

DATE ISSUED: October 26, 2006 **REPORT NO. PC-06-273**

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

SUBJECT: 363 PLAYA DEL SUR TM – PROJECT NUMBER 78405. PROCESS
FOUR

**OWNER/
APPLICANT:** Matthew S. and Nancy A. Browar, Trustees of the M.S. Browar Trust.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map, Waiver of Undergrounding Utilities and a Coastal Development Permit for the conversion of 16 existing residential units to condominiums at 363 Playa Del Sur within the La Jolla Community Plan Area?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 246500, and
2. APPROVE Tentative Map and Waiver of Undergrounding No. 243557.

Community Planning Group Recommendation: The La Jolla Community Planning Association has not forwarded a recommendation to the City of San Diego for this project. The applicant has advised City staff that their efforts to contact the Chair were not successful and they have elected to go forward to a public hearing. City staff notes that the La Jolla Community Planning Association has supported all other condominium conversion applications (Attachment No. 9).

Other Recommendations: None

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 6,

2005, and the opportunity to appeal that determination ended September 19, 2005

Fiscal Impact Statement: 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 16 existing apartments to condominiums, there would be a loss of 16 rental units and a gain of 16 for-sale units. This condominium conversion project was deemed complete on August 9, 2005, and is subject to the regulations regarding Inclusionary Housing and tenant relocation assistance.

BACKGROUND

The 6,170 square-foot site is located at 363 Playa Del Sur on the south side at the intersection with La Jolla Boulevard in Zone 4 of La Jolla Planned District within the La Jolla Community Plan area, Coastal Overlay Zone (non-appealable area), and the Coastal Height Limit. The site is presently developed with two 3 story structures containing 12, one-bedroom units and 4 studio units. Four off-street parking spaces are provided where 28 spaces would be required under current regulations. The site is bounded on west by residential use, the north and south by residential and commercial and on the east by commercial uses.

The existing improvements were constructed in 1968. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

The project does not conform to the current density requirement which would permit a maximum of four dwelling units on this site. 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 project proposes a Tentative Map (Attachments 5 and 6) and a Coastal Development Permit (Attachment No. 7) for the subdivision of a 6,170 square-foot site to convert 16 existing dwelling units into condominiums on one existing lot. The applicant is also requesting that the requirement for the undergrounding of 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.

A Coastal Development Permit (CDP) is required under San Diego Municipal Code (SDMC) Section 126.0701 as the processing of a Tentative Map is defined as development subject to a CDP.

Undergrounding of Existing Utilities

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 involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

The applicant will be required to underground all existing service to the site per Condition No. 20 of the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in the alley right-of-way abutting the project site. One power pole serves this property from the north side of the abutting alley. If the Waiver of Undergrounding is not granted, no power poles would be removed and one new power pole would be required to underground 32-feet of existing power lines. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 1C, and the date for undergrounding has been determined by the City Council for the year 2026 (Attachment No. 12).

Community Planning Group Recommendations:

The La Jolla Community Planning Association has received the initial submittal and resubmittal packages from the City of San Diego as well as Cycle Issue Response letters but has not submitted a recommendation to the City on this application. The applicant has informed City staff that their efforts to contact the past chair to be scheduled for consideration were fruitless and the applicant has requested that the application be scheduled for Planning Commission consideration. Staff notes that the La Jolla community Planning Association consistently has recommended approval of condominium conversion applications.

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants. This condominium conversion project was deemed complete on or after February 7, 2004, and conforms with the regulations regarding

Inclusionary Housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on August 9, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map. The project is subject to the Coastal Overlay Zone Affordable Housing Replacement Regulations and the applicant is required to pay a fee of \$113,600 (subject to adjustment applicable when the fee is due and payable) to the San Diego Housing Commission for two 1-bedroom Low-income units, One 1-bedroom Moderate-income unit and one studio Moderate-income unit. Under the regulations in effect, the 'in-lieu fee' for this 10,380square -foot facility would be \$25,950.00.

The project site is located within the Coastal Overlay Zone and not subject to new condominium conversion regulations adopted by the City Council on June 13, 2006, until certified by the California Coastal Commission.

Conclusion:

Staff has reviewed the request for a Tentative Map, Waiver of Undergrounding Utilities, and a Coastal Development Permit for the conversion of 16 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 Coastal Development Permit. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Coastal Development Permit No. 246500 and Tentative Map and Waiver of Undergrounding No. 243557, **with modifications.**
2. **Deny** Coastal Development Permit No. 246500 and Tentative Map and Waiver of Undergrounding No. 243557, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Robert Korch
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Draft Coastal Development Permit with Conditions
8. Draft Coastal Development Permit Resolution with Findings
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Undergrounding Schedule