DATE ISSUED: September 28, 2006   REPORT NO. PC-06-222

ATTENTION: Planning Commission, Agenda of October 5, 2006

SUBJECT: 3607 OCEAN FRONT WALK TENTATIVE MAP - PROJECT NO. 86489.   PROCESS 4

OWNER/
APPLICANT: Ocean Pacific San Juan**,** LLC.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to convert ten apartment units into condominiums and a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

APPROVE Tentative Map No. 377016 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On November 15, 2005, the Mission Beach Precise Planning Board voted 10-0-0 to recommend approval of the proposed project.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on November 3, 2005; an appeal to that determination was filed on November 10, 2005 and later withdrawn on April 4, 2006.

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

Code Enforcement Impact: None.

Housing Impact Statement: The proposed project is the conversion of ten existing apartment units into condominiums. There would be a loss of ten rental units and a gain of ten for-sale units. This Tentative Map project is required to comply with the inclusionary housing or coastal affordable housing requirements (which ever is greater) and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 6).

BACKGROUND

The 7,057 square foot site is located at 3607 Ocean Front Walk in the R-S Zone of the Mission Beach Planned District, StateCoastal Permit Jurisdiction; Beach Parking Impact Overlay Zone and Coastal Height Overlay Zone. The development is located on two parcels and designated Residential with an allowed density of up to 36 dwelling units per acre within the Mission Beach Precise Plan area (Attachment 2). The surrounding area is developed with multi-family and single family developments to the north, south, and east. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed division of the property into ten condominium dwelling units.

The existing development was constructed in 1972. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a three story apartment building. The building includes ten, two bedroom units, ranging in size from approximately 1,086 square feet to 1,278 square feet each. The original development provided sixteen 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. If this property were vacant today, under the current R-S Zone development regulations, only nine dwelling units could be developed.

DISCUSSION

Project Description:

The project proposes to convert the existing ten apartments into condominiums. Utilities are existing above ground in the right-of-way of Strand Way between the alley to the north and San Juan Place. The complex was constructed in 1972 and consists of a three-story, concrete and stucco building. No physical changes to the development site are proposed or will occur should the Planning Commission action be to approve the application. The project has a total of sixteen parking spaces in a basement garage with access off of San Juan Place. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time.

Undergrounding Waiver Request:

The project site is located in Block 2-S of the City's Undergrounding Master Plan and is

scheduled for undergrounding by City Council in the year 2008 (Attachment 14). 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*, 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 and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 6).

Project-Related Issues:

The proposed condominium conversion will represent a change in ownership of each unit. The applicant has provided City staff with copies of the required 60-day Notice of Intent to Convert to Condominiums (Attachment 10), 180 day Notice to Tenants of Intention to Convert (Attachment 11) a copy of the Housing Commission Letter regarding Coastal Affordable Housing Compliance (Attachment 12) and a Tenant Benefits Summary for Condominium Conversion (Attachment 13).

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding inclusionary housing, coastal affordable housing and tenant relocation benefits adopted by the City Council on March 15, 2004. Conditions Nos. 11 and 12 of the draft Tentative Map (Attachment 6) resolution require compliance with this ordinance. In order to meet this requirement the applicant has elected to pay the in-lieu fee for Coastal Affordable Housing, which is calculated to be $92,400.00.

The applicant is not proposing any physical changes to the structure and has not submitted a building conditions report or landscape plan.

Conclusion:

A "Tentative Map and Waiver of Undergrounding for a Condominium Conversion" is a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Section 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of 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 Tentative Map with Waiver of Undergrounding No. 377016, with modifications**.**

2.   Deny Tentative Map with Waiver of Undergrounding No. 377016, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake   **Glenn Gargas**
Program Manager   **Project Manager**
Development Services Department   **Development Services Department**

Attachments:

1.   Aerial Photograph
2.   Community Plan Land Use Map
3.   Project Location Map
4.   Project Data Sheet
5.   Project Site Plan/Tentative Map
6.   Draft Map Conditions and Subdivision Resolution
7.   Community Planning Group Recommendation
8.   Ownership Disclosure Statement
9.   Project Chronology
10. 60-Day Notice
11. 180 Day Notice to Tenants of Intention to Convert
12. Housing Commission Letter - Coastal Affordable Housing Compliance
13. Summary of Tenant Benefits
14. Proposed Undergrounding of Overhead Utilities
15. Photos of Existing Front and Rear Elevations