

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

DATE: December 2, 2005

TO: Members of the Planning Commission

FROM: Peter Lynch, Development Project Manager

SUBJECT: PROJECT NO. 71539 – POINT LOMA TOWERS TENTATIVE MAP

The above referenced project, the Point Loma Towers Tentative Map, was originally scheduled for a public hearing before the Planning Commission on November 10, 2005.

This item was continued indefinitely after the City Attorney's opinion regarding use of categorical exemptions from CEQA for condominium conversions was provided during the course of the Planning Commission Meeting.

At the November 17, 2005, hearing, after a discussion and public testimony, the Planning Commissioners indicated their agreement that requests for Tentative Maps for condominium conversions which were not pending appeal of the environmental determination could proceed through the Planning Commission hearing process.

Based on the above information, the Point Loma Towers Tentative Map project has been rescheduled for the December 8, 2005, Planning Commission hearing. Accordingly, a Revised Notice of Public Hearing was distributed as required on November 23, 2005.

There has been no appeal of the environmental determination filed for this project. The environmental exemption determination for this project was made on June 3, 2005, and the opportunity to appeal that determination ended June 17, 2005.

Peter Lynch
Development Project Manager
Development Services Department

DATE ISSUED: November 3, 2005 **REPORT NO. PC-05-289**
ATTENTION: **Planning Commission, Agenda of November 10, 2005**
SUBJECT: POINT LOMA TOWERS TENTATIVE MAP - PROJECT NO. 71539
PROCESS NUMBER 4

OWNER/APPLICANT: Point Loma Towers LP / Jim Neil - CB Richard Ellis

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to allow the conversion of 195 residential units into condominiums and waive the requirement to underground existing overhead utilities on a site located in the Peninsula Community Planning Area?

Staff Recommendation: APPROVE Tentative Map No. 217997 and waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Peninsula Community Planning Board voted to deny the project with a vote of 7 to deny and 0 to approve with 2 abstaining.

Environmental Review: This project is categorically exempt from the California Environmental Quality Act per Article 19, Section 15301(k), Existing Facilities.

Fiscal Impact Statement: None, as Point Loma Towers LP is responsible for all processing costs for this project.

Code Enforcement Impact: There are no Code Enforcement violations associated with this project.

Housing Impact Statement: With the proposed conversion of 195 existing rental units into condominiums, there would be a loss of 195 rental units and a gain of 195 for-sale units. This condominium conversion is subject to regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 3.46-acre site is located at 38013803 and 3811 Marquette Place, north of Poinsettia Drive in the RM-3-9 Zone, Coastal Height Limit Zone, Airport Environs Zone and the Peninsula Community Plan Area (Attachment 3.) The site is presently developed with three, four story multi-family residential buildings consisting of 171 one bedroom and 24 two bedroom residential units. Although the project is located within the Coastal Height Limit Overlay Zone, it is not within the Coastal Overlay Zone, therefore a Coastal Development Permit is not required.

Building permits for this project were issued in 1964 and 1965, at which time the site was zoned R4. As many as 377 units would be allowed on this property under the R4 zone. The site is currently zoned RM-3-9, which would permit only 251 units. However, with 195 units, the project meets current density requirements as well as retaining previously conforming rights. The development was constructed with 287 parking spaces. Current regulations would require 305 parking spaces.

The project is located near the boundary of the Loma Portal and Loma Palisades neighborhoods of the Peninsula Community Plan in an area designated for multi-family residential development at a density of 30-44 dwelling units per acre. The project as legally constructed exceeds this recommended density at 56 dwelling units per acre. However, the project was constructed in the mid 1960s prior to the implementation of the 1987 Community Plan.

The project is surrounded by a convalescent hospital to the north, a commercial retail center to the east, single family dwellings to the south and multi-family residential condominiums to the west.

The project site is within the area which could be designated as Zone "C" of the draft Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport. Zone C would not allow for new residential density. The project location is currently within the 65 dB Community Noise Equivalent Level (CNEL) of Lindbergh Field operations. As such, an Avigation Easement would be required as a condition of the permit to be in compliance with Airport Environs Overlay Zone (AEOZ).

DISCUSSION

Project Description: The project proposes a Tentative Map for the conversion of 195 existing residential rental units into condominium units (Attachment 5). No construction is required for compliance with this Tentative Map.

Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion, the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

Inclusionary Housing: The requested conversion of these residential units to condominiums represents primarily a change in ownership. Pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 and Chapter 14, Article 4, Division 5 of the Land Development Code), condominium conversion projects must comply with regulations regarding Inclusionary Housing and Tenant Relocation Benefits if Deemed Complete on or after February 7, 2004. This project was Deemed Complete on March 13, 2005 and is therefore subject to these regulations.

To satisfy the Inclusionary Affordable Housing requirement, the applicant has chosen to pay an In-Lieu Fee. A condition has been added to the draft resolution for this project requiring the subdivider to pay a total In-Lieu Fee of \$229,320 prior to recordation of a Final Map. This fee is based on an amount of \$1.75 per square foot multiplied by a total square footage of 131,040.

Furthermore, a condition has been added to the draft resolution that requires the subdivider to demonstrate compliance with Tenant Relocation Benefits, to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map

Utilities: The project faces Marquette Place where all utilities serving the site are currently placed underground. However, a utility pole is located on one corner of the subject property that supports a small span of overhead utilities, crossing over Marquette Place, along Poinsettia Drive. As such, the subdivider is requesting a waiver from the requirement to place existing overhead utilities underground.

The overhead utilities serve properties along Poinsettia Drive, which would be disrupted if these services were relocated. Further, removing the utility pole to support undergrounding utilities would not result in a reduction of power poles and may, in fact, require additional poles. As the conversion involves a short span of overhead facility (less than 600 feet in length) and would require unnecessary disruptions to adjacent properties, the requested underground waiver qualifies under the guidelines of Council Policy No. 600-25.

Community Planning Group Recommendation: On September 15, 2005, the Peninsula Community Planning Board considered the project and voted 7-0-2 to recommend denial. The board recommended denial because the project does not have upgraded electrical and plumbing systems and the parking does not meet current standards.

CONCLUSION: Development Services Department staff has reviewed the request for a Tentative Map to convert 195 residential units into condominiums. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code and the Subdivision Map Act, which regulate Tentative Maps. Therefore, staff recommends that the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

ALTERNATIVE

1. Approve Tentative Map 217997with modifications.
2. Deny Tentative Map217997if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

Peter Lynch
Development Project Manager,
Customer Support and Information Division
Development Services Department

Attachments:

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. 60 Day Notice of Filing Tentative Map for Conversion
7. Draft Tentative Map Resolution, with Findings and Conditions
8. Ownership Disclosure Statement
9. Project Chronology
10. Underground Conversion Map
11. Photo Survey