

DATE ISSUED: October 26, 2006 **REPORT NO. PC-06-275**

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

SUBJECT: 949 OPAL STREET TENTATIVE MAP – PROJECT NUMBER 79749.
PROCESS FOUR

**OWNER/
APPLICANT:** Matthew S. and Nancy A. Browar, M.S. Browar Family 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 5 existing residential units to condominiums at 949 Opal Street within the Pacific Beach Community Plan Area?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 250854, and
2. APPROVE Tentative Map and Waiver of Undergrounding No. 248796.

Community Planning Group Recommendation: The Pacific Beach Community Planning Committee voted 15-0-0 on November 28, 2005, to approve this application with no conditions or comments.

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 August 28, 2005, and the opportunity to appeal that determination ended September 11, 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 5 existing apartments to condominiums, there would be a loss of 5 rental units and a gain of 5 for-sale units. This condominium conversion project was deemed complete on August 24, 2005, and is subject to the regulations regarding Inclusionary Housing and tenant relocation assistance.

BACKGROUND

The 6,316 square-foot site is located at 949 Opal Street on the south side between Bayard and Cass Streets in the RM-1-1 Zone within the Pacific Beach Community Plan. Coastal Overlay (non-appealable), and Coastal Height Limit. The site is presently developed with one structure, primarily one-story in height with a second floor over a garage accessed off the abutting alley. The five dwelling unit project consists of four 1-bedroom and one 2-bedroom units. Four offstreet parking spaces are contained within a garage. The site is bounded on all sides by residential uses.

The existing improvements were constructed in 1953. 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 of one unit per 3,000 square feet in the RM-1-1 Zone which would allow for 2 units to be constructed today. Under current criteria, 7 off-street parking spaces would be required for these five units. 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 6,136 square-foot site to convert 5 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 in the coastal zone, 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. 19 of the draft Tentative Map Resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 18 of the draft Tentative Map Resolution.

The neighborhood currently contains power poles and overhead utilities lines in the alley right-of-way. One power pole serves this property from the south 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 50-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 Block2V, and the date for undergrounding has not been determined by the City Council (Attachment 12).

Community Planning Group Recommendations:

The Pacific Beach Community Planning Committee voted 15-0-0 on November 28, 2005, to approve this application with no conditions or comments (Attachment 9).

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 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 24, 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 not subject to the Coastal Overlay Zone Affordable Housing Replacement Regulations. Under the regulations in effect, the ‘in-lieu fee’ for this 2,750 square-foot facility would be \$3,61900.

Conclusion:

Staff has reviewed the request for a Tentative Map, Waiver of Undergrounding Utilities, and a Coastal Development Permit for the conversion of 5 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.

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

ALTERNATIVES

1. **Approve** Coastal Development Permit No. 250854 and Tentative Map and Waiver of Undergrounding No. 248796, **with modifications.**
2. **Deny** Coastal Development Permit No. 250854 and Tentative Map and Waiver of Undergrounding No. 248796. **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