

**DATE ISSUED:** June 9, 2005 **REPORT NO. PC-05-163**

**ATTENTION:** **Planning Commission, Agenda of June 16, 2005**

**SUBJECT:** FELSPAR PARK TENTATIVE MAP - PROJECT NO. 53729  
PROCESS 4

**OWNER/  
APPLICANT:** George E. Abernathy and Louis F. Torio

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map, Waiver of Undergrounding and a Coastal Development Permit to convert 7 residential apartment units to condominium ownership at 1361 Felspar Street within the Pacific Beach Community Plan area?

**Staff Recommendation:**

1. APPROVE Tentative Map and Waiver of Undergrounding No. 162724; and
2. APPROVE Coastal Development Permit No. 208581.

**Community Planning Group Recommendation:** The Pacific Beach Community Planning Committee voted 14-0-0 on January 24, 2005, to recommend approval of this application with no additional conditions suggested.

**Other Recommendations:** None

**Environmental Review:** The project is Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Article 19, Section 15301(k), 'existing facilities'.

**Fiscal Impact** – None with this action. All costs associated with the processing of this

project are paid by the applicant through maintenance of a deposit account with the City of San Diego.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** Approval of the proposed conversion of 7 residential apartment dwelling units to condominiums would result in an increase of 7 for-sale market-rate units and the loss of 7 existing rental units. There is no loss or addition to the supply or demand for housing in the Pacific Beach Community.

## **BACKGROUND**

The 6,250 square-foot site is located at 1361 Felspar Street on the south side between Fanuel and Gresham Streets in the RM-2-5 zone of the Pacific Beach Community Plan area. The existing 7 residential unit building was constructed in 1967 when the site was zoned R-4 and would have permitted up to 15 dwelling units. The site is within the Coastal Overlay Zone (non-appealable area), and Coastal Height Limit Zone. The existing building on-site, is a two-story structure with four open surface parking spaces accessed from Felspar Street and four garage spaces off the abutting alley. It is assumed that the development complied with all development criteria at the time as building and occupancy permits were approved. Property sites in the adjacent areas are developed with a varied mix of residential developments within walking distances of the coastal resources of Mission Bay seven blocks to the south and the Pacific Ocean seven blocks to the west.

This project is subject to the City of San Diego's, 'Inclusionary Housing Ordinance', Coastal Affordable Housing Replacement Regulations and the Condo Conversion Ordinance. The San Diego Housing Commission has stipulated that the applicant will pay an in-lieu fee to the Housing Commission prior to the filing of a Final Map to comply with the requirements of the Inclusionary Housing Ordinance in the amount of \$4,001.00, and it is required that an income survey of existing tenants will need to be completed by the Housing Commission to determine if any existing tenants will qualify for relocation assistance under provisions of the Condo Conversion Ordinance.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map and Coastal Development Permit for the subdivision of this 6,250 square-foot site to consolidate the lots for the conversion of 7 residential apartment units into condominiums. The conversion of the 7 apartments to condominiums would remove 7 rental units from the market within the Pacific Beach Community and create 7 new units for ownership at a generally accepted entry level cost. The tenants have the right of first refusal to purchase his or her unit at the same or better terms than those that will be offered to the public. No other entitlements accrue to the Owner/Permittee through this action other than the change of

ownership to condominiums. The site has been fully developed for approximately 38 years.

Waiver of Undergrounding:

The Council District 2 'neighborhood' in which the project site is located is in Block 2-X and a date and schedule for undergrounding has not been determined by the City Council. (Attachment No. 13).

San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of 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, *Undergrounding Conversion of Utility Lines at the Developers Expense* (Attachment No. 14), in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision, per Condition No. 5 of the draft Subdivision Resolution.

There is one power pole opposite this site on the south side of the abutting alley. If the undergrounding were required, no power poles would be removed and one new power pole would be required to underground the 50-feet of power lines adjacent to this site. The visual result would be the 'crowding of existing and new power poles and the 50-feet of undergrounding would look unbalanced. No power poles or lines serve the property from Felspar Street.

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership and key applicable issues to the review and consideration of approval is that this project application was deemed complete after February 6, 2004, and is subject to the condominium amendments added to the Inclusionary Affordable Housing Regulations. The request to waive the undergrounding of existing overhead utilities is in accord with City Council policy.

The project was Deemed Complete on December 7, 2004, after the adoption of the Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. Therefore, the proposed project is subject to the amended regulations. The Housing Commission has determined that there are no qualifying tenants under the Coastal Affordable Housing Compliance Program and no conditions are included in the draft map resolution for this regulation.

The Pacific Beach Community Planning Committee has recommended approval of the requested project as submitted.

**Conclusion:**

The project application is a Tentative Map, Waiver of Undergrounding and Coastal Development Permit for the conversion of 7 residential units to condominium ownership with no other entitlements requested or granted with this action. The project will make available residential dwelling units for ownership at more affordable prices than single-family and new condominium units and allow existing renters into ownership.

**ALTERNATIVES**

1. **Approve** Coastal Development Permit No. 208581 and Tentative Map and Waiver of Undergrounding No. 162724, **with modifications.**
2. **Deny** Coastal Development Permit No. 208581 and Tentative Map and Waiver of Undergrounding No. 162724, **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director**  
**Customer, Support and Information**  
**Development Services Department**

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**Robert Korch**  
**Project Manager**  
**Customer Support and Information**  
**Development Services Department**

Attachments:

1. Aerial Photographs
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. Copy of Notices to Tenants
13. City Council Undergrounding Schedule
14. City Council Policy 600-25, Undergrounding