

**DATE ISSUED:** January 4, 2007

**REPORT NO. PC-07-015**

**ATTENTION:** **Planning Commission, Agenda of January 11, 2007**

**SUBJECT:** 4776 LAMONT TENTATIVE MAP - PROJECT NO. 80849  
PROCESS FOUR

**OWNER:** Fred Kleinbub

**APPLICANT:** Westone Management Consultants

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map to convert twenty (20) existing residential units to condominiums and a request to waive the requirement to underground existing overhead utilities on a 0.29 acre site at 4776 Lamont Street in the RM-2-5z one within the Pacific Beach Community Plan?

**Staff Recommendation:**

1. **APPROVE** Tentative Map No. 257453.
2. **APPROVE** request to waive the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On September 27, 2006, the Pacific Beach Community Planning Committee voted 13-0 to approve this project with no conditions.

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on November 4, 2005. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. (Attachment 7). The scope of the subject hearing only includes the project, and not the environmental determination.

**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 20 existing apartments to condominiums, there would be a loss of 20 rental units and a gain of 20 for-sale units. This condominium conversion project was deemed complete on November 1, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 0.29 acre site is located at 4776 Lamont Street, between Chalcedony and Missouri Streets in the RM-2-5 Zone within the Pacific Beach Community Plan area. The Community Plan designates this site for multi-family residential development and the residential use existing is consistent with this designation. The site is presently developed with a two story structure consisting of eighteen 1-bedroom units and two studio units. Construction of twenty units was permitted on December 28, 1970 under Permit No. G26472, Plan File No. 26972-D and completed in 1971. If the property were redeveloped under current zoning, a total of eight units could be built on the site. The twenty parking spaces provided complied with the parking requirements in effect at the time of construction. Eleven spaces face Chalcedony Street and the remaining nine are located underneath the units. Current parking regulations in the RM -2-5 zone would require 30 parking spaces. All development complies with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations have been recorded against the property.

Surrounding land use consists of residential single family and multi-unit developments to the north, south, east, and west.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.29 acre site to convert twenty (20) existing dwelling units into condominiums on one lot (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 under-grounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No.17 of the draft Tentative Map Resolution. (Attachment 6). All onsite utilities serving the subdivision shall be undergrounded with appropriate permits per Condition No. 16 of the draft Tentative Map Resolution.

This project has one power pole located in the alley southwest of the property. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 2Y, with the allocation year for undergrounding "to be determined by Council". (Attachment 11).

**Community Planning Group and Neighborhood Recommendations:**

On September 27, 2006, the Pacific Beach Community Planning Committee voted 13-0 to approve this project with no conditions.

**Project-Related Issues:**

This project was the subject of a valid appeal of its environmental determination as of June 13, 2006. On July 31, 2006, the City Council denied the CEQA appeal. (Attachment 7). Therefore, this project is subject to the regulations that were in effect at the time its submittal was deemed complete.

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 Condominiums was provided to the tenants on June 10, 2005. (Attachment 12).

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.

This project was Deemed Complete on November 1, 2005 and will conform to the regulations regarding inclusionary housing by providing two (2) affordable units on site.

Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map and prior to the recordation of the final map. Both the affordable units and the relocation assistance are conditions of the Tentative Map Resolution.

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of 20 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. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 257453 with modifications.**
2. **Deny Tentative Map No. 257453 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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**John Cruz**  
**Project Manager**  
**Development Services Department**

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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. City Council Resolution R-301735 denying the Environmental Exemption appeal
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. City's Undergrounding Master Plan – Map 2Y
12. Sample of 60-Day Notice of Intent to Convert