

DATE ISSUED: August 23, 2007 REPORT NO. PC-07-094

ATTENTION: Planning Commission, Agenda of August 30, 2007

SUBJECT: 1244 OLIVER TENTATIVE MAP - PROJECT NO. 8136 . 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 nine existing apartment units into residential condominiums located at 1244 Oliver Avenue, with a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 457937; and
2. APPROVE Tentative Map No. 254536 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 6, 2006, the Pacific Beach Community Planning Committee voted 15-0-0 to recommend approval of the proposed project with a stipulation that a new trash enclosure be added 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 11, 2005; and the opportunity to appeal that determination ended on October 25, 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 nine existing apartment units into condominiums. There would be a loss of nine rental units and a gain of nine 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 6,245 square foot site is located at 1244 Oliver Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable) and Coastal Height 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 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 nine residential condominium dwelling units.

The existing development is a two-story, nine dwelling unit apartment building that was constructed in 1958. At the time the property was developed the approved construction met all the current regulations. The apartment building includes eight, studio units and one, one-bedroom unit, ranging in size from approximately 400 square feet to 690 square feet each. The original development provided ten parking spaces, five accessible from Oliver Avenue and five accessible from the alley to the north.

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 was undeveloped 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, of nine residential apartments, into nine residential condominium dwelling units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, north of Oliver Avenue and east of Everts Street. The apartment building was constructed in 1958 and consists of a two-story, concrete, wood siding and brick veneer. The project has a total of ten off-street parking spaces, five accessible from Oliver Avenue and five accessible from 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 of construction.

Undergrounding Waiver Request:

The project site is located in Block 2-U of the City's Undergrounding Master Plan and is scheduled for undergrounding to start May 31, 2047 (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 north west corner of the property along the 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 \$145 10000.

Building Conditions Report and Landscape Plan Requirements:

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations (Attachment 15).

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 recently became subject to new

condominium conversion regulations adopted by the City Council on June 13, 2006, when the California Coastal Commission certified them on June 14, 2007.

ALTERNATIVES

1. Approve Coastal Development Permit No. 457937 and Tentative Map with Waiver of Undergrounding No. 254536, with modifications.
2. Deny Coastal Development Permit No. 457937 and Tentative Map with Waiver of Undergrounding No. 254536, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Mike Westlake
Program Manager
Development Services Department**

**Glenn Gargas
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
15. Building Conditions Report