulations would require either a set aside of 10% of the units on site (this project would be 1 unit), or the payment of \$4,289 (in-lieu fee). Based on the above information regarding the Inclusionary Affordable Housing Regulations, the applicant has elected to pay the required Inclusionary Housing In-Lieu fee of \$4,289 to satisfy the City's Inclusionary Affordable Housing requirements.

Conclusion:

Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 169906 and Coastal Development Permit No. 175389 with modifications.
2. Deny Tentative Map No. 169906 and Coastal Development Permit No. 175389 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeff Strohminger
Deputy Director, Project Management Division
Development Services Department

Laila Iskandar, Project Manager
Development Project Manager
Development Services Department

Attachments:

1. Site Location
2. Aerial Photograph
3. Zone
4. Community Plan Land Use Map
5. Project Data Sheet
6. Tentative Map
7. Draft Tentative Map Resolution
8. Draft Coastal Development Permit
9. Draft Coastal Development Permit Resolution
10. Ownership Disclosure Statement
11. Project Chronology
12. Noticing
13. Ocean Beach Planning Board Recommendation
14. Undergrounding Map and Schedule