

**DATE ISSUED:** September 23, 2004                      **REPORT NO. PC-04-155**

**ATTENTION:**                      **Planning Commission, Agenda of September 30, 2004**

**SUBJECT:**                      **OLIVER AVENUE TENTATIVE MAP – PROJECT NO. 11869.  
PROCESS 4**

**OWNER/  
APPLICANT**                      **Ring Family Partnership #2, L.P., a California Limited Partnership,  
(Mr. Steve Ring)**

**SUMMARY**

**Issue(s)** - Should the Planning Commission approve a Tentative Map, Waiver of Undergrounding and a Coastal Development Permit to convert five residential apartment units to condominium ownership at 1644 Oliver Avenue within the Pacific Beach Community Plan area?

**Staff Recommendation:**

1.        **APPROVE** Tentative Map and Waiver of Undergrounding No. 23352; and
2.        **APPROVE** Coastal Development Permit No. 23355

**Community Planning Group Recommendation** - The Pacific Beach Community Planning Committee voted 14-0-0 on November 24, 2003, to recommend approval of the project as submitted with no additional conditions.

**Other Recommendations** – None

**Environmental Review** - The project is Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Article 19, Section 15301(k), ‘existing facilities’.

**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

**Housing Impact Statement** - Approval of the proposed conversion of five residential apartment dwelling units to condominiums would result in an increase of five for-sale market-rate units and the loss of five existing rental units. There is no loss or addition to the supply or demand for housing in the Pacific Beach Community.

## **BACKGROUND**

The 7,500 square-foot site is located at 1644 Oliver Avenue on the north side between Ingraham and Jewell Streets in the RM-1-1 zone within the Pacific Beach Community Plan boundaries. The existing five residential unit building was constructed in 1984 after the approval of a Coastal Development Permit by the State Coastal Commission in 1983. The site is within the Coastal Overlay Zone and the Coastal Height Limit Zone. The existing buildings on-site are one-story in height facing Oliver Avenue and two-stories in height on the rear portion of the site. Parking on site is a combination of enclosed garages and open parking spaces. It is assumed that the development complied with all development criteria at the time as building and occupancy permits were approved. Property sites in the adjacent areas are developed with a mix of similar multi-storied developments.

This project is not subject to the City of San Diego's, 'Inclusionary Housing Ordinance' and the San Diego Housing Commission survey of existing tenants has determined that no units are occupied by qualifying low- or moderate-income tenants and there is no obligation under the City of San Diego's 'Coastal Overlay Zone Affordable Housing Replacement Regulations' to provide replacement housing or payment of an in-lieu fee.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of this 7,500 square-foot site to consolidate the lot for the conversion of five residential apartments into condominiums. The conversion of the five apartments to condominiums would remove five rental units from the market within the Pacific Beach Community and create five new units for 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 the change of ownership to condominiums. The site has been fully developed for approximately twenty years.

**Waiver of Undergrounding:**

The Council District 2 ‘neighborhood’ in which the project site is located is in Block 2-U and a date and schedule for undergrounding has not been determined by the City Council (Attachment No. 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. 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* (Attachment No. 11), 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, per Condition No. 5 of the draft Subdivision Resolution.

There are two power poles serving this property with one pole in Oliver Avenue at the southwest corner of the site and the second pole in the rear at the northwest corner of the site. The pole in the rear is on private property as no alley serves the rear of the neighboring lots and from the northwest corner the line continues to the northeast away from the site. An additional power pole on Oliver Avenue is five feet to the east of the southeast corner of the property and technically would not be required to be undergrounded with this application. If the waiver were not approved, no power poles would be removed and only 55-feet of above ground line would be undergrounded

**Community Plan Analysis:**

The Pacific Beach Community Plan designates this site for residential development . The site is within an area developed with a variety of residential types, with commercial two blocks to the north and an elementary school site two blocks to the south. No physical changes to the building or site are being conveyed with this condominium conversion.

**Project-Related Issues:**

The requested conversion of these residential units 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 prior to February 6, 2004, and is not 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.

The project was Deemed Complete on July 30, 2003, prior to the adoption of the March 15, 2004, Amendments 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 would not be subject to the amended regulations.

The Pacific Beach Community Planning Committee has recommended approval of the requested project as submitted.

**Conclusion:**

The project application is a Tentative Map for the conversion of five residential units to condominium ownership with no other entitlements requested or granted with this action. The project will make available residential dwelling units for ownership at more affordable prices than single-family and new condominium units and allow existing renters into ownership.

**ALTERNATIVES:**

1. **Approve** Tentative Map and Waiver of Undergrounding No. 23352 and Coastal Development Permit No. 23355 **with modifications.**
2. **Deny** Tentative Map and Waiver off Undergrounding No. 23352 and Coastal Development Permit No. 23355 **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

---

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

---

**Robert Korch**  
**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
6. Draft Map Conditions and Subdivision Resolution
7. Draft Coastal Development Permit with Conditions
8. Draft Coastal Development Permit Resolution with Findings
9. Community Planning Group Recommendation

10. City Council Undergrounding Schedule
11. Council Policy 600-25, 'Undergrounding'
12. Ownership Disclosure Statement
13. Project Chronology
14. Notices to Tenants