

**DATE ISSUED:** December 9, 2004

**REPORT NO.** PC-04-218

**ATTENTION:** **Planning Commission, Agenda of December 16, 2004**

**SUBJECT:** GRIM AVENUE TENTATIVE MAP – PROJECT NO. 30430  
PROCESS FOUR

**OWNER/  
APPLICANT:** LANCER PROPERTIES GROUP, LLC, OWNER  
SAN DIEGO LAND SURVEYING, INC., APPLICANT

### **SUMMARY**

**Issue(s)** - Should the Planning Commission approve a Tentative Map for the conversion of five (5) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 3376 Grim Avenue, within the Greater North Park Community Plan area?

#### **Staff Recommendation:**

1. **Approve** Tentative Map No. 81839; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - The Greater North Park Community Planning Committee voted 12-0-0 to recommend approval of the proposed project on June 19, 2004, with recommendations discussed within this report (Attachment 7).

**Environmental Review** - This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

**Fiscal Impact** - 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 five existing apartments to condominiums, there would be a loss of five rental units and a gain of five for-sale units. This condominium conversion project was deemed complete on March 16, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

The property has one density bonus unit restricted for low income households existing in accordance with a Density Bonus Agreement executed between the original developer and the Housing Commission in February 1987. This Density Bonus Agreement will expire on September 1, 2007.

## **BACKGROUND**

The 0.143-acre site is located between Upas and Thorn Streets at 3376 Grim Avenue, in the RS-1-7 Zone within the Greater North Park Community Plan area (Attachment 3). The site is also within the Transit Overlay Zone, allowing for a reduced parking requirement. The site is presently developed with one, two-story structure containing five three-bedroom apartment units with 5 tandem off-street parking spaces accommodating 10 vehicles. All parking is located at the alley at the rear of the property. The site is surrounded by multi-family residential development to the north, east, west, and south.

The site was incorporated into RS-1-7 Zone in January 2000 with the Land Development Code update 1987. Previous zoning included the R1-5000 applied over the property in December 1987, and the R-2A (R-1500) zone established in April 1975. The project was permitted for construction in February 1987. At that time the site was zoned R-2A and permitted one unit per 1,500 square feet of lot area, or four units. A Density Bonus Agreement to allow a fifth unit was executed between the original developer and the Housing Commission in February 1987. The five tandem parking spaces, accommodating 10 vehicles, provided comply with the 1987 requirements, which only required eight parking spaces for the five units. The development complied 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 does not meet the current density requirement of one unit per lot in the RS-1-7 Zone. The current zone would only allow one unit to be developed on the site. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. It should be noted that the Land Development Code also specifies that the parking now serving a use which requires more spaces cannot be reduced, therefore all 10 parking spaces must remain on the property for this development.

### **Affordable Housing Density Bonus Agreement**

The subject property is a five-unit complex that has one density bonus unit per a Density Bonus Agreement that was executed between the original developer and the Housing Commission in February 1987. The one density bonus unit is rent and occupancy restricted for low income households for 20 years from the date of original occupancy. The Density Bonus Agreement will expire on September 1, 2007.

The Housing Commission has no objection to the property being converted to condominium; however, the terms of the Density Bonus Agreement require the one designated density bonus unit (currently Unit #1, a 3-bedroom unit) to remain rent restricted for the full 20-year term. Upon termination of the Density Bonus Agreement on September 1, 2007, the restrictions will lapse and the property owner may sell the one bonus unit as a market rate unit.

However, as a condition of the Tentative Map, the Housing Commission has requested that certain language be inserted into the Tentative Map Resolution. This affordable housing condition would require the property owner to incorporate into the project's DRE White Paper Report specific language identifying the Density Bonus Agreement and the remaining term of restrictions on the specific density bonus unit. Condition Nos. 10 and 11 address these issues.

The Housing Commission has confirmed that all five units are subject to the City's Inclusionary Housing Ordinance and Tenant Relocation benefits, as discussed further within this report.

## **DISCUSSION**

### **PROJECT DESCRIPTION:**

The project proposes a Tentative Map for the subdivision of a 0.143-acre site to convert five existing dwelling units into condominiums on one existing lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

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 for the purposes of the conversion of residential property into a condominium project if the decisionmaker 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.

### **Undergrounding Waiver Request**

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*, in that the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There are no power poles located adjacent to the subject property. The closest poles are located on the opposite side of the alley adjacent to that abutting property. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3P, and is proposed to be undergrounded in Fiscal Year 2024 (Attachment 10).

**COMMUNITY PLANNING GROUP RECOMMENDATION:**

The Greater North Park Community Planning Committee recommended approval of the proposed project, subject to their five standard conditions, at their June 19, 2004, meeting by a vote of 12-0-0 (Attachment 7).

These recommendations are: that the existing utilities be undergrounded; the right of first refusal to purchase the condominiums be given to the existing tenants, that historical sidewalk stamps/scoring be preserved; that new and appropriate landscape be installed; and onsite parking be maximized. Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request. The Tentative Map has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act. The Land Development Code requires the preservation of historical sidewalk stamps/scoring. There is no construction proposed with this project, therefore no additional landscaping or parking is required.

**PROJECT RELATED ISSUES:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

The applicant has certified that the required 60-day Notice of Intent to Convert to Condominium was provided to the tenants on August 18, 2004 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on March 16, 2004, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee pursuant to the Affordable Housing Requirements of 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.

**CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of five residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities, and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve** Tentative Map No. 81839, **with modifications.**
2. **Deny** Tentative Map No. 81839, **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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**Michelle Sokolowski, Project Manager**  
**Development Project Manager**  
**Development Services Department**

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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. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3P
11. Copy of Tenant Notices