

DATE ISSUED: October 12, 2006 **REPORT NO.** PC-06-270

ATTENTION: Planning Commission, Agenda of October 19, 2006

SUBJECT: MISSOURI STREET CONDOMINIUMS - PROJECT NO. 85420.
PROCESS 4.

OWNER/

APPLICANT: Spartan Pacific Beach, LLC, Owner/Applicants (Attachment 10)

SUMMARY

Issue(s) - Should the Planning Commission approve Tentative Map No. 270444, Coastal Development Permit No. 275712 and waive the requirement to underground exiting utilities to convert eight existing residential units to condominiums on a 0.14 acre site at 825 Missouri Street in the Pacific Beach Community Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 270444, Coastal Development Permit No. 275712 and waive the requirement to underground exiting utilities.

Community Planning Group Recommendation - The Pacific Beach Community Planning Group, on May 24, 2006, voted 17:0:0 to recommend approval.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities." The environmental exemption determination for this project was made on November 14, 2005, and the opportunity to appeal that determination ended November 28, 2005. This Tentative Map has no outstanding environmental appeals.

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

Code Enforcement Impact - None with this action.

Housing Impact Statement - With the proposed conversion of eight existing apartments to condominiums, there would be a loss of eight rentals units and a gain of eight for-sale units. This Tentative Map request was deemed complete subsequent to February 7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

BACKGROUND

The Land Use Element of the Pacific Beach Community Plan and Local Coastal Program designate this site for Low-Medium Residential at 9 to 14 dwelling units per acre (Attachment 1). The 0.14 acre site is located at 825 Missouri in the RM-1-1 zone within the Pacific Beach Community Plan (Attachment 2). The surrounding land uses are multi-family residential development. The 0.14 acre site has been developed at an approximate density of 57 dwelling units per acre (Attachment 3). Within areas designated for attached housing, the Pacific Beach Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing building was constructed in 1957 when the existing zone was R-1. At the time the property was developed the approved construction met all current regulations. The site is presently improved with one two story wood and stucco building. The site has eight one bedroom units with 663 square feet each. The original development provided eight parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description

The current application proposes a Tentative Map (Attachment 4) to convert the existing eight residential units to condominiums and waive the requirement to underground exiting utilities. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

A Coastal Development Permit is required for any proposed development located within the Coastal Zone. The subdivision of land is identified as development by the City's regulations. The site is located within the Coastal Zone and therefore a Coastal Development Permit is required.

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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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. 20 of the draft Tentative Map resolution (Attachment 5).

Three existing power poles are located along the public right-of-way behind the property in the alley. Neighboring sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Dry utilities are existing above ground on the opposite side of the alley. Undergrounding those services would disrupt properties not included in the proposed project and would not represent a logical extension of an undergrounding program. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2V. Funding to underground this block has not been identified (Attachment 6).

CONDOMINIUM CONVERSION REGULATIONS

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 Condominium was provided to the tenants on June 30, 2005 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on November 8, 2005, is subject to these regulations and has been conditioned to comply with the requirements. The applicant has elected to pay an in-lieu fee in the amount of \$6,630.00. This

tentative map was included in the appeals filed by Briggs Law Corporation. The City Council expressly exempted these tentative maps from the new condominium conversion regulations which went into effect in mid 2006. In addition, the site is located in the Coastal Zone and these regulations have not been certified by the California Coastal Commission and do not yet apply in the Coastal Zone.

CONCLUSION

Staff has reviewed the request for a Tentative Map and waive the requirement to underground exiting utilities 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 and the waiver from the requirement to underground the existing overhead utilities. Staff has provided draft findings to support approval of the tentative map (Attachment 5) and Coastal Development Permit (Attachment 8) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 270444, Coastal Development Permit No. 275712 and waive the requirement to underground exiting utilities, with modifications.
2. Deny Tentative Map No. 270444, Coastal Development Permit No. 275712 and waive the requirement to underground exiting utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Development Project Manager
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BROUGHTON/JSF

- Attachments:
1. Community Plan Land Use Map
 2. Aerial Photograph
 3. Project Location Map
 4. Tentative Map
 5. Draft Map Conditions and Subdivision Resolution
 6. Underground Project Schedule

7. Government Code 66452.3; self-certification statement
8. Draft Coastal Development Permit Resolution
9. Draft Coastal Development Permit
10. Ownership Disclosure Statement
11. Project Chronology
12. Project Data Sheet