

DATE ISSUED: March 3, 2005 REPORT NO. PC-05-097
ATTENTION: Planning Commission, Agenda of March 10, 2005
SUBJECT: South 47th Street TENTATIVE MAP PROJECT NO. 48666. PROCESS 4
**OWNER/
APPLICANT:** Hazel Reid (Attachment 6)
Curtis Gabhart

SUMMARY

Issue – Should the Planning Commission approve an application for a Tentative Map to convert 11 residential units into condominiums and waive the requirement to underground the existing overhead utilities?

Staff Recommendations:

1. **Approve** Tentative Map No. 139195; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities

Community Planning Group Recommendation – On February 22, 2005, the Encanto Neighborhood Community Planning Group voted 5-5-0 on the project, therefore, no recommendation was provided. (Please reference the Discussion section of the report for additional information).

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 application are paid for by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement – With the proposed conversion of the 11 existing apartments to condominiums, there will be a loss of 11 rental units and a gain of 11 for-sale units. This condominium conversion project was deemed completed on October 2, 2004, and is therefore subject to the new regulations regarding the inclusionary housing and tenant relocation assistance.

BACKGROUND

The .30-acre site is located at 211 through 221 South 47th Street, in the CSF-1 zone of the Southeastern San Diego Planned District, within the Encanto Neighborhood Planning area (Attachments 1 & 2). The site is currently developed with two, two-story buildings containing eleven three-bedroom units with a total of 18 parking spaces. Eleven parking spaces are located on the first floor within garage accessed through the rear alley and through two curb cuts at the front of the site. The remaining eight surface spaces are in the front of the property. The project is surrounded by single family residential uses to the north, freeway 805 to the west, a gas station to the south and Lincoln High School (under construction) to the east.

The permit for this development was issued in 1987. The zone was R-1500 at the time of the construction. Under current code requirements 25 parking spaces would be required where eighteen spaces are provided. The development has previously conforming rights with respect to density, parking, and other development as outlined in Chapter 12, Article 7, Division 1, of the Land Development Code. No Building or Zoning Code Violations have been recorded against this property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of the .30-acre site to consolidate four lots into one lot and convert 11 multi-family dwelling units into condominiums (Attachment 4). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities to be waived.

Section 125.0401 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 Map and Condo Conversions*, the decision maker may approve a Tentative Map for the conversion of residential units into condominiums if the decision maker finds that proposed project complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed project for condominium conversion and has determined that it complies with 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 for the requirement to underground the existing overhead utilities within the boundaries of the subdivision or within the abutting public right-of-way. Staff has determined that the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developers Expense*, in that the conversion is a requirement for 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 services to any new or proposed structure within the subdivision. The draft Tentative Map resolutions include general condition No.5 to state this requirement (Attachment 3).

There is a power pole and overhead utility line located in the rear alley. The City's Undergrounding Master Plan for fiscal Year 2004 designates the site within Block 4G, and the undergrounding allocation year is 2004 (Attachment 10). The undergrounding typically takes place one year from the date of the allocation. In this case, the project is in design phase and scheduled for undergrounding for January of 2006.

Project Related Issues:

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

The applicant has certified that the required 60-Day Notice of Intent to Convert to Condominiums was provided to the tenants on July 9, 2004 (Attachment 9).

All condominium conversion projects Deemed Completed after February 7, 2004, must conform to the new regulations regarding the inclusionary housing and tenant relocation benefits adopted by City Council on March 15, 2004. This project was deemed completed on October 2, 2004, and is therefore subject to the new regulations. The project has been conditioned to require the applicant to pay an Inclusionary Affordable Housing In-Lieu Fee of \$19,215, 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 the 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.

Community Planning Group:

On February 22, 2005, the Encanto Neighborhood Community Planning Group voted 5-5-0 on the project, thus no recommendation was provided. The minutes from that meeting were not available for this report. However, according to the chairperson of the group and Planning Department staff, the five members opposed the project for the following reasons: Three indicated they were opposed to condominium conversions in general; two members wanted the applicant to pursue expanding the usable open area into the existing parking areas. The final vote was five in favor and five against. The submitted project did not include any other improvements. However, staff would not support the concept of encroaching into any required parking areas.

CONCLUSION

Staff has reviewed the request for the Tentative Map for the conversion of the 11 residential units into condominiums and the request to waive the requirement for the undergrounding of overhead utilities, it was determined that the project is in conformance with the applicable sections of the

San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of the existing overhead utilities. Staff believes that the required findings can be supported and recommends Planning Commission approves the proposed project.

ALTERNATIVES

1. **Approve** Tentative Map No. 139195, and the waiver to the requirement for the undergrounding of the existing overhead utilities, **with modifications**.
2. **Deny** Tentative Map No. 139195, and the waiver to the requirement for the undergrounding of the existing overhead utilities, **if the findings required to approve the project cannot be affirmed**.

Respectfully submitted,

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Deputy Director, Customer Support and
Information Division
Development Services Department

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Project Manager, Customer Support and
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Attachments:

1. Community Plan Land Use Map
2. Project Location Map/Aerial Photograph
3. Draft Tentative Map Resolution with Findings and Conditions
4. Tentative Map Exhibit
5. Project Data Sheet
6. Ownership Disclosure Statement
7. Project Chronology
8. 60-Day Notice Copy
9. City's Undergrounding Master Plan- Map Block 4G