

**DATE ISSUED:** December 2, 2005 **REPORT NO. PC-05-326**

**ATTENTION:** **Planning Commission, Agenda of December 8, 2005**

**SUBJECT:** 4625 62<sup>nd</sup> STREET TENTATIVE MAP PROJECT NO. 77837  
PROCESS FOUR

**OWNER/** FOLEY PROPERTY ASSETS, LLC (Attachment 8)

**APPLICANT:** **Frank Spees**

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of six existing residential units into condominium units and a waiver of the requirement to underground existing overhead utilities at 4625 62<sup>nd</sup> Street in Central Urbanized Planned District of the Mid-City Communities Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 241447
2. **Approve** Waiver from the requirement to under-ground existing overhead utilities.

**Community Planning Group Recommendation:** On September 13, 2005, the Eastern Area Community Council made a motion to recommend approval of the Tentative Map application with recommendations discussed within this report. The motion passed 11-0.

**Environmental Review:** This project is exempt from environmental review pursuant to Article 19, Section 15301(k), of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing. This project is not subject to a pending appeal.

**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 the six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium conversion project is required to comply with the Inclusionary Affordable Housing Ordinance and tenant relocation assistance which have been included as a condition of the Tentative Map. The subdivider has elected to pay the In-Lieu Fee to satisfy the Inclusionary Affordable Housing Ordinance.

## **BACKGROUND**

The 0.14 acre site is located at 4625 62<sup>nd</sup> street between Stanly Avenue and Acorn Street in the RM-1-3 zone within the Central Urbanized Planned District and the Mid-Cities Community Plan area. The community plan designates the site for Residential 11-15 dwelling units per acre (Attachment 2). The site is presently developed with three, two story structures each containing two, two bedroom units. The site provides 5 off street parking spaces located off the rear alley.

The existing improvements were constructed in 1958 when the site was zoned R-4. The R-4 zone allowed one unit per 400 square feet of lot area and permitted the six units on the 6,098.4 square foot site. There were no parking requirements at the time of construction. 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 project proposes a Tentative Map for the subdivision of a 0.14 -acre site to convert six existing dwelling units into condominium ownership on one lot (Attachment 5). The applicant is also requesting that the requirement for the under-grounding of the adjacent existing overhead utilities be waived. However all utilities servicing the property will be undergrounded as a requirement of the Final Map.

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 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 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 under-grounding facility. The applicant will be required to underground all existing service to the site. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. four (4) of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines. All utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates Residential District 7G 's allocation year as to "be determined by the Council" (Attachment 10).

### **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 by April 5, 2005 (Attachment 11).

This project was Deemed Complete on August 8, 2005. All condominium conversion projects Deemed Complete after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. Conditions No. ten(10) and eleven(11) in the draft Tentative Map resolution require compliance with this ordinance (Attachment 6)

On September 13, 2005, the Eastern Area Community Council made a motion to recommend approval of the Tentative Map application with the recommendation of using new construction for all renovations. The motion passed 11-0 (Attachment 7). Any renovations planned will use new construction technology whenever possible.

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of the six residential units into condominiums and the request to waive the requirements of the under-grounding of existing adjacent overhead utilities, and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25

regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. **Approve** Tentative Map No. 241447 and the waiver to underground the existing Utilities **with modifications.**
2. **Deny** Tentative Map No. 241447 **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**Helene Deisher**  
**Development Project Manager**  
**Development Services Department**

STROHMINGER/HMD

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation and Minutes
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan -6A
11. Copy Of Tenant Notice and Certification