

DATE ISSUED: March 9, 2006

REPORT NO. PC-06-101

ATTENTION: Planning Commission, Agenda of March 16, 2006

SUBJECT: 3910 HAINES TENTATIVE MAP - PROJECT NO. 79664. PROCESS 4

OWNER/

APPLICANT: 3910 Haines Owner LLC.

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert eighteen apartment units into condominiums and a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 250486; and
2. APPROVE Tentative Map No. 248517 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On November 28, 2005, the Pacific Beach Community Planning Committee voted 15-0-0 to recommend approval of the proposed project.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on August 30, 2005, and the opportunity to appeal that determination ended September 15, 2005.

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

Code Enforcement Impact: None.

Housing Impact Statement: The proposed project is the conversion of eighteen existing apartment units into condominiums. There would be a loss of eighteen rental units and a gain of eighteen for-sale units. This Tentative Map and Coastal Development Permit project is required to comply with the inclusionary housing or coastal affordable housing requirements (which ever is greater) and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 6).

BACKGROUND

The 0.23 acre site is located at 3910 Haines Street in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable) and Coastal Height Overlay Zone. The development is located on four parcels and designated Multi Family Residential with a density range of 9 – 4 dwelling units per acre within the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with multi-family and single family developments to the north, south, east and west. 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, by the Land Development Code (Section 125.0410), for the proposed division of the property into eighteen condominium dwelling units.

The existing development was constructed in 1969. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a three story apartment building. The building includes three one bedroom units at 685 square feet each, three one bedroom units at 705 square feet each, six two bedroom units at 860 square feet each, three two bedroom units at 895 square feet each and three two bedroom units at 945 square feet each. The original development provided nineteen parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. If this property were vacant today, under the current RM-1-1 Zone development regulations only three dwelling units could be developed.

DISCUSSION

Project Description:

The project proposes to convert the existing eighteen apartments into condominiums. Utilities are existing above ground in the alley right-of-way between Roosevelt Avenue and Fortuna Avenue. The complex was constructed in 1969 and consists of a three-story, concrete and stucco building. No physical changes to the development site are proposed or will occur should the Planning Commission action be to approve the application. The project has a total of nineteen parking spaces, nine off of Haines Street and ten located off the alley. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time.

Undergrounding Waiver Request:

The project site is located in Block 2BB of the City's Undergrounding Master Plan and is not scheduled for undergrounding by City Council at this time. 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. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 6).

Project-Related Issues:

The proposed condominium conversion will represent a change in ownership of each unit. The applicant has provided City staff with copies of the required 60-day Notice of Intent to Convert to Condominiums (Attachment 12), 180 day Notice to Tenants of Intention to Convert (Attachment 13) and a Tenant Benefits Summary Notification for Condominium Conversion (Attachment 14).

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding inclusionary housing, coastal affordable housing and tenant relocation benefits adopted by the City Council on March 15, 2004. Conditions Nos. 9 and 10 of the draft Tentative Map (Attachment 6) resolution require compliance with this ordinance. In order to met this requirement the applicant has elected to pay the in-lieu fee for Coastal Affordable Housing, which is calculated to be \$126,400.00.

Conclusion:

A "Tentative Map and waiver of undergrounding for a Condominium Conversion" along with a Coastal Development Permit 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 Coastal Development Permit No. 250486 and Tentative Map with waiver of

undergrounding No. 248517, with modifications.

2. Deny Coastal Development Permit No. 250486 and Tentative Map with waiver of undergrounding No. 248517, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeff Strohminger
Acting Deputy Director, Customer Support
And Information Division
Development Services Department

Glenn Gargas
Customer Support and
Information Division
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Draft CDP Permit with Conditions
8. Draft CDP Resolution with Findings
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. 60-Day Notice
13. 180 Day Notice to Tenants of Intention to Convert
14. Summary of Tenant Benefits
15. Proposed Undergrounding of Overhead Utilities
16. Photos of Existing Front and Rear Elevations