

DATE ISSUED: December 1, 2005 REPORT NO. PC-05-341

ATTENTION: Planning Commission, Agenda of December 15, 2005

SUBJECT: PONTE VECCHIO TENTATIVE MAP - PROJECT NO. 60449, PROCESS 4

OWNER Jordan & Susan Chouljian/1150 21st Street, LLC. (Attachment 6)

APPLICANT: Vernon Frank

SUMMARY

Issue – Should the Planning Commission approve an application for a Tentative Map to convert 29 residential units into condominiums and waive the requirement to underground the existing overhead utilities?

Staff Recommendations -

1. **Approve** Tentative Map No. 210532; and
2. **Approve** a waiver to the requirement for the undergrounding of the existing overhead utilities

Community Planning Group Recommendation – On October 15, 2005, the Greater Golden Hill Planning Committee voted 7-0-0 to recommend approval of the project with no conditions (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). This project is not pending an environmental appeal. The environmental exemption determination for this project was made on August 8, 2005, and the opportunity to appeal that determination ended August 25, 2005.

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 29 existing apartments to condominiums, there will be a loss of 29 rental units and a gain of 29 for-sale units. This condominium conversion project was deemed completed on June 2, 2005 and is therefore subject to the new regulations regarding the inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.473-acre site is located at 1150 21st Street, in the GH-1500 zone, a multi-family residential zone, of the Golden Hill Planned District within the Greater Golden Hill Community Planning area (Attachments 1 and 2). The property is designated for multifamily residential use. The site is currently developed with four three-story buildings containing eight one-bedroom units, 19 two-bedroom units and two three-bedroom units and an underground parking garage. There are existing 46 underground parking spaces accessed from 21st Street. The project is surrounded by multi-family residential uses.

At the time of the original application, 1989, the property was zoned GHPD-1 which allowed 29 units at the site. The property was zoned GHPD-1500 at the time of construction, 1991. The property maintains previously conforming rights to density. 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 0.473-acre site to convert 29 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. 5. In addition the Map resolution includes a condition for the undergrounding of on-site utilities as well, condition no. 14 (Attachment 3).

The power pole and overhead utility lines are located along the rear alley. The City's Undergrounding Master Plan for fiscal Year 2006 designates the site within Block 8-A, and the undergrounding allocation year is 2007 (Attachment 9). The undergrounding typically takes place one year from the date of the allocation.

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 September 2, 2005 (Attachment 8).

All condominium conversion projects Deemed Completed after February 7, 2004, must conform to the new regulations regarding the inclusionary housing and tenant relocation benefits adopted by City Council on March 15, 2004. This project was deemed completed on June 2, 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 \$49,819, 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.

CONCLUSION

Staff has reviewed the request for the Tentative Map for the conversion of the 29 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. 210532, and the waiver to the requirement for the undergrounding of the existing overhead utilities, **with modifications** .
2. **Deny** Tentative Map No. 210532, 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. Strohming, 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 Summery
9. City's Undergrounding Master Plan- Map Block 8-A
10. Community Planning Group Vote