

DATE ISSUED: April 22, 2005 **REPORT NO.** PC-05-176

ATTENTION: **Planning Commission, Agenda of April 28, 2005**

SUBJECT: BURROUGHS TENTATIVE MAP – PROJECT NO. 61428
PROCESS FOUR

OWNER/ Michael A. Contreras
APPLICANT: DGB Survey and Mapping Inc.

SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of twenty (20) existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 2217-2223 Burroughs Street within the Linda Vista Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 182189; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On February 28, 2005, the Linda Vista Community Planning Committee voted 11-0-0 to recommend approval of the project with a strong recommendation that a Homeowner's Association be required for the completed project (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 twenty existing apartments to condominiums, there would be a loss of twenty rental units and a gain of twenty for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is

therefore required to comply with the new regulations regarding inclusionary housing and tenant relocation assistance, which have been included as conditions of the Tentative Map. The owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

BACKGROUND

The 0.37-acre site is located south of Dunlop Street and East of Linda Vista Road and Ulric Street at 2217-2223 Burroughs Street in the RM-3-7 Zone of the Linda Vista Community Plan area (Attachment 3). The community plan designates this site for Medium High Density at 30-43 dwelling units/acre, and the existing residential complex is consistent with this designation. The site is presently developed with one, three-story structure, containing twelve (12) two bedroom apartment units, and twenty-eight (28) garage parking spaces on the first level, and one, two-story structure containing eight (8) two-bedroom units, with five (5) additional uncovered off-street parking spaces. The site has a variety of uses adjacent, including commercial and multi-family residential. A large commercial shopping center is within 200 feet of this development.

The proposed Tentative Map application is to convert a twenty unit apartment complex to a twenty unit residential condominium complex. The 0.37 acre site is currently zoned RM-3-7, and has retained the same zoning designation, despite name changes, since 1974. The apartment complex was constructed in 1986 at which time the site was zoned R-3 which allowed 1 unit/1000 sf. The provided parking is consistent with the parking regulations when the development was constructed. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

PROJECT DESCRIPTION:

The project proposes a Tentative Map for the subdivision of a 0.37-acre site to convert twenty 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.

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 involves a short span of overhead facility (less than 600 feet in length). 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 at the front of the property on Burroughs Street. The closest pole location is one located adjacent to this development on the west edge of the development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 6C, which has been scheduled for undergrounding by the City Council in 2030 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

On February 28, 2005, the Linda Vista Community Planning Committee voted 11-0-0 to recommend approval of the project with a strong recommendation that a Homeowner's Association be required for the completed project (Attachment 7). The California State Department of Real Estate is the regulating agency for such issues.

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 26, 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 after that date and has indicated that they will pay the in-lieu fee for inclusionary housing. Additionally, the draft Tentative Map Conditions Nos. 10 and 11 specifically address the affordable housing and rent relocation requirements.

The subject property located at 2217 Burroughs Street, previously received a City of San Diego Density Bonus pursuant to the Municipal Code. The Density Bonus allowed the development of twenty units with the provision that three (3) units remain rent and occupancy restricted to low income households for a term of 20 years pursuant to an Agreement Authorizing Affordable Housing Density Bonus and Imposing Covenants And Restrictions on Real Property. The Subdivider/Applicant as Condition No. 12 of the Resolution must maintain the three units for rent and occupancy restricted to low income households until the Density Bonus Agreement expires on March 1, 2006.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of twenty (20) 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. 182189with modifications.**
2. **Deny Tentative Map No. 182189if 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**

**Jeannette Temple
Development Project Manager
Development Services Department**

ESCOBAR-ECK/JT

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 6D
11. Copy of Tenant Notices