

**CITY OF SAN DIEGO  
M E M O R A N D U M**

DATE: June 16, 2005

TO: Planning Commission

FROM: William Zounes, Development Project Manager

SUBJECT: Mariners Village Project Number 37440 – Continuance from May 26, 2005  
Planning Commission Hearing

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On April 21, 2005 the Planning Commission heard the above referenced project and continued the item to April 26, 2005 in order to allow the applicant and staff to return with information which addressed the Planning Commission's concerns. On April 26, 2005 the applicant requested that the project be continued to a future date in order to continue working on the issues addressed from Planning Commission hearing on April 21, 2005. The Planning Commission granted the continuance to June 23, 2005. The items below are the concerns and suggestions identified by the Planning Commission on April 21, 2005:

1. Provide an Ownership Disclosure Statement which identifies all officers from Mariners Investors, Inc.
2. Provide a copy of notices distributed to the tenants.
3. Address relocation benefits for existing tenants.
4. Consider the possibility of providing on-site affordable housing as opposed to paying an in-lieu fee.
5. Provide price range information and purchasing incentives to existing tenants.

**DISCUSSION**

Project Description

The project continues to propose the conversion of 172 apartments to condominiums. There has been no change to the project since the May 26, 2005 hearing.

For detailed information regarding site location as well as history of the previous hearings, please refer to Attachment 1, Planning Commission Report No. PC-05-084 dated April 16, 2005 and Attachment 2, City of San Diego Memorandum dated May 26, 2005.

Planning Commission Issues

The items below are the issues identified by the Planning Commission and responses by the

applicant and staff:

**1. Provide an Ownership Disclosure Statement which identifies all officers from Mariners Investors, Inc**

Attachment 3 identifies all corporate officers for the development.

**2. Provide a copy of all notices and reports distributed to the tenants.**

Please refer to Attachment 1, Report to the Planning Commission, April 21, 2005, PC-05-084; Attachment 2, City of San Diego Memorandum dated May 19, 2005; Attachment 4, Notice of Application; Attachment 5, Notice of Public Hearing; and Attachment 6, 60-day notice.

**3. Address relocation benefits for existing tenants.**

The owner will implement the relocation requirements of the current ordinance for condominium conversions (See conditions 13 from Attachment 1 page 14). This includes payment of an amount equal to three months rent for each unit where resident(s) earn 100 percent or less of the Annual Median Income. In addition the owner plans on offering all tenants relocation benefits to include the following:

- Payment of an amount equal to three months rent for each unit where resident(s) have lived in their unit over one year.
- Payment of an amount equal to one month rent for each unit where resident(s) have lived in their unit less than one year.

Relocation Benefits will be paid at the time a 60-day notice to vacate is delivered.

**4. Provide on-site affordable housing as opposed to paying an in-lieu fee**

The owner has stated that he will pay the in-lieu fee instead of providing on-site affordable housing.

**5. Provide price range information and purchasing incentive program.**

A price range of the units was not provided to staff. As a purchasing incentive the owner is offering to those residents who wish to purchase their units, a credit against the purchase price in an amount equal to such relocation benefits they would otherwise have qualified for due to their length of residency at the property.

**CONCLUSION:**

A "Tentative Map 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.

**ALTERNATIVES**

1. Approve Tentative Map No. 106878 with modifications.
2. Deny Tentative Map No. 106878 if the findings required to approve the project cannot be affirmed.



William Zounes  
Development Project Manager  
Development Services Department

WJZ

**Attachments:**

1. Planning Commission Report No. PC-05-084, April 21, 2005
2. City of San Diego memorandum dated May 19, 2005
3. Ownership Disclosure form for Mariners Investors, Inc.
4. Notice of Application
5. Notice of Public Hearing
6. 60-day notice of Intent to Convert

**DATE ISSUED:** April 21, 2005      **REPORT NO. PC-05-084**  
**ATTENTION:**      **Planning Commission, Agenda of April 21, 2005**  
**SUBJECT:**      MARINERS VILLAGE TENTATIVE MAP PROJECT NO. 37440  
**OWNER/**      Mariners Investors Inc/  
**APPLICANT:**      Allen Butcher

**SUMMARY**

**Issue(s):** Should the Planning Commission approve an application for a Tentative Map to convert 172 apartments into condominiums and a request to waive the requirement to underground existing overhead utilities?

**Staff Recommendation:**

1.      APPROVE Tentative Map No. 106878.
2.      WAIVE the requirement to underground existing overhead utility lines.

**Community Planning Group Recommendation:** On October 12, 2004 the Skyline-Paradise Hills Community Planning Group voted 11-0-0 to recommend denial of the project (Attachment 9).

