

**CITY OF SAN DIEGO
M E M O R A N D U M**

REPORT NO: PC-05-186

DATE: June 9, 2005

TO: Planning Commission, Agenda of June 6 , 2005

FROM: Glenn Gargas, Development Project Manager

SUBJECT: Continuance of 2020 Diamond Tentative Map, Project No. 53750, Requested clarification of Ownership Disclosure Statement.

On May 26, 2005, the Planning Commission continued this item and directed staff to further clarify the Ownership Disclosure Statement to make sure it is complete. The applicant provided staff a revised Ownership Disclosure Statement (ATTACHMENT) which further details ownership in the subject project. The City Attorney's Office reviewed the revised Ownership Disclosure Statement and determined that it was sufficient.

ATTACHMENT: Revised Ownership Disclosure Statement

DATE ISSUED: May 19, 2005 **REPORT NO.** PC-05-186

ATTENTION: Planning Commission, Agenda of May 26, 2005

SUBJECT: 2020 DIAMOND TENTATIVE MAP - PROJECT NO. 53750. PROCESS NUMBER FOUR

**OWNER/
APPLICANT:** Del Mar Heritage (DMH) 2020 Diamond, LLC
Robert J. Bateman, San Diego Land Surveying and Engineering, Inc.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of twenty (20) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 2020 Diamond Street, within the Pacific Beach Community Plan Area?

Staff Recommendation:

1. APPROVE Tentative Map No. 162847; and
2. APPROVE a waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation: On February 28, 2005, the Pacific Beach Community Planning Committee voted 12-0 to recommend approval of the proposed Tentative Map with no conditions (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 Statement: 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 will be a loss of twenty rental units and a gain of twenty for-sale units. This condominium conversion project was deemed complete on November 16, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.474-acre site is located at 2020 Diamond Street, on the north side of Diamond Street between Morrell Street and Noyes Street, in the RM-1-1 Zone, Coastal Height Limit Overlay Zone, and within the Pacific Beach Community Plan Area (Attachment 3). The site is presently developed with a two-story apartment building consisting of six one bedroom units, fourteen two-bedroom residential units and twenty off street parking spaces located on the ground level within carports. City permit records indicate that this twenty unit apartment complex was constructed in 1968 under Building Permit No. 02455. The property at that time was zoned R -4, a Multi-Family Zone, with the requirement for twenty off-street parking spaces for the project (one per dwelling unit). The twenty off-street parking spaces exist today, are being maintained and take access from a driveway off of Diamond Street. The Community Plan designates this site for multi-family residential use at a density of 9 to 14 dwelling units per acre and the existing use multi-family residential is consistent with this designation, however, the existing density is higher than the current plan designation. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Surrounding land uses include multi-family residential uses.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.474-acre site to consolidate 3 parcels into one lot and for the conversion of an existing, two-story, twenty dwelling unit apartment complex into twenty condominiums (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived. During the project's review with City staff, the applicant has modified the proposed conversion to conform to the Subdivision Map Act and the applicable portions of the Land Development Code governing condominium conversions.

A Tentative Map is required due to the proposed conversion to condominium units, pursuant to the San Diego Municipal Code Section 125.0410. According to San Diego Municipal Code 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 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.

Undergrounding Waiver Request

The project site is located in Block 2-Y of the City's Undergrounding Master Plan and a schedule for undergrounding has not yet been determined by the City Council. 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 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, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. Currently the utility poles are located along Diamond Street and the project site contains a utility pole located midway down the driveway along the western property line. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision.

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. 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 proposed project was Deemed Complete on November 16, 2004, and is therefore subject to these new regulations. With the application submittal, the applicant indicated the 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 \$16,925.00 based on a \$1.00 fee per residential square footage, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (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.

The applicant has satisfied the requirements for Tenant Relocation Benefits as stated in the letter from Housing Commission (Attachment 12), dated May 4, 2005. The sixty day Notice of Filing for a Tentative Map for conversion is attached (Attachment 11).

Conclusion:

Staff has reviewed the request for a Tentative Map for the proposed conversion of twenty residential dwelling units to condominium units along with the request to waive the requirement of the undergrounding of existing overhead utilities and found the project in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps for condominium conversions. Staff has determined that the development is consistent with the land use designation of the Pacific Beach Community Plan, which includes the previously conforming rights to the density and believes the required findings can be supported (Attachment 6). Therefore, staff recommends that the Planning Commission Approve the Tentative Map for condominium conversion and the requested waiver of undergrounding utilities.

ALTERNATIVES

1. Approve Tentative Map No. 162847, with modifications.
2. Deny Tentative Map No. 162847, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeffrey D. Strohminger
Assistant Deputy Director, Customer Support and
Information Division
Development Services Department

Glenn Gargas, AICP
Customer Support and
Information Division
Development Services Department

STROHMINGER/GRG

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 for Fiscal Year 2004, Block 2Y
11. 60 Day Tenant Notice
12. Letter from Housing Commission regarding Tenant Relocation Benefits