

**DATE ISSUED:** June 9, 2005                      **REPORT NO.** PC-05-198

**ATTENTION:** Planning Commission, Agenda of June 16, 2005

**SUBJECT:** PACIFIC TOWER TENTATIVE MAP - PROJECT NO. 5803 . PROCESS NUMBER FOUR

**OWNER/  
APPLICANT:** Jensen Trust  
Chris Christensen, Condoconversions.com

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Coastal Development Permit and Tentative Map for the conversion of twenty nine (29) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 1049 Felspar Street, within the Pacific Beach Community Plan Area?

**Staff Recommendation:**

1. APPROVE Coastal Development Permit No. 175921; and
2. APPROVE Tentative Map No. 170198 with a waiver of the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation:** On March 28, 2005, the Pacific Beach Community Planning Committee voted 10-1 to recommend approval of the proposed Coastal Development Permit and Tentative Map with no conditions (Attachment 7).

**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 existing apartments to condominiums, there will be a loss of twenty nine rental units and a gain of twenty nine for-sale units. This condominium conversion project was deemed complete on January 25, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.29-acre site is located at 1049 Felspar Street, on the south side of Felspar Street between Cass Street and Dawes Street, in the RM-2-5 Zone, Coastal Overlay Zone (non-appeal able), Coastal Height Limit Overlay Zone, and within the Pacific Beach Community Plan Area (Attachment 3). The site is presently developed with a three-story apartment building consisting of fourteen studio units and fifteen one-bedroom residential units with twenty-one off street parking spaces located on the ground level. City permit records indicate that this twenty nine unit apartment complex was constructed in 1961 under Building Permit No. B39715. The property at that time was zoned R-4, a Multi-Family Zone, with the requirement for twenty one off-street parking spaces for the project. The existing twenty one off-street parking spaces have twelve open spaces taking access from the rear alley and nine spaces, which includes four garage spaces, take access off of Felspar Street. 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 multi-family residential use is consistent with the use designation, while the existing density is higher than 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 0.29-acre site to consolidate 4 lots into one lot for the conversion of an existing, three-story, twenty nine dwelling unit apartment complex into twenty-nine 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 2-X 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 southern side of the alley, on the opposite side from the project. If undergrounding were to occur with this proposal, the existing pole would remain and a second pole would need to be added at the eastern side of the project along the alley, with the line undergrounded for the 100 foot length. There would be one more pole than currently exist. 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 25, 2005, and is therefore subject to these new regulations. With the application submittal, the applicant indicated the decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$16,4300 based on a \$ 1.00 fee per residential square footage, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant is required as conditioned in the draft Tentative Map (Attachment 6, conditions 11 and 12) to provide Tenant Relocation Benefits as well as comply with the Coastal Affordable Housing program. The applicant submitted the Tenant Relocation Benefits and the Tenant Survey to the Housing Commission with five existing tenants of the twenty-nine units. The Housing Commission has questioned the survey and feels that the applicant may have moved tenants out in an effort to circumvent the Coastal Affordable Housing requirement. Further comment from the Housing Commission is still pending at this time. The sixty day Notice of Filing for a Tentative Map for conversion is attached (Attachment 13).

**Conclusion:**

Staff has reviewed the request for a Coastal Development Permit and Tentative Map for the proposed

conversion of twenty-nine 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. 175921 and Tentative Map and waiver of undergrounding No. 170198, with modifications.
2. Deny Coastal Development Permit No. 175921 and Tentative Map and waiver of undergrounding No. 170198, if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director, Customer Support and**  
**Information Division**  
**Development Services Department**

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**Glenn Gargas, AICP**  
**Customer Support and**  
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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 2X
13. 60 Day Tenant Notice

14. Council Policy 600-25