

**DATE ISSUED:** June 2, 2006 **REPORT NO. PC-06-148**

**ATTENTION:** **Planning Commission, Agenda of June 8, 2006**

**SUBJECT:** 4146 HAMILTON STREET TENTATIVE MAP; PROJECT NO. 71366  
PROCESS FOUR

**OWNERS:** Continental Grand, LLC (Attachment 8)

**APPLICANT:** Burkett & Wong

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 20 existing residential units to condominiums at 4146 Hamilton Street, within the Greater North Park Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 217327and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On November 7, 2005, the Greater North Park Planning Committee voted 9-0-2to recommend approval of the proposed project with no recommendations (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 14, 2005and the opportunity to appeal that determination ended July 6, 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 20 existing apartments to condominiums, there would be a loss of 20 rental units and a gain of 20 for-sale units. This condominium conversion project was deemed complete on May 27, 2005 and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 032 -acre project site is located at 4146 Hamilton Street, within the MR-1250B Zone of the Mid-City Communities Planned District and the Transit Area Overlay Zone, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with 2 two-story structures containing 8 two bedroom units and 12 one-bedroom units. Twenty off-street parking spaces are provided on the site with 10 accessed from Hamilton Street at the front and 10 accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1962. At the time the site was constructed, it was zoned R-4 and would have allowed for 35 dwelling units. The 20 parking spaces provided complied with the parking requirements in effect at the time of construction. 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 does not conform with the current maximum density requirement of one unit per 1,000 square feet of lot area, which would allow for 14 units to be constructed today. Under current criteria, 29 off-street parking spaces would be required. The project also 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 032 -acre site to convert 20 existing dwelling units into condominiums on four 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. 21 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 running north and south along the alley, which serve the subject property as well as adjacent properties in the neighborhood. The pole closest to this property, which carries the line serving this site, is located on the opposite side of the alley. 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 3Y, and the date for undergrounding has been established for the year 2010 (Attachment 10).

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

On November 7, 2005, the Greater North Park Planning Committee voted 9-0-2to recommend approval of the proposed project with no recommendations (Attachment 7).

#### **Project-Related Issues:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The units have been vacant since February 2006.

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 May 27, 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.

The applicant has elected to pay an in-lieu fee of \$25,270 (14,440 square feet x \$1.75) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of 20 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. 217327 with modifications.**
2. **Deny Tentative Map No. 217327, if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Mike Westlake**  
**Program Manager**  
**Development Services Department**

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**Michelle Sokolowski**  
**Development Project Manager**  
**Development Services Department**

WESTLAKE/MS

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 3Y
11. Photos of Existing Front and Rear Elevations