

DATE ISSUED: February 3, 2005

REPORT NO. PC-05-039

ATTENTION: **Planning Commission, Agenda of February 10, 2005**

SUBJECT: 34TH STREET TENTATIVE MAP - PROJECT NO. 45141.
PROCESS 4

OWNER: Sand and Sea Capitol, Inc.

APPLICANT: Joe Freedman.

SUMMARY

Issue(s): Should the Planning Commission approve an application for a tentative map to convert 18 existing residential units into condominiums and waive the requirement to underground existing overhead utilities on a 0.32-acre site located at 4737 34th Street in the RM-1-1 Zone of the Central Urbanized Planned District within the Normal Heights Neighborhood Element of the Mid-City Communities Plan area?"

Staff Recommendations:

1. APPROVE Tentative Map No. 132485; and
2. WAIVE the requirement to underground existing overhead utility lines.

Community Planning Group Recommendation: The Normal Heights Community Planning Committee voted 12-0-0 on November 2, 2004, to recommend approval of the proposed tentative map and apply the standard comments regarding condominium conversion projects (Attachment 7). The community recommendation is discussed in greater detail within this report.

Environmental Review: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), Existing Facilities.

Fiscal Impact Statement: None. All of the cost of processing this application is paid for the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: With the proposed conversion of eighteen existing apartments to condominiums, there would be a net loss of eighteen rental units and a net gain of eighteen for-sale units. This condominium conversion project was deemed complete on to August 4, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance. This issue is discussed in greater detail within this report.

BACKGROUND

The project site is located at 4737 34th Street within the Normal Heights Neighborhood Element of the Mid-City Communities Plan (Attachment 3). The 0.32-acre site is designated for medium density residential development between 11 to 15 dwelling units per acre (Attachment 2). The property is in the RM-1-1 Zone and subject to the development regulations of the Central Urbanized Planned District Ordinance. Surrounding land uses within the area are almost exclusively multi-family structures similar in both size and density as the building proposed for conversion to condominiums (Attachment 4). The commercial corridor along Adams Avenue is located one block south of the project site and serves the neighborhood with small retail and service type businesses.

Project Description:

The existing 18 unit residential project was permitted for construction in October 1967, when the site was zoned R-4 and permitted up to 35 units. The current RM-1-1 Zone would allow five units to be developed based on the size of the lot. The project deviates from the current density and parking requirements however, the structure and the density have previously conforming rights pursuant to Chapter 12, Article 7, Division 1, of the Land Development Code.

The two-story, 18-unit building includes 16 one-bedroom units and 2 two-bedroom units built around an interior courtyard. The project includes eighteen off-street parking spaces that met the required parking regulations in 1967. Twelve of the parking spaces are surface spaces within the street yard and accessed directly from 34TH Street. The remaining six spaces are accessed from an alley located on the north side of the property.

DISCUSSION

The project proposes a Tentative Map for the subdivision of a 0.32-acre site to convert eighteen existing dwelling units into condominiums on one lot (Attachment 5). The applicant is also

requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

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 June 3, 2004 (Attachment 9).

Condominium Conversions

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 regulations.

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. 5 of the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the right-of-way of the adjacent alley on the north side yard of the site and within a four foot wide utility easement at the rear of the property. There are no overhead lines along the project frontage on 34TH Street. One pole is currently located within the right-of-way abutting the property which supports the span crossing 34TH Street. One other pole is located in the alley at the northeast corner of the site on a shared property line with the abutting parcel. Staff has determined that the poles would be required to remain in their current locations to support the overhead utilities servicing adjacent properties and only a very short span (approximately 140 feet) of undergrounding would be accomplished in the alley. The Citywide Underground Conversion Program Master Plan indicates that the project site is located in Residential District 3-BB and tentatively scheduled for comprehensive undergrounding in 2007 (Attachment 10).

Affordable Housing

All condominium conversion projects Deemed Complete on or 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 application was Deemed Complete on August 4, 2004, and is therefore subject to these regulations. The property owner has opted to pay the in-lieu fee established by the Inclusionary Housing Ordinance rather than providing affordable units on site. Based on the date that the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$1.00 per square-foot of gross floor area (excluding garages) which totals approximately \$11,336.00. Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map and prior to the recordation of the final map. Both the in-lieu fee and the relocation assistance are conditions of the Tentative Map Resolution (Attachment 6).

Community Planning Group recommendation

The Normal Heights Community Planning Committee recommended approval of the proposed project at their November 2, 2004, meeting by a vote of 12-0-0 (Attachment 7). The Committee's recommendation includes standard conditions applicable to all proposed condominium conversions in the Normal Heights neighborhood. The motion to approve the Tentative Map includes recommendations to provide existing tenants with the right of first refusal to purchase their units, maintain or increase off-street parking, upgrade existing landscape to conform to current regulations and preserve historical sidewalk scoring patterns.

Staff has reviewed the Planning Committee's recommendations and conditioned the draft Tentative Map Resolution accordingly. The draft Resolution for Tentative Map No. 132485 includes specific conditions that would require the subdivider to provide existing tenants with the right of first refusal and to preserve historical sidewalk scoring patterns and contractor date stamps. However, as indicated within this report, the property has previously conforming rights pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code relative to the existing landscape and off-street parking

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of eighteen 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 including the Inclusionary

Housing Regulations and Council Policy 600-25 regulating the undergrounding of existing overhead utilities. The project is exempt from further CEQA review and has the conditioned support of the Normal Heights Community Planning Committee. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as conditioned.

ALTERNATIVES:

1. Approve Tentative Map No. 132485, with modifications.
2. Deny Tentative Map No. 132485, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department**

**Patrick Hooper, Project Manager
Customer Support and Information Division
Development Services Department**

ESCOBAR-ECK/JPHS

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 Subdivision Resolution with Findings and Map Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. 60-Day Notice (Sample)
10. Undergrounding Master Plan – Neighborhood 3-BB
11. Project Chronology