

**DATE ISSUED:** February 17, 2004                      **REPORT NO. PC-05-053**

**ATTENTION:**            **Planning Commission, Agenda of February 24, 2004**

**SUBJECT:**                      OLIVER AVENUE CONDO MAP - PROJECT NO. 48853.  
PROCESS 4

**OWNER/  
APPLICANT:**            Oliver Avenue, LLC; Mr. Ken Rubin, Managing Partner

**SUMMARY**

**Issue(s):** Should the Planning Commission approve Tentative Map and Waiver of Undergrounding No. 145213 and Coastal development Permit No. 145217 for the conversion of twelve residential apartments to condominium ownership on a 11,498 square-foot lot at 2017-2029 Oliver Avenue in the RM-1-1 zone, Coastal Overlay Zone (non-appealable area) and Coastal Height Limit within the Pacific Beach Community Plan area?

**Staff Recommendation:**

1.        **APPROVE** Tentative Map and Waiver of Undergrounding No. 145213; and
2.        **APPROVE** Coastal Development Permit No. 145217

**Community Planning Group Recommendation:** The Pacific Beach Community Planning Committee had not considered this project application at the time of report printing. Staff will inform the Planning Commission of any subsequent action should it occur prior to the hearing date.

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

## **BACKGROUND**

The 11,498 square-foot site is located at 2017-2029 Oliver Avenue on the south side between Morrell and Noyes Streets in the RM-1-1 zone, Coastal Overlay Zone (non-appealable area) and Coastal Height Limit of the Pacific Beach Community Plan area. The existing twelve residential units were constructed in 1957 and 1958 under two building permits, each for a six-unit, two-story wood and stucco structure. Parking for the seventeen surface parking spaces are accessible from the abutting alley. 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 varied mix of residential developments.

This project is subject to the City of San Diego's, 'Inclusionary Housing Ordinance' and the Coastal Affordable Income Replacement Housing Ordinance. The San Diego Housing Commission has stipulated that the applicant will pay an in-lieu fee to the Housing Commission prior to the filing of a Final Map to comply with the requirements of the Coastal Affordable Income Replacement Housing Ordinance of \$61,600 or provide two replacement 2-bedroom dwelling units, satisfactory to the San Diego Housing Commission. Tenant relocation assistance will be provided as required by the Inclusionary Housing Ordinance for qualified tenants.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map, Waiver of Undergrounding and a Coastal Development Permit for the subdivision of this 11,498 square-foot site to consolidate the lots for the conversion of twelve residential apartments into condominiums. The conversion of the twelve apartments to condominiums would remove twelve rental units from the market within the Pacific Beach Community and create twelve 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 48 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 yet 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. 12), 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 on the Oliver Avenue frontage with one on both sides of the street. Additionally, there are two power poles within the abutting alley on the south side that serve the property. If the undergrounding were required, no power poles would be removed on Oliver Avenue and one would be required in order to underground 100-feet of power lines. Within the alley, one power pole would be removed but one new one required to underground 100-feet of power lines.

**Community Plan Analysis:**

The Pacific Beach Community Plan designates this site for residential development. The site is within neighborhood fully developed with a variety of residential styles and densities built over a long span of time. No physical changes to the building or site are being conveyed with this condominium conversion.

**Project-Related Issues:**

The requested conversion of these twelve 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 after February 6, 2004, and is subject to the condominium amendments added to the Inclusionary Affordable Housing Regulations and also to the Coastal Affordable Income Replacement Housing Ordinance. The request to waive the undergrounding of existing overhead utilities is in accord with City Council policy.

The project was Deemed Complete on October 6, 2004, after the adoption of the 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 is subject to the amended regulations.

**Conclusion:**

The project application is a Tentative Map, Waiver of Undergrounding and Coastal Development Permit for the conversion of twelve residential units 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. 145312 and Coastal Development Permit No. 145217 with **modifications**.
2. **Deny** Tentative Map and Waiver of Undergrounding No. 145312 and Coastal Development Permit No. 145217 **if the findings required to approve the project cannot be affirmed**.

**Respectfully submitted,**

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

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**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 of Approval
8. Draft Coastal Development Permit Resolution with Findings
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Undergrounding Schedule and City Council Policy 600-25
13. Sample 'Notices to Tenants'