

**DATE ISSUED:** February 9, 2006 **REPORT NO. PC-06-017**

**ATTENTION:** **Planning Commission, Agenda of February 16, 2006**

**SUBJECT:** 4220 THORN TENTATIVE MAP, PROJECT NO. 72856  
PROCESS FOUR

**OWNERS:** Huntsman 5, LLC (Attachment 8)

**APPLICANT:** San Diego Land Surveying & Engineering, Inc.

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of five existing residential units to condominiums at 4220 Thorn Street, within the City Heights neighborhood of the Mid-City Communities Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 222675 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The project was heard by the City Heights Planning Committee on August 5, 2005. A motion was made to recommend approval of the project however, the motion failed by a vote of 6-6-1. No other motion was made. (Attachment 7).

**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 appeal of the environmental determination. The environmental exemption determination for this project was made on June 23, 2005, and the opportunity to appeal that determination ended July 15, 2005.

**Fiscal Impact Statement:** 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 five existing apartments to condominiums, there would be a loss of five rental units and a gain of five for-sale units. This condominium conversion project was deemed complete on June 9, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.59 -acre site is located at 4220 Thorn Street in the RS-1-7 Zone of the Central Urbanized Planned District within the City Heights Neighborhood of Mid-City Communities Plan Area (Attachment 3). The project site is located at the northeast corner of Thorn Street and 42<sup>nd</sup> Street and is presently developed with two two-story structures containing five, two-bedroom units. Seven garage parking spaces are provided on the site, three of which are accessed from Thorn Street and four of which are accessed from the alley at the rear of the property.

The structure at the rear of the property along the alley frontage which contains two, two-car garages with one unit above was constructed in 1958, when the site was zoned R-2. The larger structure which fronts on 42<sup>nd</sup> and Thorn Streets contains four units and was constructed in 1986 when the site was zoned MR-1500. The MR-1500 zone allowed a maximum of five dwelling units on the project site and required seven parking spaces, which are provided onsite. The project site is currently zoned RS-1-7, which is a single-family zone that would allow one dwelling unit on the site. Current parking regulations would require 10 off-street parking spaces. The development complies 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. Surrounding uses include single- and multi-family development to the north, west and south and a school redevelopment site to the east.

Although the project does not conform with the current density standard of one unit per lot and provides seven parking spaces where 10 are required by current standards, 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 0.159 acre site to convert five existing dwelling units into condominiums on two existing lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

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 of Existing Utilities

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*, the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 17 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft Tentative Map resolution (Attachment 6).

The project site is served by existing power poles and overhead utility lines which are located in the alley right-of-way. These power poles and lines also serve adjoining properties. As indicated above, 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 the site within Block 3L, which is scheduled for undergrounding 2030 (Attachment 10).

#### **Community Planning Group and Neighborhood Recommendations:**

The project was heard by the City Heights Planning Committee on August 5, 2005. A motion was made to recommend approval of the project however, the motion failed by a vote of 6-6-1(chair not voting). No other motion was made. (Attachment 7).

#### **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 Notices of Intent to Convert to Condominiums were provided to the tenants December 2, 2005 (Attachment 11). 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 June 9, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with 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 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 a Tentative Map for the conversion of five 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 believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 222675with modifications.**
2. **Deny Tentative Map No. 222675if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Acting Deputy Director, Customer Support**  
**and Information Division**  
**Development Services Department**

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**Paul B. Godwin**  
**Project Manager, Customer Support**  
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**Development Services Department**

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3L
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations