

**DATE ISSUED:** January 27, 2005

**REPORT NO. PC-05-030**

**ATTENTION:** **Planning Commission, Agenda of February 3, 2005**

**SUBJECT:** BAY VIEW VILLAS COASTAL DEVELOPMENT PERMIT/  
TENTATIVE MAP - PROJECT NO. 43591  
PROCESS FOUR

**OWNER/  
APPLICANT:** San Diego Properties, LLC, A California Ltd Liability Company  
c/o Daniel J. Schuetz

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Coastal Development Permit and a Tentative Map for the conversion of four existing residential units and one existing commercial unit to condominium ownership and to waive the requirement to underground existing overhead utilities on a 5,250 square-foot site at 3745 Mission Boulevard within the Mission Beach Community Plan area?

**Staff Recommendation:**

1. **APPROVE** Coastal Development Permit No. 127700; and
2. **APPROVE** Tentative Map No. 127699 and waiver of under-grounding existing overhead utilities.

**Community Planning Group Recommendation:** On October 20, 2004, the Mission Beach Precise Planning Board voted 9-0-0, to recommend approval of the project with no conditions (Attachment 7).

**Coastal Commission:** The California Coastal Commission concurs with the City staff action on this project and finds it consistent with the Mission Beach Planned District Ordinance.

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

**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 four residential units and one commercial unit to condominium ownership would result in an increase of four residential units and one commercial unit for sale market-rate units and the loss of four residential units and one commercial rental unit. There is no loss or addition to the supply or demand for housing in the Mission Beach Community. This condominium conversion project is required to comply with the Affordable Inclusionary Housing Ordinance and tenant relocation assistance program, which have been included as a condition of the proposed Tentative Map.

## **BACKGROUND**

The 5,250 square-foot site is located at 3745 Mission Boulevard on the southeast corner of Mission Boulevard and Queenstown Court, north of Pismo Court within the NC-N zone of the Mission Beach Planned District established on the site in February, 1979. The site sits at elevations of five to six feet above mean sea level approximately 600 feet east of the Pacific Ocean seawall and approximately 300 feet west of the concrete path of Bayside Walk and the Mission Bay Park Boundary.

A three-story mixed use structure of wood frame/stucco and slab-on-grade construction currently occupies the relatively level site. There are eleven existing on-site parking spaces accessed from the alley abutting the property. The adjacent properties are currently developed with a varied mix of residential development and commercial services.

Previous zoning for the property included the C zone applied to the area in June of 1930 and the CS zone established in December of 1972. The site is also within the Coastal Overlay (appealable), Coastal Height Limitation Overlay, and Parking Impact Overlay zones of the Mission Beach Community Plan.

In March of 1977, the State of California issued Coastal Permit No. F5187 for the construction of a three-story commercial/residential building. On May 3, 1977, the Zoning Administrator of the City of San Diego approved Variance No. C-14116, to allow the residential portion of the building to observe reduced yards on Mission Boulevard, the alley on the south, and Queenstown Court on the north. Building permits were issued for construction on the site in June of 1977. Therefore, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

This project is subject to the City of San Diego's, "Inclusionary Housing Ordinance". The San Diego Housing Commission (SDHC) 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. The SDHC completed their income survey of the existing tenants on January 11, 2005, and have determined each tenant qualifies for relocation assistance under provisions of the Inclusionary Housing Ordinance.

On December 14, 2004, the San Diego Housing Commission received the owner's Coastal Affordable Housing Compliance Permit Determination application. Upon receipt of said application, the Housing Commission staff carried out an income survey of the tenants residing at 3745 Mission Boulevard for the Coastal Program Implementation. The survey did not identify any low or moderate income households, therefore the San Diego Housing Commission notified applicant that there is no replacement unit obligation under the Coastal Program Implementation. (Attachment 12)

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 5,250 square-foot site to consolidate the lot for the conversion of four residential units and one commercial unit into condominiums. The conversion of the four residential units to condominiums would remove four rental units from the market within the Mission Beach Community and create four new units for condominium 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 to the change of ownership to condominiums. The site has been fully developed for approximately 27 years.

### **Waiver of Undergrounding:**

The project proposes a Tentative Map for the subdivision of a 5,250 square-foot site to convert four existing residential units and one existing commercial unit into condominiums on one lot. The applicant is requesting that the City waive the requirement to underground the existing overhead utility lines adjacent to the project site. The conversion would involve approximately 105 feet of overhead utility lines (less than 600 feet in length). The waiver is requested specifically for the overhead service and one utility pole running along the southside of the alley. There are no overhead utilities fronting the property on Mission Boulevard or Queenstown Court. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2S and is proposed to be undergrounded in Fiscal Year 2008 (Attachment 10).

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. Staff has determined approving the request to waive the requirement of undergrounding the existing overhead utility lines does qualify under the guidelines of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25, regulating undergrounding of existing utilities (Attachment 11).

### **Community Plan Analysis:**

The Mission Beach Community Plan designates this site to accommodate both commercial and residential uses. The property is located in an area identified in the Mission Beach Precise Plan – Local Coastal Program Land Use Plan as the Santa Clara District. The Santa Clara District is characterized by small retail services, a large number of eating and drinking places, and a few professional services. The existing four residential units and one commercial unit (located on the first floor) are within the permitted uses and density as set forth in Section 103.0528.1.

### **Project-Related Issues:**

The project was Deemed Complete on August 5, 2004, after the adoption of the Amendment 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 requested conversion of these four residential units and one commercial unit 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.

### **Conclusion:**

The Mission Beach Precise Planning Board has recommended approval of the requested project as submitted. Staff has reviewed the project as proposed and has determined the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Coastal Development, Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be made and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. **Approve** Coastal Development Permit No. 127700 and Tentative Map No. 127699, **with modifications.**

2. **Deny** Coastal Development Permit No. 127700 and Tentative Map No. 127699, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Marcela Escobar-Eck  
Deputy Director, Project Management Division  
Development Services Department

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Vena Lewis  
Development Project Manager  
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Draft Coastal Development Permit
8. Draft Coastal Development Permit Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Council Undergrounding Schedule
13. Coastal Affordable Housing Compliance