**Environmental Review:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301(k), Existing Facilities.

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

**Code Enforcement Impact:** None

**Housing Impact Statement** The proposed project is the conversion of 172 apartment units into condominiums. There would be a loss of 172 rental units and a gain of 172 for-sale units. This condominium conversion project is required to comply with the inclusionary housing and tenant relocation assistance program, which are conditions of the proposed Tentative Maps for Condominium Conversions (Attachment 6). The applicant has chosen to pay in-lieu fees in place of designating ten percent of the units as

Affordable Units in accordance with the City's Inclusionary Housing Ordinance.

## **BACKGROUND**

The developed 9.5-acre site is located at 6847 Potomac Street within the Skyline-Paradise Hill Community Plan area. The site is designated Commercial (Attachment 2). The site is currently zoned CC -2-3 zone which is a community serving commercial zone. The apartment project was constructed in 1989 when the site was zoned CC-RR. Development of the project was governed by Planned Commercial Development (PCD) Permit 84-0346 which was approved by the Planning Director in October 1986 (Attachment 8). The PCD allowed for 172 residences and required 271 off street parking spaces. The current CC-2-3 does not permit residential development exclusively. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

The surrounding area is developed with multi-family developments to the south adjacent to the development; a new community recreation/park to the west; commercial developments to the east across Woodman Street; and additional multi-family developments and the East Paradise Hills Elementary School to the north.

## **DISCUSSION**

### **Project Description:**

The project proposes to convert the existing 172 apartments into condominiums. There are no zoning or code violations associated with the property. Although the existing multi-unit complex does not meet the current parking or density requirements, it will maintain previously conforming rights in accordance with Planned Commercial Development (CDP) 84-0346 and the Chapter 12, Article 7, Division 1 of the San Diego Municipal Code (SDMC). The complex consists of 12, two story wood frame construction and stucco buildings. Included within the complex is a recreation center and leasing office. The perimeter and parking areas of the development are well landscaped with ground cover, trees and shrubs. Two child's play areas (Tot Lots), swimming pool/Jacuzzi and barbeque area are located within the development. Each units have a detached single car garage.

The project consists of one, two and three-bedroom dwellings ranging in size from 657 square feet to 973 square feet. Each unit has a dishwasher, stove and refrigerator. Coin operated laundry rooms are available on site.

### **Project Related Issues:**

The proposed condominium conversion will represent a change in ownership of each unit. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums to the tenants was mailed to existing tenants in February of 2004. A Notice of Intent to Convert to Condominiums to prospective occupant(s) 60-day notice has been served to all new tenants subsequent to February of 2004.

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to the new regulations regarding inclusionary housing and tenant relocation benefits

adopted by the City Council on March 15, 2004. Conditions Nos. 12 and 13 in the draft Tentative Map resolution require compliance with this ordinance (Attachment X).

Community Group Vote:

On October 12, 2004 the Skyline-Paradise Hills Community Planning group voted 11-0-0 to recommend denial of the project (Attachment 9). According to Planning Department staff, the Skyline-Paradise Hills Community Planning Group notified the tenants of the Community Planning Group meeting. According to the minutes from the meeting, no tenants from the multi-family development attended the meeting. The minutes do not detail the basis for the denial. However, the chair of the Community Planning Group stated that the project was recommended for denial as the applicant was not able to respond to questions regarding the condominium conversion process, the price range for each unit, and relocation assistance.

Undergrounding Waiver Request

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 parcel or subdivision. Staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developers Expense, in that it involves a span of under 600 feet, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and would not represent a logical extension to an undergrounding facility. The project's implementation requires the undergrounding of any new utilities to any new or proposed structures within the parcel or subdivision, per condition 6 of the draft resolution (Attachment 6 ).

The project frontages are fully improved and a single overhead steel pole is located at the northeast corner of the site. The high voltage power line runs south to a pole located across the street near the southeast corner of the project. To the north, the lines run to a pole across the intersection of Paradise Valley Road and Woodman Street to a pole located a half block north. The overhead lines continue for some distance beyond this location. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 4BB. Proposed construction to underground the existing overhead utilities has been set for 2032 (Attachment 11).

Conclusion:

A "Tentative Map for a Condominium Conversion" is a Process Four, Planning Commission decision per 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.

ALTERNATIVES

1. Approve Tentative Map No. 106878 with modifications.
2. Deny Tentative Map No. 106878 if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Marcela Escobar-Eck  
Deputy Director, Customer Support and  
Information Division  
Development Services Department**

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**William Zounes  
Project Manager, Customer Support and  
Information Division  
Development Services Department**

1. Aerial Photograph
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. Utility Underground Schedule for Block 4BB
8. Copy of Recorded Permit (PCD 84-0346)
9. Skyline-Paradise Hills Community Planning Group Recommendation 10/12/04 minutes
10. Ownership Disclosure Statement
11. Project Chronology