

DATE ISSUED: February 17, 2005

REPORT NO. PC-05-055

ATTENTION: Planning Commission, Agenda of February 24, 2005

SUBJECT: CADIZ STREET TENTATIVE MAP - MIDWAY / PACIFIC HIGHWAY
PROJECT No. 53073. PROCESS 4

OWNER/APPLICANT: Dwaine (Bud) Stratton

SUMMARY

Issue: Should the Planning Commission approve an application for a Tentative Map to convert 10 existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

Staff Recommendation:

APPROVE Tentative Map No. 153662 and waive the requirement to underground overhead utilities.

Community Planning Group Recommendation: The Midway / Pacific Highway Community Planning Board considered the project at their meeting on February 9, 2005 and voted 8-0-0 to recommend approval of the project.

Environmental Review: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with the State CEQA Guidelines 15301(k), existing facilities.

Fiscal Impact: The cost of processing this application is paid for by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is the conversion of 10 existing apartment units and one cottage to condominiums. There would be a loss of 10 rental units and a gain of 10 for-sale units. This project was deemed complete on November 4, 2004 and is required to comply with the inclusionary housing and tenant relocation assistance program, which are conditions of the proposed Tentative Maps for Condominium Conversions.

BACKGROUND

A “Tentative Map for a Condominium Conversion” is a Process Four, Planning Commission decision per San Diego Municipal Code Section 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. The developed 6,502 square foot (0.149 acre) site is located at 2833 Cadiz Street (APN 450-412-05) between Rosecrans Place and St. Charles Street within the Midway / Pacific Highway Community Plan. The proposed project was permitted through Building Permit A000391-87. The site is zoned CN-1-2, Commercial Neighborhood. The site is within the Airport Approach Overlay Zone (AAOZ), Airport Environs Overlay Zone (AEOZ), and Council District 2. The surrounding area contains multifamily, and commercial, and institutional development. All structures were in conformance with the development codes at the time of development (1988).

DISCUSSION

Project Description:

The project proposes to convert the existing 10 one-bedroom apartments to 10 condominiums and waive the requirements for undergrounding of overhead utilities. The project consists of one existing two-story building over parking built in 1988 with 13 covered parking spaces accessible from Cadiz Street. There are no zoning or code violations associated with the property.

Although the existing multi-unit complex does not meet the current parking requirements, it will adhere to development regulations of previously conforming requirements in accordance with Chapter 12, Article 7, Division 1 of the San Diego Municipal Code (SDMC). A Final Map is required to consolidate the existing four lots into one lot and to subdivide the ownership interest as a condition of the tentative map.

Project-Related Issues:

Municipal Code Conformance - The 6,502 square foot site is in the CN-1-2 zone as applied to the site in June 1991. Previous zoning includes the R-4 zone established in September 1932. The site is within the Coastal Height Limit, the Airport Approach / Environs Overlay Zones, and the North Bay Redevelopment Project Area. Future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2 of the Land Development Code. The current zone requires 10’ side and rear setbacks where 5’ is existing and proposed. The zone does not specify a front yard setback. The 10 unit residential project was constructed in 1988 under Building Permit A000391-87. Under the current CN-1-2-7 zone, which establishes a density of one dwelling unit per every 1,500 square feet, only 4 units could be constructed. At the time of construction, the zone required 1.3 spaces for each dwelling with one bedroom. Therefore, the existing project provides for 13 parking spaces. Under current regulations, the 10 one-bedroom units require 1.5 spaces each per Table 142.05C for a total of 15 spaces. The site does not meet current density and parking criteria. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

Airport Environs Overlay Zone (AAOZ) - The project site is within the Airport Environs Overlay Zone (AEOZ) and within the 70 – 75 decibel (dB) Community Noise Equivalent Level (CNEL) for Lindbergh Field operations based on the 1990 Airport Influence Area, As a permit condition, and to be conditionally compatible with the Comprehensive Land Use Plan (CLUP), an Avigation Easement shall be granted to the airport operator to ensure interior noise would be at 45 dB CNEL or less.

Undergrounding Waiver Request - There are existing overhead facilities adjacent to the project site. 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 parcel or subdivision. Staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developers Expense, in that it involves a span of under 600 feet, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and would not represent a logical extension to an undergrounding facility. The project's implementation requires the undergrounding of any new utilities to any new or proposed structures within the parcel or subdivision. The project is located in Block 2G of the Council District 2 Residential Underground Project area. Funding for this Block is not yet scheduled by Council.

Affordable Housing - The proposed condominium conversion will represent a change in ownership of each unit. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on August 31, 2004. 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 November 4, 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 of \$10,500 calculated as 6,000 square feet of unit area x \$1.75 per square foot] pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code at 142.1310, Table 142-13D). This fee is required prior to receiving a parcel map/certificate of compliance pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640). The applicant has provided copies of the Affidavit of Proof of Service that all 10 tenants were served required notice on August 31, 2004. Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each lease 72-hours (3 calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before February 18, 2005.

Conclusion:

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.

ALTERNATIVES

1. Approve Tentative Map No. 153622 with modifications.
2. Deny Tentative Map No. 153622 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department**

**Cory Wilkinson, Project Manager
Development Project Manager
Development Services Department**

Attachments:

1. Area Location
2. Site Location
3. Aerial Photograph
4. Community Plan Land Use Map
5. Zone
6. Project Data Sheet
7. Tentative Map
8. Draft Tentative Map Resolution
9. Ownership Disclosure Statement
10. Project Chronology
11. Noticing
12. Midway Community Planning Board Recommendation
13. Undergrounding Map and Schedule for Block 2G