THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 13, 2008 **REPORT NO.** PC-08-037

ATTENTION: Planning Commission, Agenda of March 20, 2008

SUBJECT: 3540 MISSION BOULEVARD TENTATIVE MAP - PROJECT NO. 93931 PROCESS 4.

OWNER/ APPLICANT: Richard Uy and Jennifer Flores-Uy (Attachment 8)

SUMMARY

Issue(s) - Should the Planning Commission approve Tentative Map No. 303562 and waive the requirement to underground exiting utilities to convert eight existing residential units to condominiums on a 0.14 acre site at 3540 Mission Boulevard in the Mission Beach Precise Plan area?

Staff Recommendation - **Approve** Tentative Map No. 303562 and waive the requirement to underground exiting utilities.

Community Planning Group Recommendation – On September 18, 2007, the Mission Beach Precise Planning Group voted 8:1:0 to recommend approval (Attachment 11).

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 January 25, 2006, and the opportunity to appeal that determination ended February 8, 2006. 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

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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 Mission Beach Precise Plan and Local Coastal Program designate this site for Residential at 36 dwelling units per acre (Attachment 1). The 0.14 acre site is located at 3540 Mission Boulevard and is zoned RS in the Mission Beach Planned District (MBPD), within the Mission Beach Precise Plan area. 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. Within areas designated for attached housing, the Mission Beach Precise Plan does not address the issue of single versus condominium or fractional ownership.

The existing building was constructed in 1951 under the R-4 zone. At the time the property was developed the approved construction met all current regulations. The site is presently improved with two, two-story wood and stucco buildings. The site has eight dwelling units: five studio units with approximately 300 square feet per unit, one one-bedroom unit with approximately 450 square feet and two, two-bedroom units with approximately 600 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 existing overhead utilities.

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.

The site is located within the State Coastal Commission jurisdiction. The project has been conditioned to obtain a Coastal Development Permit from the State of California prior to final map approval.

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. 16 of the draft Tentative Map resolution.

No existing power poles are located along the public right-of-way behind the property in the alley and all above ground utility lines are across the alley from the site. Neighboring sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. 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 designates the site within Block 2S. Funding to underground this block has been projected in 2064 (Attachment 6).

CONDOMINIUM CONVERSION REGULATIONS

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

The San Diego Housing Commission has identified these units as vacation rentals; therefore there are no existing tenants to notice and there are no requirement for Affordable Housing Replacement obligations. The project has been conditioned to require appropriate noticing to any future potential tenants

Condominium conversion projects deemed complete on or after February 7, 2004, must comply with 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 $3,937.50 (3,150 square feet @ $1.25 per square foot).

This project was deemed complete on November 8, 2005. At that time, the condominium conversion regulations did not require a Building Conditions Report or landscape improvements. The environmental determination was subsequently appealed to the City Council (it was part of

the original 76 CEQA appeals by Cory Briggs). On July 31, 2006, the City Council denied the CEQA appeal by Resolution No. R-301724. That denial permitted this project to move forward through the review and hearing process, subject to the regulations that were in effect at the time the project was deemed complete.

The new condominium conversion regulations are not applicable to this project, so there is no legal requirement for either the Building Conditions Report or the Landscape Concept Plan.

CONCLUSION

Staff has reviewed the request for a Tentative Map and waiver of 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 and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 303562 and waive the requirement to underground exiting utilities, with modifications.

2. Deny Tentative Map No. 303562 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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Program Manager
Development Services Department

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Development Project Manager
Development Services Department

WESTLAKE/HRD

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. Ownership Disclosure Statement
9. Project Chronology
10. Project Data Sheet
11. Community Group Minutes
12. Current Site Photos