

DATE ISSUED: January 19, 2006 **REPORT NO. PC-06-018**

ATTENTION: **Planning Commission, Agenda of January 26, 2006**

SUBJECT: 3907 GEORGIA TENTATIVE MAP - PROJECT NO. 66700
PROCESS FOUR

OWNERS: Georgia Crestview Villas, LLC and Windset Focus II, LLC (Attachment 8)

APPLICANT: Ingenuity Engineering Corporation, Engineer

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 27 existing residential units into condominiums at 3907 Georgia Street, within the Greater North Park Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 204939and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Greater North Park Planning Committee voted 13-0-1to recommend approval of the proposed project on October 18, 2005,with recommendations detailed within this report (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 August 5, 2005, and the opportunity to appeal that determination ended August 20, 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 27 existing apartments to condominiums, there would be a loss of 27 rental units and a gain of 27 for-sale units. This condominium conversion project was deemed complete on April 28, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.483 acre site is located at 3907 Georgia Street in the MR-800B Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with a three-story structure containing 20 one-bedroom units and 7 two-bedroom units, courtyards and pool area. Thirty-two off-street parking spaces are provided on the site: 24 spaces are located in a ground-level parking area along the northern portion of the property and 8 spaces are located within the front yard setback and accessed from Georgia Street. The site is bounded by commercial development to the south and multi-family residential to the north, east and west.

The existing improvements were constructed in 1959. At that time the site was zoned R-4 and would have allowed for 53 dwelling units. The project is currently configured with 32 parking spaces, which is five more than was required when the project was constructed in 1959. The development complied 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.

The project conforms to the current density requirement of one unit per 600 square feet in the MR-800B Zone, which would allow 35 units to be constructed today. Under current criteria, 37 off-street parking spaces would be required. However, the project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

With respect to project parking, the eight parking spaces which are located in the front yard setback between the structure and Georgia Street are substandard for parking space length. In an effort to provide parking spaces that would not intrude onto the right-of-way and to minimize the amount of parking in the front yard setback, the applicant would remove the four spaces located at the southeast corner of the property and convert them to a landscaped area. This would reduce the parking from 32 spaces to 28 spaces, which is still in compliance with the requirement of one space per unit that was in effect when the project was constructed. The four remaining parking spaces in the front yard setback would remain but the existing planter area at the front of these spaces would be removed to ensure that parked vehicles do not extend into the right-of-way. A new planter would be added adjacent to parking space No. 25. The mature landscaping planters which flank the entrance and the planter located on the south site of the entrance would remain.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.483 acre site to convert 27 existing dwelling units into condominiums on six 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*, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion is a requirement of a condominium conversion of an existing development 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. 13 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 neighborhood currently contains power poles and overhead utilities lines in the alley right-of-way to the rear, which serve the subject property as well as adjacent properties in the neighborhood. Service to the site is provided via existing overhead utility lines. 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 Block3R , and the date for undergrounding has been established for the year 2006 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Greater North Park Planning Committee voted 13-0-1 to recommend approval of the proposed project on October 18, 2005, with their standard five recommendations and one additional recommendation specific to this site (Attachment 7):

1. No exemption from the requirement to underground existing utilities. The Community Planning Group strongly opposes the request to waive undergrounding of utilities. *As previously indicated, utilities serving the site will be underground and the request is to waive the requirement for undergrounding adjacent utilities that serve neighboring properties. Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
2. The first right of refusal to purchase a unit be given to current tenants. *The Tentative Map Resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.*
3. Historic sidewalk stamps and scoring of existing sidewalks be preserved. *The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*
4. Provide new and appropriate landscaping as needed. *There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. However, the applicant would convert four of the parking spaces fronting on Georgia Street to landscaping.*
5. On-site parking be maximized. *There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the development provides more parking spaces (32 spaces) than was required (27 spaces) at the time that the project was constructed. Even with the parking modifications being required by staff in order to prevent the encroachment of the parking spaces into the right-of-way and to minimize the amount of parking in the front yard setback, the resultant 28 parking spaces exceeds the parking requirements that were in effect at the time of project construction..*
6. Support the Encroachment Maintenance and Removal Agreement regarding parking on the Georgia Street right of way. *An Encroachment Maintenance and Removal Agreement is not necessary as the project parking area in the front yard setback will be modified to prevent encroachment into the right-of-way and minimizing the amount of parking in the front yard setback.*

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 on June 28, 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 April 28, 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 27 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. 204939, with modifications.**
2. **Deny Tentative Map No. 204939, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

Paul Godwin
Customer Support and
Information Division
Development Services Department

STROHMINGER/PG

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 3R
11. Copy of 60-Day Notice of Intent to Convert (Sample – Remainder on file with DSD)
12. Photos of Existing Front and Rear Elevations