

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: December 2, 2005

TO: Members of the Planning Commission

FROM: Nilia Koering, Development Project Manager

SUBJECT: PROJECT NO. 59157 – 4398 Delta Street Tentative Map

The above referenced project, 4398 Delta Street Tentative Map was originally scheduled for a public hearing before the Planning Commission on November 10, 2005.

This item was continued indefinitely after the City Attorney's opinion regarding use of categorical exemptions from CEQA for condominium conversions was provided during the course of the Planning Commission Meeting.

At the November 17, 2005, hearing, after a discussion and public testimony, the Planning Commissioners indicated their agreement that requests for Tentative Maps for condominium conversions which were not pending appeal of the environmental determination could proceed through the Planning Commission hearing process.

Based on the above information, the 4398 Delta Street Tentative Map project has been rescheduled for the December 8, 2005, Planning Commission hearing. Accordingly, a Revised Notice of Public Hearing was distributed as required on November 23, 2005.

There has been no appeal of the environmental determination filed for this project. The environmental exemption determination for this project was made on February 28, 2005, and the opportunity to appeal that determination ended March 21, 2005.

Nilia Koering
Development Project Manager
Development Services Department

DATE ISSUED: November 3, 2005 REPORT NO. PC-05-307

ATTENTION: Planning Commission, Agenda of November 10, 2005

SUBJECT: 4398 DELTA STREET TENTATIVE MAP PROJECT NO. 5917 .
PROCESS 4

**OWNER/
APPLICANT:** 4398 DELTA STREET CONDOS, LLC. (Attachment 6)
Allan Ream

SUMMARY

Issue – Should the Planning Commission approve an application for a Tentative Map to convert 34 residential units into condominiums and waive the requirement to underground the existing overhead utilities?

Staff Recommendations -

1. **Approve** Tentative Map No. 174184and
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 as discussed in the discussion section of the Staff Report (Attachment 10).

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 six existing apartments to condominiums, there will be a loss of 34 rental units and a gain of 34

for-sale units. This condominium conversion project was deemed completed on February 3, 2005 and is therefore subject to the new regulations regarding the inclusionary housing ordinance and tenant relocation assistance.

BACKGROUND

The 0.92-acre site is located at 4398, 4402 and 4404 Delta Street, in the MF-1500 zone of the Southeastern San Diego Planned District within the Southeastern San Diego Community Planning area (Attachments 1 and 2). The property is designated for residential use. The site is currently developed with three, two-story buildings containing one one-bedroom unit and 33 two bedroom units, and a laundry room. There are 56 existing surface parking spaces on-site accessed from Delta Street. The project is surrounded by multi-family residential uses.

The building permit for this project was issued in 1984. The property was zoned R2-A, a multi-family residential zone. The project is previously conforming in regards to density and parking. There are no Building or Zoning Code Violations recorded against this property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of the 0.92 -acre site to convert 34 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 resolution includes this requirement under general condition No. 4 (Attachment 3).

The power pole and overhead utility lines are located along project frontage. The City's Undergrounding Master Plan for fiscal Year 2006 designates the site within Block 4-C, and the undergrounding allocation year is 2025 (Attachment 9). The undergrounding typically takes place one year from the date of the allocation.

Community Planning Group Recommendation:

On May 9, 2005, the Southeastern San Diego Community Planning Group voted 11-0-0 to recommend approval of the project with one recommendation that the existing laundry room provide for a seating area for the residents. The applicant has agreed to provide a seating area in the laundry room, as well as the provision for substantial interior upgrades to each unit including new appliances, counter tops, and flooring.

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 ordinance and tenant relocation benefits adopted by City Council on March 15, 2004. This project was deemed completed on February 3, 2005, 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 \$25,772, 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.

The applicant has complied with applicable regulations and has agreed to pay relocation benefits to all tenants at the time of relocation. (Attachment 11)

CONCLUSION

Staff has reviewed the request for the Tentative Map for the conversion of the 34 residential units into condominiums and the request to waive the requirement for the undergrounding of overhead utilities, and 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 that the Planning Commission approve the proposed project.

ALTERNATIVES

1. **Approve** Tentative Map No. 174181 and the waiver to the requirement for the undergrounding of the existing overhead utilities, **with modifications**.
2. **Deny** Tentative Map No. 174184 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 & Tenant Benefit Summary
9. City's Undergrounding Master Plan- Map Block 8-A
10. Community Planning Group Vote Form
11. Tenant Relocation Benefit Notice