

DATE ISSUED: November 3, 2005 **REPORT NO.** PC-05-306

ATTENTION: Planning Commission, Agenda of November 10, 2005

SUBJECT: 610 W. LAUREL VESTING TENTATIVE MAP - PROJECT NO. 75067.
PROCESS 4.

**OWNER/
APPLICANT:** Betty T. Ma, Shaohua H. Lu, Christine T. Ma and Jeremy F. Reiter ,
Owners/Applicants (Attachment 8)

SUMMARY

Issue(s) - Should the Planning Commission approve Vesting Tentative Map No. 230692 to convert 12 existing residential units to condominiums at 610 W. Laurel Street in the Uptown Community Plan area?

Staff Recommendation -

1. APPROVE Vesting Tentative Map No. 230692

Community Planning Group Recommendation - The Uptown Planners, on September 6, 2005, voted 9:0:1 to recommend approval of the Vesting Tentative Map No. 230692 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 twelve existing apartments to condominiums, there would be a loss of 12 rentals units and a gain of 12 for-sale units. This Vesting 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 Land Use Element of the Uptown Community Plan, the northern portion of the site is designated for Medium to High Density Residential at 29-44 dwelling units per acre (Attachment 1). The 0.115 acre site has been developed at an approximate density of 104 dwelling units per acre (Attachment 2). Within areas designated for attached housing, the Uptown Community Plan does not address the issue of single versus condominium or fractional ownership. The 0.115 acre site is located at 610 W. Laurel Street in the MR-1000 Zone of the Mid-City Communities Planned District within the Uptown Community Plan area at Laurel Street and Union Street (Attachment 3). The surrounding land uses are multi-family residential development.

The existing development was constructed in 1926 (Attachment 4). At the time the property was developed the approved construction met all current regulations. The site is presently improved with two buildings, one two-story, five unit apartment building and one three-story seven unit apartment building. Within the two buildings there are a total of two studio units with 250 300 square feet of living area, six one bedroom units with 400 600 square feet and four two bedroom units with 700 750 square feet. The original development did not provide parking.

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 Vesting Tentative Map (Attachment 5) to convert the existing 12 residential units to condominiums. Utilities are existing below ground in the right-of-way along Union and Laurel Streets. 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 (Attachment 6). Staff has reviewed the proposed condominium conversion and determined it complies with both the Subdivision Map Act and San Diego Municipal Code.

Community Planning Group Recommendation

The Uptown Planners, on September 6, 2005, voted 9:0:1 to recommend approval of the proposed project with conditions (Attachment 7). A detailed response to each condition is provided below. The planning group's recommended conditions have been underlined and staff's responses follow.

1. No waiver or exemption from state and local requirements that existing utility services for this property be undergrounded. Undergrounding of all overhead utility services is a critical infrastructure need in our community and is typically paid for by the developer. Exceptions may include alleyway above ground utilities or any utility planned and programmed to be undergrounded in the next five years as identified and verified by the local council district office.

Utilities are existing below ground in the right-of-way along Union and Laurel Streets. Furthermore, the draft vesting tentative map resolution condition number 5 requires "The Subdivider shall underground any new service run to any new or proposed structures within the subdivision" (Attachment 6).

2. The first right of refusal to purchase a unit be given to current tenants.

In accordance with the State Map Act and Government Code provisions regulating condominium conversions, renters have the first right of refusal to purchase the units which they occupy. The draft vesting tentative map resolution condition number 9 requires: "The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right" (Attachment 6).

3. Historic sidewalk stamps and scoring of existing sidewalks be preserved. If sidewalks are missing or need replacement, new sidewalks will be built to match scoring, coloring, texture and contractor or date stamps.

The historic sidewalk stamps and scoring is important to the community and City. The City of San Diego Transportation Department, Streets Division as a course of their work preserves existing stamps and scoring patterns. Staff has made this a condition of the vesting tentative map, see Attachment 6, condition number 15.

4. If existing or previously constructed landscaping does not meet the current land development code landscape requirements, the project will be brought into compliance as part of this permit. The sidewalk and parkway planter configuration will be brought into

general compliance with the City of San Diego Street Design Manual including streetscape planting requirements.

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. Landscaping the site may not be a requirement of this application. Staff has not made this a condition of the vesting tentative map.

5. On-street parking be preserved in its current quantity and every effort be made to increase on-street and off-street parking where possible including re-stripping and removal of underutilized curb cuts.

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. Parking at the site may not be a requirement of this application. Staff has not made this a condition of the vesting tentative map.

6. Applicant shall make substantial improvements to Union Street right-of-way to include sidewalk improvements and diagonal parking improvements.

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. Parking at the site may not be a requirement of this application. Staff has not made this a condition of the vesting tentative map.

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 May 11, 2005 (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 Vesting Tentative Map for the conversion of 12 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 has provided draft findings to support approval of the Vesting Tentative Map (Attachment 6) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Vesting Tentative Map No. 230692 with modifications.
2. Deny Vesting Tentative Map No. 230692 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. Building Records
 5. Tentative Map
 6. Draft Map Conditions and Subdivision Resolution
 7. Community Planning Group Recommendation
 8. Ownership Disclosure Statement
 9. Government Code 66452.3; self-certification statement
 10. Project Chronology
 11. Project Data Sheet