



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** May 29, 2008 **REPORT NO. PC-08-069**

**ATTENTION:** Planning Commission, Agenda of June 5, 2008

**SUBJECT:** 4933 SARATOGA TENTATIVE MAP; PROJECT NO. 89835  
PROCESS FOUR

**OWNER:** Saxony Villas, L.P., Frank and Margaret Brown, Partners (Attachment 10)

**APPLICANT:** DGB Survey and Mapping

### SUMMARY

**Issue(s):** Should the Planning Commission approve a Tentative Map and Coastal Development Permit, including a waiver of the requirement to underground the existing overhead utilities, to allow the conversion of 12 existing residential rental units into condominiums at 4933 Saratoga Avenue, within the Ocean Beach Community Plan area?

### **Staff Recommendation:**

1. **Approve** Tentative Map No. 287633;
2. **Approve** Coastal Development Permit No. 288562;
3. **Approve** waiver of the requirement to underground the existing overhead utilities.

**Community Planning Group Recommendation:** On March 13, 2008, the Ocean Beach Community Planning Group voted 8-0 to deny the project (Attachment 9).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, on January 25, 2006, and the opportunity to appeal that determination ended February 8, 2006.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** With the proposed conversion of 12 existing apartments to condominiums, there would be a loss of 12 rental units and a gain of 12 for-sale units. The project is subject to the current inclusionary housing and tenant relocation assistance regulations.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations that became effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations and this project can proceed to its discretionary hearing.

The 0.24-acre site is located at 4933 Saratoga Avenue, in the RM-2-4 Zone, within the Ocean Beach Precise Plan, Airport Approach and Environs Overlay Zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone, Parking Impact Overlay Zone, Ocean Beach Historic District and the Ocean Beach Community Plan area (Attachment 2). The site is bordered by multi-family residential development on all sides.

The site is presently developed with one, two-story, multi-family structure that was built in 1968 with approved building permits. The 12 existing units consist of eight, two-bedroom units and four, one-bedroom units. At the time of construction, the site was zoned R-4, which would have allowed up to 26 dwelling units on the project site. The current RM-2-4 Zone would allow one unit per 1,750 square feet of lot area, or six units allowed on this 10,498-square-foot site.

There are 12 surface parking spaces provided onsite, with five spaces located along the front of the site adjacent to Saratoga Avenue and seven spaces located at the rear of the site along the alley. The 12 parking spaces provided complies with the requirement of one parking space per unit that was in effect at the time of construction. The new condominium conversion parking regulations would require 17 parking spaces for this project however, as discussed above, the new condominium conversion regulations do not apply to this project.

The development complies with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property. The project maintains previously conforming rights which allows the current parking and density count, as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.24-acre site into one lot to convert 12 existing dwelling units into condominiums (Attachment 5). Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land.

According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map or a Vesting Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

### **Community Planning Group and Neighborhood Recommendations:**

On March 13, 2008, the Ocean Beach Community Planning Group voted 8-0 to deny the project (Attachment 9). The Planning Group cited what they considered inadequate parking and the fact that the project exceeds the current density requirements as their reasons for denial.

### **Project-Related Issues:**

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on October 29, 2004 (Attachment 12).

### **Undergrounding of Existing Utilities**

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from 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, *Underground Conversion of Utility Lines at the Developer's Expense, Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 21 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 22 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located at the rear of the property in the alley right-of-way. These utility lines also service the adjacent properties. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 2R1, and the date for undergrounding has been established for the year 2022 (Attachment 13).

#### Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to pay an in-lieu fee of \$24,150 ( $\$2.50 \times 9,660$  square feet) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

In addition, this project is also subject to the Coastal Overlay Zone Affordable Housing Replacement Regulations of the San Diego Municipal Code (Chapter 14, Article 3, Division 8). In December 2007, the San Diego Housing Commission completed a tenant income survey of the existing residents and determined that the applicant will be required to either replace one low-income, two-bedroom unit or pay an in-lieu fee in the amount of \$30,800. A condition requiring the applicant to comply with these regulations has been included in the Tentative Map Resolution and Coastal Development Permit.

#### Building Conditions Report and Landscape 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 Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

#### Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

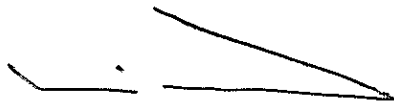
**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of 12 residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES:**

1. **Approve** Tentative Map No. 287633 and Coastal Development Permit No. 288562, **with modifications.**
2. **Deny** Tentative Map No. 287633 and Coastal Development Permit No. 288562, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Paul Godwin  
Development Project Manager  
Development Services Department

WESTLAKE/PG

**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
8. Draft Coastal Development Permit Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Sample 60-Day Notice of Intent to Convert
13. Utility Undergrounding Master Plan Block 2R1
14. Photos of Existing Elevations
15. Building Conditions Report (under separate cover)