

DATE ISSUED: March 9, 2006 REPORT NO. PC-06-090

ATTENTION: Planning Commission, Agenda of March 16, 2006

SUBJECT: GROVE AVENUE TENTATIVE MAP - PROJECT NO. 80229, PROCESS 4

OWNER ROBERT AND ERNESTINE MENDEZ (Attachment 6)

APPLICANT: Allan Ream

SUMMARY

Issue – Should the Planning Commission approve an application for a Tentative Map to convert 19 residential units into condominiums and waive the requirement to underground the existing overhead utilities?

Staff Recommendations -

1. **Approve** Tentative Map No. 250633 and
2. **Approve** a waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation – On October 12, 2005, the Otay Mesa-Nestor Planning Committee voted 10-2-0 to recommend approval of the project with one condition. Please reference the discussion section of the report (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 September 2, 2005, and the opportunity to appeal that determination ended September 23, 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 19 existing

apartments to condominiums, there will be a loss of 19 rental units and a gain of 19 for-sale units. This condominium conversion project was deemed completed on August 30, 2005 and is therefore subject to the new regulations regarding the inclusionary housing and tenant relocation assistance.

BACKGROUND

The 1.31-acre site is located at 2320-2328 Grove Avenue, in the RM-1-3 zone, a multi-family residential zone, of the Otay Mesa-Nestor Community Planning area (Attachments 1 and 2). The property has frontage on Grove Avenue and Hollister Street. The property is designated for multi-family residential use. The site is currently developed with five two story apartment buildings, one, one-story single-family dwelling and three garage buildings. There are existing 42 parking spaces on site, 21 spaces within the garages and 21 surface spaces. The site is accessed through Grove Avenue. The project is surrounded by multi-family residential uses.

At the time of the original application in 1977, the property was zoned multi-family. The current zoning allows 19 units. At the time of construction, 33 parking spaces were required. Thirty-eight parking spaces would be required based on current standards. 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 1.31-acre site to convert 19 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.

Community Planning Group

The Otay Mesa-Nestor Planning Committee voted 10-2-0, on October 12, 2005, to recommend approval of the project with a condition that sidewalks be constructed along the project frontages. The applicant has agreed to this recommendation and Tentative Map conditions 14 and 15 have been included to address this issue.

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. The power pole and overhead utility lines are located along the Hollister Street frontage. 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 May 13, 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 \$44,475, 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 19 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. 250633, and the waiver to the requirement for the undergrounding of the existing overhead utilities, **with modifications**.
2. **Deny** Tentative Map No. 250633, 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. Strohminger, 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 Summary
9. City's Undergrounding Master Plan- Map Block 8-S
10. Community Planning Group Recommendation
11. Photographs of Existing Front and Rear Elevations