

DATE ISSUED: June 24, 2005 REPORT NO. PC-05-205

ATTENTION: Planning Commission, Agenda of June 30, 2005

SUBJECT: LOUISIANA STREET TENTATIVE MAP – PROJECT NO. 50057,
PROCESS 4.

OWNER/
APPLICANT: Dana K. Horne, Living Trust; Chris J. and Julie K. Wilhelmy, Living
Trust; James G. Smith; Joseph Masaveg; Bill Satre; Peter Merced;
Martha Whittaker; John Gennaro and Jermaine Davis; and
Ricardo Madreno, Owners

Robert J. Bateman, San Diego Land Surveying and Engineering, Applicant

(Attachment 8)

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of six (6), existing residential units to condominiums and waive the requirement to underground existing overhead utilities, on a 0.112 acre site addressed as 4328 Louisiana Street in the MR-800B Zone within the Mid-City Communities Planned District and Greater North Park Community Plan Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 148322and
2. **APPROVE** the requested waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation: On February 18, 2005, the Greater North Park Community Planning Group voted 11-0-0, to recommend approval of the application, with several conditions. A discussion of these conditions is included with this report. A copy of the Groups recommendation is included as 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 six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium 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 0.112-acre (4,879 sq. ft.) site is addressed as 4328 Louisiana Street, located north of El Cajon Blvd., south of Meade Ave., and east of Mississippi St., in the MR-800B (Multi-Family Residential) Zone within the Greater North Park neighborhood of the Mid-City Communities Planned District (Attachment 3). The site is presently developed with a two-story building consisting of two, one-bedroom units; three, two-bedroom units; and one, three-bedroom unit. The Community Plan designates this site for multi-family residential use and the existing use is consistent with this designation. Surrounding land uses include one- and two-story multi-family residential uses.

The site is currently zoned MR-800B, which was applied to the site with the adoption of the Mid-City Communities Planned District Ordinance in 1987. This Zone permitted up to one dwelling unit per 800 sq. ft. of lot area. The existing six-unit apartment building was constructed in 1992, and complied with the zoning and development regulations in effect at the time of construction. A total of nine off-street parking spaces are currently provided.

The project does not meet the required off-street parking regulations of the Land Development Code, currently in effect. The current zone would allow development of up to six (6) units on the site. Redevelopment of the site with six dwelling units providing the number of bedrooms as currently exist, would require 11 off-street parking spaces. However, 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 0.112 acre site to create one lot and for the conversion of six multi-family 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 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.

The Applicant has requested a waiver of the undergrounding requirement for the overhead utilities adjacent to the site citing the following reasons – 1) The conversion is a requirement of a condominium conversion permit of an existing development and the conversion would not represent a logical extension to an underground facility; 2) The conversion would represent an isolated undergrounding with a minimum probability of extension in the future; and 3) The conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

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, no new construction is proposed, 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 City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-X, which has a projected date for undergrounding in year 2009 (Attachment 10).

Community Planning Group Recommendation

On February 18, 2005, the Greater North Park Community Planning Committee voted 11-0 to approve the project with six conditions, which are listed below:

1. *Maximize on-site parking:* The applicant would maintain the six existing parking spaces required at the time of construction.
2. *Maximize landscaping:* Landscape improvements would not be required by the Tentative Map.
3. *Right of first refusal to existing tenants:* This is a standard condominium conversion Tentative Map condition. Please see Condition No. 8 of the Draft Resolution (Attachment 6).
4. *Preservation of historic sidewalk stamps and scoring patterns:* This is an existing requirement of the Municipal Code and has been included in the wording of Condition No. 17 of the Draft Resolution.
5. *Deny request to waive undergrounding of overhead utilities:* The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by Engineering staff, who determined that the waiver request met the requirements of City Council Policy 600-25.

A copy of the Group's recommendation is included as Attachment 7.

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 existing tenants.

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 Condition Nos. 10 and 11 specifically address the affordable housing and rent relocation requirements.

Conclusion

Staff has reviewed the request for a Tentative Map for the conversion of six (6) 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. 148322, with modifications.
2. Deny Tentative Map No. 148322, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Assistant Deputy Director
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HALBERT/WCT

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 3X
11. Copy of Tenant Notices