

DATE ISSUED: August 23, 2007 REPORT NO. PC-07-095

ATTENTION: Planning Commission, Agenda of August 30, 2007

SUBJECT: 835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312.
PROCESS 4

**OWNER/
APPLICANT:** Mr. William G. Clarke Family Trust

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert eleven existing apartment units into residential condominiums located at 835 Thomas Avenue, with a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 26913 ; and
2. APPROVE Tentative Map No. 266188 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 8, 2006, the Pacific Beach Community Planning Committee voted 13-2-0 to recommend approval of the proposed project. That recommendation also included a condition to reconfigure the 11th parking space for better access for emergency vehicles and to add a trash enclosure to the site.

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 October 20, 2005; and the opportunity to appeal that determination ended on November 3, 2005. Briggs Law Firm filed an appeal to the determination on October 24, 2005. The appeal was denied by City Council on July 31, 2006.

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 eleven existing apartment units into condominiums. There would be a loss of eleven rental units and a gain of eleven for-sale units. This Tentative Map project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 8).

BACKGROUND

The 6,250 square foot site is located at 835 Thomas Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and Beach Parking Impact Overlay Zone. The development is located on two parcels and designated Multi-Family Residential by, and located within, the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with a mix of commercial, multi-family and some intermittent single family development. 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 eleven residential condominium dwelling units.

The existing development is a two-story, eleven dwelling unit apartment building that was constructed in 1960. At the time the property was developed the approved construction met all the current regulations. The apartment building includes eight, studio units, two, one-bedroom units, and one, two-bedroom unit, ranging in size from approximately 370 square feet to 700 square feet each. The original development provided eleven parking spaces, located off the side alley.

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, up to two residential dwelling units could be developed.

DISCUSSION

Project Description:

The project proposes to convert the existing residential complex, made up of eleven residential apartments, into eleven residential condominium dwelling units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, south of Thomas Avenue and east of Mission Boulevard. The apartment building was constructed in 1960 and consists of a two-story, concrete stucco and gravel roof. The project has a total of eleven off-street parking

spaces, located off the side 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 of construction. The applicant also addressed concerns raised by the Pacific Beach Community Planning Committee by reconfiguring the 11th parking space and intends to include a trash enclosure on the site.

Undergrounding Waiver Request:

The project site is located in Block 2X3 of the City's Undergrounding Master Plan and is scheduled for undergrounding to start on May 31, 2045 (Attachment 13). 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 8). If the requested waiver of undergrounding is not approved, the applicant would have to add one additional power pole, at the south west corner of the property along the rear alley.

Project-Related Issues:

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. 11, and 12 of the draft Tentative Map Resolution (Attachment 8) require compliance with this ordinance. In order to meet this requirement the applicant has elected to pay the in-lieu fee for Coastal Affordable Housing, which is calculated to be \$142,300.00.

Conclusion:

A Coastal Development Permit, Tentative Map and Waiver of Undergrounding for a Condominium Conversion are a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Sections 126.045 and 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.

The project site is located within the Coastal Overlay Zone and is not subject to new condominium conversion regulations adopted by the City Council on June 13, 2006, and certified

by the California Coastal Commission on June 14, 2007, due to the fact that this project was delayed by the Brigg's Environmental Determination Appeal.

ALTERNATIVES

1. Approve Coastal Development Permit No. 26913 and Tentative Map with Waiver of Undergrounding No. 266188, with modifications.
2. Deny Coastal Development Permit No. 26913 and Tentative Map with Waiver of Undergrounding No. 266188, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

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Project Manager
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 CDP Permit
7. Draft CDP Resolution
8. Draft Tentative Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Housing Commission Letter - Coastal Affordable Housing Compliance
13. Proposed Undergrounding of Overhead Utilities
14. Photos of Existing Front and Rear Elevations