

**DATE ISSUED:** July 14, 2005 **REPORT NO.** PC-05-230

**ATTENTION:** Planning Commission, Agenda of July 21, 2005

**SUBJECT:** 4503 HAMILTON TENTATIVE MAP - PROJECT NO. 59959.  
PROCESS 4.

**OWNER/**

**APPLICANT:** Betty T. Ma and Ching-Ping Chang, Owners/Applicants

**SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 177013 to convert 18 existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 4503 Hamilton Street in the Greater North Park Community Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 177013; and
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation - The Greater North Park Planning Committee, on April 19, 2005, voted 11:1:1 to recommend approval of the Tentative Map No. 177013, with conditions. The community planning committee's recommended conditions are discussed further in this report.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities."

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 eighteen existing apartments to condominiums, there would be a loss of 18 rentals units and a gain of 18 for-sale units. This Tentative Map request was deemed complete subsequent to February

7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

## **BACKGROUND**

The 0.32 acre site is located at 4503 Hamilton Street in the RM-1-7 Zone of the Mid-City Communities Planned District within the Greater North Park Community Plan area at Hamilton Street and Monroe Avenue. The surrounding land uses include residential, both multi-family and single family. The Greater North Park Community Plan Land Use Map (Attachment 1) designates the site for residential development at the density developed on the property.

The Land Use Element of the Greater North Park Community Plan, the northern portion of the site is designated for Medium Density Residential at 15-25 dwelling units per acre and the southern portion of the site is designated for Low Density Residential at 5-10 dwelling units per acre. The site has been developed consistent with this density at approximately 56 dwelling units per acre (Attachment 2). Within areas designated for attached housing, the Greater North Park Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1968 at 4503 Hamilton Street (Attachment 3). At the time the property was developed the approved construction met all current regulations. The site is presently improved with a two story, eighteen unit apartment building. The building includes four two bedroom units with 820 square feet of living area , four two bedroom units of 935 square feet and ten one bedroom units of 600 square feet. The original development was required to provide 18 parking spaces and these are currently maintained.

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 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 current application proposes a Tentative Map (Attachment 4) to convert the existing 18 residential units to condominiums. Utilities are existing above ground in the alley behind the building. A request to waive the under grounding of utilities has been requested. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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. 5 of the draft Tentative Map resolution (Attachment 5).

The neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There is one power pole located within the alley at the approximate middle of the building adjacent to the subject property line. The next closest pole is located 100 feet north and across Monroe Avenue 120 feet to the south. Furthermore, sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3Y, and is proposed to be undergrounded in Fiscal Year 2008 (Attachment 6).

#### Community Planning Group Recommendation

The Greater North Park Planning Committee, on April 9, 2005, voted 11:1:1 to recommend approval of the proposed project with conditions (Attachment 8). The two conditions are as follows:

1. Open the entry of the foyer to interior courtyard.

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver.

2. Reduce front parking by five feet with landscaping or device to discourage tandem parking.

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver.

### **CONDOMINIUM CONVERSION REGULATIONS**

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 Condominium was provided to the tenants on August 2, 2004 (Attachment 9).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on October 25, 2004, is subject to these regulations and has been conditioned to comply with the requirements.

### **CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of 18 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 and the request to waive the requirements of the undergrounding of existing overhead utilities. Staff has provided draft findings to support approval of the tentative map (Attachment 5) and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. Approve Tentative Map No. 159014, with modifications.
2. Deny Tentative Map No. 159014, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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HALBERT/JSF

- Attachments:
1. Community Plan Land Use Map
  2. Aerial Photograph
  3. Project Location Map
  4. Tentative Map
  5. Draft Map Conditions and Subdivision Resolution
  6. Undergrounding Master Plan
  7. Community Planning Group Recommendation
  8. Ownership Disclosure Statement
  9. Government Code 66452.3; self-certification statement
  10. Project Chronology
  11. Project Data Sheet