

**DATE ISSUED:** November 2, 2006 **REPORT NO.** PC-06-282

**ATTENTION:** Planning Commission, Agenda of November 9200 6

**SUBJECT:** 1621 LA PLAYA TENTATIVE MAP - PROJECT NO. 85333.  
PROCESS 4.

**OWNER/  
APPLICANT:** Sterry, LLC, Owners/Applicants (Attachment 9)

**SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 270798 and Coastal Development Permit No. 270842 to convert twenty-four existing residential units to condominiums and to waive the requirement to underground existing utilities on a 0.35 acre site located at 1621 La Playa Avenue within the Pacific Beach Community Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 270798 Coastal Development Permit No. 270842 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The Pacific Beach Community Planning Group took a vote on the proposed action yet has not forwarded their recommendation.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities." This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 20, 2005, and the opportunity to appeal that determination ended November 3, 2005. 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 twenty-four existing apartments to condominiums, there would be a loss of 24 rentals units and a gain of 24 for-sale 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 Pacific Beach Community Plan designates the site for Low-Medium Density Residential at 9-14 dwelling units per acre (Attachment 1). The 0.35 acre site has been developed at an approximate density of 68 dwelling units per acre (Attachment 2). The site is located at 1621 La Playa Avenue in the RM-1-1 zone within the Pacific Beach Community Plan area between Yosemite and Ingraham Streets (Attachment 3). The surrounding land uses are commercial and multi-family residential to the west and north, multi-family and single family to the east, and multi-family to the south. Within areas designated for attached housing, the Pacific Beach Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development, zoned R4 at the time, was constructed in 1967. When developed the approved construction met all current regulations. The site is presently improved with one three-story apartment building. Within the building there are twenty one-bedroom units and four two-bedroom units. The one bedroom units are 724 square feet while the two bedroom units are 1040 square feet. The original development provided twenty-four parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. There is an open Zoning Code violation recorded against the property for an illegal dwelling unit, yet there are no building violations. The San Diego Municipal Code does not prevent the Planning Commission from making a decision on the application prior to the zoning violation being cleared. 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), a Coastal Development Permit and waiver of the requirement to underground existing utilities to convert the existing 24 residential units to condominiums. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. Section 126.00 of the SDMC requires a Coastal Development Permit be processed for any development in the Coastal Zone. The subdivision of land is deemed to be development and a Coastal Development Permit is required. In the Coastal Zone, a Tentative Map and Coastal Development Permit shall 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 as it relates to the subdivision of land.

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. Utilities are existing above ground in the right-of-way of La Playa Avenue and the alley behind the property. 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. 5 of the draft Tentative Map resolution (Attachment 5).

Presently utility poles are located in the right-of-way of La Playa Avenue in front of the project site near the northeast property corner and behind the building in the alley. Neighboring sites adjacent to and behind the building in the alley receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt utilities to properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2BB. The year of undergrounding activity in this neighborhood has not been determined at this time by the City Council (Attachment 6).

### **CONDOMINIUM CONVERSION REGULATIONS**

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 Condominium was provided to the tenants on June 14, 2005 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on

October 4, 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 \$245,200.00 to meet these requirements. This tentative map was included in the appeals filed by Briggs Law Corporation. The City Council made a deliberate decision to exempt all tentative maps which were the subject of the appeals from the new condominium conversion regulations in effect on July 27, 2006. In addition, the site is located in the Coastal Zone and these regulations have not been certified by the California Coastal Commission and do not yet apply in the Coastal Zone.

### **CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of 24 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, Coastal Development Permits and the waiver from the requirement to underground the existing overhead utilities. Staff has provided draft findings to support approval of the Tentative Map (Attachment 5) and Coastal Development Permit (Attachment 8) and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. Approve Tentative Map No. 270798, Coastal Development Permit No. 270842 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 27098, Coastal Development Permit No. 270842 and waive the requirement to underground existing utilities, 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 S. Fisher  
Development Project Manager  
Development Services Department

ESCOBAR-ECK/JSF

- 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. Draft Coastal Development Permit Resolution
9. Ownership Disclosure Statement
10. Project Chronology
11. Project Data Sheet
12. Draft Coastal Development Permit No. 270842