

**DATE ISSUED:** November 10, 2005 **REPORT NO.** PC-05-309

**ATTENTION:** Planning Commission, Agenda of November 17, 2005

**SUBJECT:** 4367 IDAHO TENTATIVE MAP - PROJECT NO. 71001,  
PROCESS FOUR

**OWNER:** PCS, LLC (Attachment 9)

**APPLICANT:** San Diego Land Surveying & Engineering, Robert Bateman

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of eight existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4367 Idaho Street, in the MR-800B zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 215922; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

**Community Planning Group Recommendation:** On September 20, 2005, the Greater North Park Planning Committee voted (10-0-0) to recommend approval of the project with conditions. The Greater North Park Planning Committee's recommended conditions are further discussed in this report.

**Environmental Review:** The project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA).

**Fiscal Impact:** None associated with this action. All costs associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this project.

**Housing Impact Statement:** With the proposed conversion of eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This Tentative Map request was deemed complete subsequent to February 2004, and is therefore required to comply with the inclusionary affordable housing requirements.

## **BACKGROUND**

The 0.16-acre site is located at 4367 Idaho Street, between Meade Avenue and El Cajon Boulevard, in the Greater North Park Community Plan area. The Greater North Park Community Plan area designates this site as high-very high residential density, 45-55 dwelling units per acre (Attachment 1). The property is zoned MR-800B within the Mid-City Communities Planned District. The site is presently developed with a two-story, eight-unit multi-family structure (Attachment 2). The building was permitted in 1986. The building contains two one-bedroom units and six two bedroom units. The original development provided eight parking spaces. The project is surrounded by multi-family residential development (Attachment 3).

The site was incorporated into the MR-800B zone of the Mid-City Communities Planned District in November 1987. When the project was permitted in 1986, the site was zoned R-3A. Under current development standards nine units could be built on the subject property. The existing development has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The development complies with the zoning and development regulations in effect at the time of construction and there are no active Building or Zoning Code violations for the subject property.

## **DISCUSSION**

### **Project Description**

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert eight existing residential units into condominiums and waive the requirement for the undergrounding of the existing overhead utilities (Attachment 4). Section 125.0410 of the San Diego Municipal Code (SDMC) requires 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 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 the San Diego Municipal Code (Attachment 5).

### **Undergrounding Waiver Request**

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 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 number five of the draft Tentative Map resolution.

The site is served by existing overhead utility lines which are connected to power poles located at the southeast corner of the property. The existing pole and utility lines serve multiple properties. Neighboring sites adjacent and across the alley from the subject property receive utility services from the overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3Y, which is scheduled for funding in fiscal year 2010 (Attachment 6).

#### Community Planning Group Recommendation

On September 20, 2005, the Greater North Park Planning Committee voted 10-0-0 on consent to recommend approval of the project with the following conditions (Attachment 7):

1. Approve the project with the stipulation that the advised changes (stone façade continued up to the bottom of the windows and larger street address numbers) be made.

Staff's response: 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 the time original construction permits were issued. Architectural features are not a requirement of this application and staff has not made this a condition of the tentative map. However, this request has been forwarded to the applicant for their consideration.

2. Maximize Landscaping and Parking:

Staff's response: This 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 the time original construction permits were issued. The existing development provides eight parking spaces. Landscaping and additional parking on the site are not a requirement of this application. Staff has not made them a condition of the map waiver.

3. Right of First Refusal for Renters:

Staff's response: 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 Subdivider is required to 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. The tenants right runs 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. This requirement is included in the Tentative Map resolution as condition number nine.

4. Save historic sidewalk stamps and scoring:

Staff's response: No public improvements are required for this project. If any improvements were to occur, the Land Development Code requires the preservation of historic sidewalk markers and all public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual.

5. Deny the request to waive undergrounding of utilities:

Staff's response: 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* as described earlier in this report. Staff continues to support the waiver to underground existing utilities as the request is consistent with adopted City Council policy.

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 Condominiums was provided to the tenants on April 7, 2005 (Attachment 8).

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 11, 2005, and is subject to these regulations.

**CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of eight residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities and has determined the project complies with the State Map Act, the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25. Staff has determined the required findings can be supported and recommends the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

**ALTERNATIVES**

1. Approve Tentative Map No. 215922 and waive the requirement to underground existing overhead utilities, with modifications.
2. Deny Tentative Map No. 215922 and waive the requirement to underground existing overhead utilities, if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
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**Customer Support and Information Division**  
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**Development Project Manager,**  
**Customer Support and Information Division**  
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STROHMINGER/CTC

- 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. Underground Project Schedule
  7. Community Planning Group Recommendation
  8. 60 Day Tenant Notice to Convert to Condominiums
  9. Ownership Disclosure Statement
  10. Project Chronology
  11. Project Data Sheet