

**DATE ISSUED:** September 16, 2005 **REPORT NO. PC-05-271**

**ATTENTION:** **Planning Commission, Agenda of September 22, 2005**

**SUBJECT:** 4036 UTAH STREET TENTATIVE MAP - PROJECT NO. 71082  
PROCESS FOUR

**OWNERS:** JOHN H. WEBER, TRUSTEE OF THE JOHN H. WEBER TRUST  
DATED JANUARY 28, 1980

**APPLICANT:** METROPOLITAN MAPPING

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of seven existing residential units into condominiums at 4036 Utah Street, within the Greater North Park Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 216208; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Greater North Park Planning Committee voted 10-0-0 to recommend approval of the proposed project on July 20, 2005, with their standard five recommended conditions, as discussed further 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 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 seven existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on May 17, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.16-acre site is located at 4036 Utah Street in the MR-1250B Zone 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 seven units. Of these seven units, six have two bedrooms and one has one bedroom. Six off-street tandem parking spaces provide room for 12 vehicles on-site. Two tandem garages are accessed from Utah Street at the front and four tandem spaces are accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1990. At that time the site was zoned MR-1250B, which is the same as the current zone. The MR-1250B zone permits six dwelling units on this site. However, a density bonus unit was permitted at the time of construction, which allows the seven existing dwelling units. Parking requirements effective in 1990 required 12 parking spaces to be provided for the seven dwelling units. 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. Under current criteria, 12 off-street parking spaces would be required.

### **Density and Density Bonus Agreement**

The project conforms with the current density requirement of one unit per 1,250 square feet in the MR-1250B Zone, which would only allow six units to be constructed, with the seventh unit being permitted with a Density Bonus Agreement through the Housing Commission. The Density Bonus Agreement (recorded as Document No. 90-454110 at the Office of the County Recorder), allowed the development of seven units with the provision that one (1) two-bedroom two bath unit remain rent and occupancy restricted to low income households for a term of 20 years pursuant to an Agreement Authorizing Affordable Housing Density Bonus and Imposing Covenants And Restrictions on Real Property. This agreement terminates on March 1, 2011. Conditions are contained within the draft Tentative Map Resolution addressing this Density Bonus Agreement (Attachment 6). All seven units are subject to the City's Inclusionary Housing Ordinance and Tenant Relocation Benefits.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert seven existing dwelling units into condominiums on four existing lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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), it has been determined that such conversion is not a part of a continuing effort to accomplish a total under-grounding within a specific street or area, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground 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 neighborhood currently contains power poles and overhead utilities lines in the alley right-of-way. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property is located within the alley right-of-way, adjacent to the property on the opposite side of the alley from this site. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3R, and the date for undergrounding has been established for the year 2016 (Attachment 10).

### **Community Planning Group and Neighborhood Recommendations:**

The Greater North Park Planning Committee voted 10-0-0 to recommend approval of the proposed project on July 20, 2005, with their five standard recommended conditions:

1. *No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted.* Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.
2. *The first right of refusal to purchase a unit be given to current tenants.* The Map Waiver resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.
3. *Preserve historic sidewalk stamps and existing scoring of sidewalks.* The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.
4. *Provide new and appropriate landscaping as needed.* There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.
5. *Maximize on-site parking.* There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

**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 Notices of Intent to Convert to Condominiums were provided to the tenants on May 20, 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 May 17, 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 seven 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 requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 216208with modifications.**
2. **Deny Tentative Map No. 216208if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director, Customer Support**  
**and Information Division**  
**Development Services Department**

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

STROHMNGER/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 3R
11. Copy of 60-Day Notice of Intent to Convert