THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 22, 2007 **REPORT NO. PC-07-044**

ATTENTION: **Planning Commission, Agenda of March 29, 2007**

SUBJECT: 4969 SANTA MONICA TENTATIVE MAP - PROJECT NO. 98120 PROCESS FOUR

OWNER/ APPLICANT: Jim Seaman, Freeway, LLC.
Mirek Knopp

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map, to convert three existing residential units and three existing commercial units into condominiums, and waive the requirement to underground existing overhead utilities at 4969 Santa Monica Avenue, within the Ocean Beach Precise Plan?

Staff Recommendation:

1. **Approve** Coastal Development Permit No. 341924;

2. **Approve** Tentative Map No. 422865; and

3. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Ocean Beach Planning Board voted 8-0-0 to recommend approval of the proposed project on December 6, 2006 with no conditions (Attachment 10).

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 (Attachment 14). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 2, 2006, and the opportunity to appeal that determination ended June 16, 2006.

DIVERSITY

Fiscal Impact Statement: All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is the conversion of three existing apartment units and three existing commercial units into condominiums. There would be a loss of three rental units and a gain of three for-sale units. This project is located within the Coastal Zone; however, there are no Coastal Overlay Zone Affordable Housing Replacement Requirements for this project. The project is subject to the new regulations regarding Inclusionary Affordable Housing and tenant relocation assistance. This project proposes to pay the in-lieu fee of $2,844 to fulfill their obligation for the Inclusionary Affordable Housing pursuant to these regulations.

BACKGROUND

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

The developed 7,004 square-foot (0.16-acre) site is located at 4969 Santa Monica Avenue (Attachment 1), between Bacon Street and Cable Street, bounded by Santa Monica Avenue to the north, a commercial development to the east, public parking lot to the west, and a 20-foot wide alley to the south at the rear, within the Ocean Beach Precise Plan and Local Coastal Program (Attachment 2). The Precise plan designates the site for Community Commercial land use and is consistent with the density of the surrounding area (25-29 du/ac) (Attachment 3). This site is within the CC-4-2 Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, and Residential Tandem Parking Overlay Zone. The surrounding area contains a mix of multi-family and commercial development. The two-story structure was originally built in 1960 as a Health Club; in 2000 the building was remodeled and changed to include a mixed use of residential units and commercial space with four parking spaces accessed from the alley at the rear.

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 to convert three existing apartment units and three existing commercial units into condominiums (Attachment 5), which will allow the sale of each unit. Additionally, the applicant is requesting a waiver from the requirement to underground the existing overhead utilities adjacent to the project site.

The project consists of two, one-bedroom units (580 & 675 square feet), and one, two-bedroom unit (1,020 square feet each) located in the second story, and three commercial units with a total of 2,645 square feet located on the ground floor in a two-story, 5,395 square-foot building built

in 1960, with a total of 2,275 square feet of living area. Current parking requirements for the project, if constructed today, would be 13 spaces. The project was constructed with, and proposes to maintain four parking spaces. The development complied with the zoning and development regulations in effect at the time of construction and no zoning or code violations have been recorded against the property. The project has established previously conforming rights. No new construction or grading will take place under Coastal Development Permit No. 341924 and Tentative Map No. 422865. 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.

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

Project-Related Issues:

Land Use & Density – The site is a flat 7,004-square-foot, rectangular lot which is currently zoned CC-4-2, Community Commercial zone with an allowable residential density of one unit per 1,500 square feet of lot area, and five units could be constructed under the current code, however, only three units are existing on the site. The zone was applied in 2000. The original building was constructed in 1960 under the C zone for commercial use (Health Club), in 2000 the building was remodeled and changed to include a mixed use of residential units on the second floor and commercial space on the first floor under approved Building Permit No.B203815-00.

Parking – Prior to 1960, no off-street parking spaces were required. This project provides 4 off-street surface parking spaces, three (3) parking spaces for the residential use and one (1) van accessible space will be available for either use. Under current regulations, the project would require 13 spaces, the two 1-bedroom units would require 1.75 spaces each and the one 2-bedroom unit would require 2.25 spaces in accordance with LDC-Table 142.05C, and 7 parking spaces for the commercial space for a total of 13 parking spaces. The site deviates from current 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 non-appealable to the California Coastal Commission. Pursuant to §126.0708(a) of the San Diego Municipal Code, findings for Coastal Development Permit 341924 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. As a permit condition, and to be conditionally compatible with the Comprehensive Land Use Plan (CLUP), an Avigation Easement shall be granted to the airport

operator.

Undergrounding Waiver Request - There are power poles and overhead utilities lines in the alley right-of-way to the rear, which serve the subject property as well as adjacent properties in the neighborhood. Service to the site is provided via an overhead utility line that extends from a pole located across the alley adjacent to the southwest corner of the property.

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 600 feet in length) and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility. The project site is located within Block 2R and a date for the undergrounding has not been determined by City Council (Attachment 12).

The applicant will be required to underground all existing on-site utilities per Condition No. 16 of the draft Tentative Map resolution (Attachment 9). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 15 of the draft Tentative Map resolution (Attachment 9)

Affordable Housing - All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding Inclusionary housing and tenant relocation benefits adopted by the City Council. This proposed project was Deemed Complete on May 18, 2006, and is therefore subject to these new regulations. This project is subject to the requirements of the Coastal Overlay Zone Affordable Housing Replacement Regulations of the San Diego Municipal Code at Chapter 14, Article 3, Division 8. On December 21, 2006, the San Diego Housing Commission completed a tenant income survey of the existing residents which found no low-or moderate-income households. Therefore, no further obligation exists under the Coastal Overlay Zone Affordable Housing Replacement Regulations (Attachment 15).

This project is subject to the Inclusionary Housing requirements. The Inclusionary Housing in-lieu fee would be $2,844 based on 2,275 square feet of living space at the rate of $1.25/square foot.

In order to comply with the relocation requirements of the condo conversion ordinance, the Housing Commission will send the applicant a tenant roster to complete and return to the Housing Commission to determine the income levels of the current tenants. All tenants whose income is less than 100% of the area median income are eligible for relocation benefits, so based upon the outcome of the survey; the applicant may be responsible for relocation benefits.

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 December 27, 2006 (Attachment 13).

Government Code Section §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 March 26, 2007.

Conclusion:

Staff has reviewed the proposed condominium conversion and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps, Coastal Development Permits, and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes that the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Coastal Development Permit No. 341924, and Tentative Map No. 422865, **with modifications.**

2. **Deny** Coastal Development Permit No. 341924, and Tentative Map No. 422865, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Laila Iskandar
Project Manager
Development Services Department

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Tentative Map
6. Photos of Existing Front and Rear Elevations
7. Draft Permit with Conditions
8. Draft CDP Findings and Resolution

9. Draft Map Conditions and Subdivision Resolution
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. City's Undergrounding Master Plan – Map 2R
13. 60-Day Notice of Intent to Convert
14. CEQA Exemption
15. Coastal Affordable Housing Determination
16. Project Chronology