

DATE ISSUED: July 7, 2005 **REPORT NO.** PC-05-026

ATTENTION: Planning Commission, Agenda of July 14, 2005

SUBJECT: NORTH PARK SHOPPING PRECINCT TENTATIVE MAP
PROJECT NO. 59205, PROCESS FOUR.

**OWNER/
APPLICANT:** G & M ASSOCIATES (Attachment 8)
GUS BALLAS

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the conversion of 32 existing residential units and 7 commercial units into condominiums located at 2828 University Avenue within the Greater North Park Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 174401; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - The Greater North Park Planning Committee voted 11-0-2 on March 15, 2005, to recommend approval of the project with no recommendations (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 32 existing apartments to condominiums, there would be a loss of 32 rental units and a gain of 32 for-sale units. This condominium conversion project was deemed complete on January 19, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.482 acre site is located at 2828 University Avenue, at the northwest corner of University Avenue and Utah Street in the CN-1 Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with a 5-story mixed use building consisting of 32 residential units in a combination of 4 studio, 22 one-bedroom, 2 two-bedroom, 3 three-bedroom and 1 four-bedroom residential units, and several commercial and institutional establishments including postal service, health facility, office, and educational facilities. The development also includes a 2-level parking structure providing 57 off-street parking spaces.

The site is surrounded by a mix of multi-unit residential and commercial development to the west, and commercial development to the north, east, and south. The site is currently zoned CN-1 and is within the Mid-City Communities Planned District established in May 1989. The development was approved for construction in 1990 in conformance with Planned Commercial Development Permit No. 87-0733, which was approved on January 8, 1988. The permit allowed the development of a mixed use project consisting of 32 residential units and 6,500 square feet of commercial space on the ground floor, and required 54 off-street parking spaces. There has been no change to property zone since its construction and no Building or Zoning Code violations have been recorded against the property.

DISCUSSION

PROJECT DESCRIPTION:

The project proposes a Tentative Map for the subdivision of an existing 6-parcel, 0.482 acre site, into one lot for the conversion of 32 existing residential units and 7 commercial units into condominiums (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 a) the conversion involves a short span of overhead facility (less than 600 feet in length; and b) the conversion is a requirement of a condominium conversion of an existing development 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 right of way. There are two poles located within the alley that abut the project site, which are used to serve adjacent development. Utility service to the site is provided via underground conduits. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-R. This area is scheduled for allocation of funding for undergrounding in Fiscal Year 2014 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Greater North Park Planning Committee voted 11-0-2 on March 15, 2005, to recommend approval of the project with no conditions.

PROJECT RELATED ISSUES:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. All condominium conversion projects Deemed Complete after February 7, 2004, must conform to the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This project was Deemed Complete on January 19, 2005, and is therefore subject to these new regulations. With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$19,600.00 based on \$1.75 fee per residential square footage, 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 32 residential units and 7 commercial 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. 17440J with modifications.**
2. **Deny Tentative Map No.17440J if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeff D. Strohminger
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Attachments:

1. Aerial Photograph of Project Site
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. Map of Block 3-R and Allocation Year
11. Copy of Sample Notice to Tenants
12. Planned Commercial Development Permit No. 87-0733

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