

**DATE ISSUED:** June 2, 2005 **REPORT NO.** PC-05-193

**ATTENTION:** **Planning Commission, Agenda of June 9, 2005**

**SUBJECT:** 3766 31<sup>st</sup> STREET TENTATIVE MAP – PROJECT NO. 63074  
PROCESS FOUR

**OWNER/** DAVID WILLNER AND LIDIA CHANG, TRUSTEES OF THE CHANG  
WILLNER FAMILY TRUST DATED AUGUST 13, 1999, OWNERS  
**APPLICANT:** TERRA SURVEYING CONSULTANTS, ENGINEERS, APPLICANT

**SUMMARY**

**Issue(s)** - Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential units into condominiums at 3766 31<sup>st</sup> Street, within the Greater North Park Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 187892; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - The Greater North Park Planning Committee voted 13-0-0 to recommend approval of the proposed project on May 17, 2005, with specific recommendations detailed within this report (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 8 existing apartments to

condominiums, there would be a loss of 8 rental units and a gain of 8 for-sale units. This condominium conversion project was deemed complete on February 23, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.14-acre site is located at 3766 31<sup>st</sup> Street in the MR 800B Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan area (Attachment 3). The site is presently developed with one, two-story structure containing 3 one-bedroom units and 5 two-bedroom unit, with off-street parking spaces accommodating 13 vehicles. Six of the off-street parking spaces are in the front of the property, accessed from 31<sup>st</sup> Street, while the remaining seven spaces are accessed from the alley at the rear. The site is bounded by multi-family residential development to the east, west, and south.

The existing improvements were constructed in 1986. At that time the site was zoned R-3A and would have allowed for 10 units. Parking requirements effective in 1986 required 12 off-street parking spaces to be provided for the eight dwelling units, although 13 parking spaces were provided. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning Code violations have been recorded against the property.

The project conforms with the current density requirement of one unit per 800 square feet in the MR-800B Zone, which would allow eight units to be constructed today. Under current criteria, 14 off-street parking spaces would be required; 13 parking spaces are provided on site and cannot be reduced. 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 0.14-acre site to convert eight (8) existing dwelling units into condominiums on two existing lots (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 of Existing Utilities**

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 the alley right-of-way. There is one power pole located at the northwest corner of the site in the alley and one located on the opposite side of the alley, west of this pole. The utility lines to these poles extend to others located both north and south within the alley. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3P, and the date for undergrounding has been established for the year 2024 (Attachment 10).

### **COMMUNITY PLANNING GROUP AND NEIGHBORHOOD RECOMMENDATIONS:**

The Greater North Park Planning Committee voted 13-0-0 to recommend approval of the proposed project on May 17, 2005, with their standard five recommendations:

1. *Maximize parking.* There is no construction proposed with this project, therefore no additional parking is required.
2. *Maximize landscaping.* There is no construction proposed with this project, therefore no additional landscaping is required.
3. *The first right of refusal to purchase a unit be given to current tenants.* This is a standard condominium conversion Tentative Map condition. Please see Condition No. 8 of the Resolution (Attachment 6).
4. *Preserve historic sidewalk stamps and scoring of existing sidewalks.* This is an existing requirement of the Municipal Code.
5. *Denial of request to waive undergrounding of utilities:* Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.

### **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 Condominiums were provided to the tenants on February 28, 2005 (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 on February 23, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with 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 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.

**CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of eight residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 187892with modifications.**
2. **Deny Tentative Map No. 187892if 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**

---

**Michelle Sokolowski**  
**Customer Support and**  
**Information Division**  
**Development Services Department**

STROHMINGER/MAS

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 3P
11. Copy of 60-Day Notice of Intent to Convert