



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: July 20, 2005      REPORT NO. HO-05-132

ATTENTION: Hearing Officer

SUBJECT: 324 KOLMAR STREET MAP WAIVER - PROJECT NUMBER: 61917

LOCATION: 324 Kolmar Street

APPLICANT: Kolmar Coastal, LLC, a California Limited Liability Company

### SUMMARY

Requested Action - Should the Hearing Officer approve Map Waiver and Waiver of Undergrounding No. 186187 and Coastal Development Permit No. 186186 and to convert four (4) existing residential units to condominiums on an existing 5,000 square foot site?

#### Staff Recommendation -

1. APPROVE Map Waiver and Waiver of Undergrounding No. 186187; and
2. APPROVE Coastal Development Permit No. 186186

Community Planning Group Recommendation – The La Jolla Community Planning Association voted 11-0-1 to approve the project on June 2, 2005, with no conditions (Attachment 5).

Environmental Review - The project is categorically exempt from CEQA per Article 19, Section 15301(k), Existing Facilities.

### BACKGROUND

The subject property, located at 324 Kolmar Street on the north side, west of La Jolla Boulevard and east of Vista Del Mar Avenue, is a 5,000 square-foot site zoned RM-1-1 within the boundaries of the La Jolla Community Plan (Attachment 1). The site is within the Coastal Overlay Zone (non-appealable), Beach Parking Impact Overlay, Transit Overlay, Residential Tandem Parking Overlay and the Coastal Height Limit Overlay Zone. The project site contains

four dwelling units in two detached structures and is proposed for conversion to condominium ownership. The project provides a total of four (4) off-street parking spaces. The four (4) parking spaces are accessed from the adjoining alleyway on the north side of the property. All four spaces are open and adjacent to the existing buildings. Compliance with all applicable land development regulations were evaluated with prior approvals. Since the construction of the development of this site, almost all of the City's Land Development Code regulations have changed and this project would be considered previously conforming where any portion of the project would not comply with current criteria.

The project application was deemed complete on February 24, 2005, after the adoption of the amendments to 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. The project is not subject to the City's 'Coastal Overlay Zone Affordable Housing Replacement' regulations.

### DISCUSSION

The project site is located in Block 1-C of the City's Undergrounding Master Plan and a schedule for undergrounding has not yet been determined by the City Council for undergrounding. (Attachment No. 7). San Diego Municipal Code Section 144.0240, allows the applicant 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.

The San Diego Housing Commission and City staff has determined that the conversion of the four dwelling units is subject to the Inclusionary Housing Ordinance and the Condo Conversion Ordinance. As such, the applicant is required to pay an in-lieu fee to the Housing Commission prior to the filing of a Consolidation Parcel Map to satisfy the Inclusionary Housing Ordinance. To comply with the relocation requirements of the Condo Conversion Ordinance, a tenant income survey of the tenants of the four units was conducted by the Housing Commission. The Housing Commission has certified that the project has satisfied all provisions of the Tenant Relocation Benefits as required within the San Diego Municipal Code.

In conclusion, this approval would enable the property owner to sell the four residential units as condominiums, for the entitlement being a change in ownership only.

## ALTERNATIVES

1. Approve Map Waiver and Waiver of Undergrounding No. 186187 and Coastal Development Permit No. 186186 with modifications.
2. Deny Map Waiver and Waiver of Undergrounding No. 186187 and Coastal Development Permit No. 186186 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Laura C. Black, Development Project Manager

### Attachments:

1. Aerial Photograph
2. Draft Map Conditions and Subdivision Resolution
3. Draft Coastal Development Permit with Conditions
4. Draft Coastal Development Permit Resolution with Findings
5. Community Planning Group Recommendation
6. Ownership Disclosure Statement
7. Undergrounding Master Plan
8. Copy of Public Notice
9. Map Waiver Exhibit (Hearing Officer Only)