

DATE ISSUED: July 21, 2005 **REPORT NO.** PC-05-239

ATTENTION: Planning Commission, Agenda of July 28, 2005

SUBJECT: 3773 HAINES TENTATIVE MAP - PROJECT NO. 60104 PROCESS
NUMBER FOUR

**OWNER/
APPLICANT:** Casa Riviera Limited Partnership, Mark Gosselin, President (Attachment 10)
Robert Bateman, San Diego Land Surveying

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map for the conversion of twenty eight (28) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 3773 Haines Street, within the Pacific Beach Community Plan Area?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 179886; and
2. APPROVE Tentative Map No. 177513 with a waiver of the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation: On May 3 , 2005, the Pacific Beach Community Planning Committee voted 14-0 to recommend approval of the proposed Coastal Development Permit and Tentative Map with two conditions. As part of the recommendation the applicant is required to relocate the pool fencing and to relocate the dumpster so it is not visible from the street (Attachment 9). The applicant has revised the location of the dumpster on the Tentative Map and the parking/fence relocation is addressed through a condition of the draft permit Coastal Development Permit (Attachment 7, condition 16).

Environmental Review: This project is exempt from environmental review pursuant to Article

19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

Fiscal Impact Statement: 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 eight existing apartments to condominiums, there will be a loss of twenty eight rental units and a gain of twenty eight for-sale units. This condominium conversion project was deemed complete on January 24, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.459-acre site is located at 373 Haines Street, on the east side of Haines Street between La Playa Avenue and Moorland Drive, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, and within the Pacific Beach Community Plan Area (Attachment 3). The site is presently developed with a two-story apartment complex consisting of four studio units, fifteen one-bedroom units, nine two bedroom units and twenty eight off street parking spaces all located on the ground level. City permit records indicate that this twenty eight unit apartment complex was constructed in 1972 under Building Permit No. A51058. The property at that time was zoned R-4, a Multi-Family Zone, with the requirement for twenty eight off-street parking spaces for the project. The existing twenty eight off-street parking spaces, consist of ten spaces taking access from the rear alley and eighteen spaces located off of Haines Street (Attachment 5). The Community Plan designates this site for multi-family residential use at a density of 9 to 14 dwelling units per acre and the existing use multi-family residential is consistent with this designation, however, the existing density is higher then the current plan designation. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Surrounding land uses include multi-family residential uses.

DISCUSSION

Project Description:

The project proposes a Coastal Development Permit and Tentative Map for the subdivision of a 0.459-acre site to consolidate 8 lots into one lot and for the conversion of an existing, two-story, twenty eight dwelling unit apartment complex into twenty eight condominiums (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived. During the project's review with City staff, the applicant has modified the proposed conversion to conform to the Subdivision Map Act and the applicable portions of the Land Development Code governing condominium conversions.

The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (section 126.0702) requires a Coastal Development Permit. A Tentative Map is

required due to the proposed conversion to condominium units, pursuant to the San Diego Municipal Code Section 125.0410. According to San Diego Municipal Code Sections 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 condominium project if the decisionmaker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

Undergrounding Waiver Request

The project site is located in Block 2BB of the City's Undergrounding Master Plan and a schedule for undergrounding has not yet been determined by the City Council. 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. Currently the utility poles are located along the west side of the alley. If the applicant were to underground the utilities, one pole would be removed near the middle of the project site and two new poles would have to be placed at either end of the project site along the alley. So the net affect would be a gain of one pole. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision.

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. 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. This proposed project was Deemed Complete on January 24, 2005, and is therefore subject to these new regulations. This project is subject to the requirements of the Coastal Overlay Zone Affordable Housing Replacement Regulations of the San Diego Municipal Code at Chapter 14, Article 3, Division 8. The San Diego Housing Commission completed a tenant income survey of the existing residents which found the following existing conditions: four one-bedroom units occupied by low-income households and one one-bedroom unit occupied by moderate-income households. Pursuant to the May 18, 2005, direction from the Housing Commission, the applicant must therefore set aside 5 affordable replacement units or pay the Coastal In-Lieu Fee of \$131,600 pursuant to the Coastal Affordable Housing Replacement regulations of the Municipal Code at Sections 143.0810 through 143.0860.

The project is also subject to the Inclusionary Housing regulations. The Inclusionary Housing In-Lieu Fee would be \$35,262.50 based on 20,150 square feet of living space at a charge of \$1.75 per square foot. However, the project is only subject to the more stringent of the two programs and not both. Therefore, if the applicant chooses to pay the Coastal Affordable Housing In-Lieu Fee of \$131,600, the applicant does not have to pay an additional \$35,262.50 in Inclusionary Housing In-Lieu Fees.

Conclusion:

Staff has reviewed the request for a Coastal Development Permit and Tentative Map for the proposed conversion of twenty eight residential dwelling units to condominium units along with the request to waive the requirement of the undergrounding of existing overhead utilities and found the project in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps for condominium conversions. Staff has determined that the development is consistent with the land use designation of the Pacific Beach Community Plan, which includes the previously conforming rights to the density and believes the required findings can be supported (Attachment 6). Therefore, staff recommends that the Planning Commission Approve the Coastal Development Permit and Tentative Map for condominium conversion and the requested waiver of undergrounding utilities.

ALTERNATIVES

1. Approve Coastal Development Permit No. 179886 and Tentative Map and waiver of undergrounding No. 177513, with modifications.
2. Deny Coastal Development Permit No. 179886 and Tentative Map and waiver of undergrounding No. 177513, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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STROHMINGER/GRG

Attachments:

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. Draft Coastal Development Permit

8. Draft CDP Resolution and Findings
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. City's Undergrounding Master Plan for Fiscal Year 2004, Block 2BB
13. 60 Day Tenant Notice
14. Letter from Housing Commission regarding Coastal Affordable Housing Compliance