

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

DATE: June 2, 2005

TO: Planning Commission

FROM: Paul Godwin, Development Project Manager

SUBJECT: MCCLINTOCK TENTATIVE MAP, PROJECT NO. 51330, SCHEDULED
FOR JUNE 9, 2005, PLANNING COMMISSION

The Chin Tentative Map project was originally scheduled for the Planning Commission docket of April 28, 2005. Due to a scheduling error, the project had not received a Community Planning Group recommendation by that date. Therefore, a continuance to the new docket date of June 9, 2005, was granted by the Planning Commission.

Please note that all relevant dates in the attached Resolution have been corrected to reflect the new decision date of March 3, 2005.

Thank you.

Paul Godwin
Development Project Manager

DATE ISSUED: June 2, 2005 **REPORT NO. PC-05-195**

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

SUBJECT: **MCCLINTOCK STREET TENTATIVE MAP - PROJECT NO. 51330, PROCESS FOUR**

OWNER: Thompson Family Trust, Terry and Barbara Thompson, Trustees

APPLICANT: Bruno Callu, CDS Civil Engineers

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of three (3) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 4371 McClintock Street, in the RM-2-5 zone of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 180481; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: On May 3, 2005, the Normal Heights Community Planning Committee approved the project, by a vote of 7-0-1 (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 associated with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of three existing apartments to condominiums, there would be a loss of three rental units and a gain of three for-sale units. This condominium conversion project was deemed complete on December 1, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$4,347, based on a \$1.75 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

BACKGROUND

The 0.10-acre site is located at 4371 McClintock Street (Attachment 1), between Meade Avenue and El Cajon Boulevard, in the RM-2-5 Zone of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan (Attachment 3). The site is presently developed with one, two-story and one, one-story structure, containing a total of three units, consisting of three, two-bedroom units. Six parking spaces are provided onsite, including five garage parking spaces and one surface parking space, which complies with the requirement for five spaces that was in effect when the second structure was constructed in 1988. No parking was required when the first structure was constructed in the 1950's. The project site is surrounded by multi-family development on all sides.

The site was incorporated into the RM-2-5 zone of the Central Urbanized Planned District in October 2000. The site was zoned R-4 when the first structure was constructed in the 1950s. The site was zoned MR-1000B when the second structure was constructed in 1988. Under current standards, three units could be built on the subject property. The project has previously conforming rights, to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The development complies 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.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.10-acre site to convert three existing dwelling units into condominiums (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 is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. 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 site is served by existing overhead utility lines which are connected to a power pole located in the alley right-of-way at the rear of the property. This power pole serves multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3R, which is scheduled for funding in fiscal year 2014 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION

On May 3, 2005, the Normal Heights Community Planning Committee approved the project, by a vote of 7-0-1, with no conditions.

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 was provided to the tenants on September 13, 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 on December 29, 2004, and is therefore subject to these new regulations.

With their application submittal, the applicant has indicated their 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 \$4,347, based on a \$1.75 fee per residential square footage, 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 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 Parcel Map.

CONCLUSION

Staff has reviewed the request for a Tentative Map for the conversion of eight 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. 180481, **with modifications.**
2. **Deny** Tentative Map No. 180481, **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

Paul B. Godwin
Development Project Manager,
Customer Support and Information Division
Development Services Department

STROHMINGER/PBG

Attachments:

1. Aerial Photo
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 3R
11. Copy of Tenant Notices