

DATE ISSUED: June 30, 2005 REPORT NO. PC-05-207

ATTENTION: Planning Commission, Agenda of July 14, 2005

SUBJECT: CASAMAR TENTATIVE MAP PROJECT NO. 55867. PROCESS 4

**OWNER/
APPLICANT:** JNT Real Estate Investment Fund, LLC (Attachment 6)
Jorge Palacios

SUMMARY

Issue – Should the Planning Commission approve an application for a Tentative Map to convert 18 residential units into condominiums and waive the requirement to underground the existing overhead utilities?

Staff Recommendations:

1. **Approve** Tentative Map No. 168914 and
2. **Approve** a waiver to the requirement for the undergrounding of the existing overhead utilities

Community Planning Group Recommendation – On May 9, 2005, the Southeastern San Diego Planning Committee voted 11-0-0 to recommend approval of the project with conditions (Attachment 10). Reference the Discussion section of the report for additional information.

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 application are paid for by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement – With the proposed conversion of the 18 existing apartments to condominiums, there will be a loss of 18 rental units and a gain of 18 for-sale units. This condominium conversion project was deemed completed on May 14, 2004, and is therefore subject to the new regulations regarding the inclusionary housing and tenant relocation assistance.

BACKGROUND

The 1.36-acre site is located at 4091 Beta Street, in the MF-2500 zone of the Southeastern San Diego Community Planning area (Attachments 1 & 2). The site is currently developed with eight detached one story buildings containing eighteen three-bedroom units with a total of 41 parking spaces. The site is accessed from Beta Street and 40th Street. The permit for this development was issued in 1984 when the zone was R-2500, a multi-family residential zone. The parking is located on the eastern and western portions of the site. The project is surrounded by multi-family residential uses to the south and a church and single family uses to the north.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of the 1.36-acre site and to convert 18 multi-family dwelling units into condominiums (Attachment 4). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

Section 125.0401 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 Map and Condo Conversions*, the decision maker may approve a Tentative Map for the conversion of residential units into condominiums if the decision maker finds that proposed project complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed project for condominium conversion and has determined that it complies with 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 for the requirement to underground the existing overhead utilities within the boundaries of the subdivision or within the abutting public right-of-way. Staff has determined that the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developers Expense*, in that the conversion is a requirement for a condominium conversion of an existing development and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new services to any new or proposed structure within the subdivision. The draft Tentative Map resolutions include general condition No.5 to state this requirement (Attachment 3).

Two power poles and overhead utility lines are located along the southern portion of the site and on 41st Street. The City's Undergrounding Master Plan for fiscal Year 2004 designates the site within Block 8-O, and the undergrounding allocation year is 2016 (Attachment 9). The undergrounding typically takes place one year from the date of the allocation.

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 March 4, 2004 (Attachment 8).

All condominium conversion projects Deemed Completed after February 7, 2004, must conform to the new regulations regarding the inclusionary housing and tenant relocation benefits adopted by City Council on March 15, 2004. This project was deemed completed on December 15, 2004, and is therefore subject to the new regulations. The project has been conditioned to require the applicant to pay an Inclusionary Affordable Housing In-Lieu Fee of \$2,8350, 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 the 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.

Community Planning Group:

On May 9, 2005, the Southeastern San Diego Community Planning Group voted unanimously to recommend approval of the project, with conditions recommending interior and exterior improvements. The applicant has agreed to comply with the recommendations as indicated in the Attachment 11.

CONCLUSION

Staff has reviewed the request for the Tentative Map for the conversion of the 18 residential units into condominiums and the request to waive the requirement for the undergrounding of overhead utilities, it was determined that the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of the existing overhead utilities. Staff believes that the required findings can be supported and recommends Planning Commission approves the proposed project.

ALTERNATIVES

1. **Approve** Tentative Map No. 168914 and the waiver to the requirement for the undergrounding of the existing overhead utilities, **with modifications**.
2. **Deny** Tentative Map No. 168914 and the waiver to the requirement for the undergrounding of the existing overhead utilities, **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**

**Nilia Koering
Project Manager, Customer Support and
Information Division
Development Services Department**

Attachments:

1. Project Location Map/Aerial Photograph
2. Community Plan Land Use Map
3. Draft Tentative Map Resolution with Findings and Conditions
4. Tentative Map Exhibit
5. Project Data Sheet
6. Ownership Disclosure Statement
7. Project Chronology
8. 60-Day Notice of Condominium Conversion
9. City's Undergrounding Master Plan- Map Block 8-W
10. Community Planning Group Minutes
11. Response to CPG recommendations Letter