

**DATE ISSUED:** June 16, 2006                      REPORT NO. PC-06-186

**ATTENTION:** Planning Commission, Agenda of June 22, 2006

**SUBJECT:** 525 28<sup>th</sup> STREET TENTATIVE MAP  
PROJECT NO. 71363, PROCESS 4

**OWNERS:** 525 28<sup>TH</sup> Street Investors, LLC, Rodolfo and Carmen Estolano,  
Henry and Carmen Castillo (Attachment 6)

**APPLICANT:** Chris Christensen

### **SUMMARY**

**Issue** – Should the Planning Commission approve an application for a Tentative Map to convert 27 residential units into condominiums and waive the requirement to underground the existing overhead utilities?

#### **Staff Recommendations** -

1.     **Approve** Tentative Map No. 221151; and
2.     **Approve** a waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** – On January 9, 2006, the Southeastern San Diego Planning Committee voted 8-3-0 to recommend approval of the project with recommendations. Reference the Discussion section of the staff report (Attachments 9 and 9A).

**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 June 6, 2005 and the opportunity to appeal that determination ended June 17, 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 27 existing apartments to condominiums, there will be a loss of 27 rental units and a gain of 27 for-sale units. This condominium conversion project was deemed completed on July 20, 2005 and is therefore subject to the new regulations regarding the inclusionary housing ordinance and tenant relocation assistance.

## **BACKGROUND**

The 0.83 -acre site is located at 525 N. 28<sup>th</sup> Street between Market Street and Island Avenue in the MF-3000 and CSF-2 zones of the Southeastern San Diego Planned District of the Southeastern San Diego Community Planning area (Attachments 1 and 2). The site is designated for residential and commercial uses within the community plan. The surrounding area is developed with residential units and commercial establishments. Across Island Avenue to the south is the city of National City.

The property is developed with five buildings containing 27 units and accessory improvements as follows

1. Two three-story buildings containing 10 units, eight one-car garages and four storage units;
2. One two story building containing four units, one office and five storage units;
3. One two story building containing three units and six storage areas; and,
4. One building containing twelve storage areas.

The unit mix is indicated below:

Eight, 2-bedroom units: 783 square feet  
Four, 2-bedroom units: 750 square feet  
Six, 2-bedroom units: 732 square feet  
Four 1-bedroom units: 674 square feet  
Two, 1-bedroom unit: 620 square feet  
Three studio units: 430 square feet

A total of 41 parking spaces (eight within garages and 33 surface spaces) are provided on site. The garages are accessed from two driveways on 28<sup>th</sup> Street. The remaining 33 surface spaces are accessed from one driveway on Market Street. Forty-three parking spaces would be required based on current standards.

The original development was approved for construction in 1985, 1986 and 1987 when the site was zoned CC and R-1500, allowing a total of 24 units. In 1987, commercial space on the site was converted with a building permit to allow three additional units, for a total of 27 permitted units. Twelve units would be permitted based on current zoning. There are no

known Building or Zoning Code Violations recorded against this property.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of the 0.83-acre site to convert 27 apartments 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. Three power poles are located along 28<sup>th</sup> Street. The City's Undergrounding Master Plan for fiscal Year 2006 designates the site within Block 8-E, and the undergrounding allocation year is 2009 (Attachment 8). 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.

All condominium conversion projects Deemed Completed after February 7, 2004, must conform to the new regulations regarding the inclusionary housing ordinance and tenant relocation benefits adopted by City Council on March 15, 2004. This project was deemed completed on July 20, 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 \$42, 484.50 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.

Community Planning Group Recommendation:

The Southeastern San Diego Planning Committee recommended approval of the project with nine recommendations as noted in Attachment 9. The applicant prepared a response to each of these items (Attachment 9A). The community group's nine areas of concern are summarized below along with the applicant's response to each item. In summary, the applicant has agreed to all recommendations with the exception of items 5, 6 and 9:

1. Require that a copy of the easement recorded May 6, 1991, Document No. 1991-0208512 for 2839 and 2832 Island Avenue run in perpetuity with the deed for this site.

*Applicant Response: Easements recorded in May 1991 cannot be removed and will be honored in the conversion process.*

2. Require the removal of all chain link fencing as well as banisters and that they be replaced with child-proof materials.

*Applicant Response: We agree to change existing fencing to wrought iron and adjust any existing wrought iron rails to meet applicable codes.*

3. Drainage around the trash bins and dirt berm should be addressed and corrected.

*Applicant Response: Drainage around the trash bins and berm will be corrected and in compliance with applicable storm water runoff compliance.*

4. Need a landscape plan and maintenance plan.

*Applicant Response: Landscape plan is submitted. Maintenance Plan will be addressed in the CC&Rs.*

5. Air conditioning and heaters should be included.

*Applicant Response: New heaters but not air conditioners are recommended in the Property Conditions Report and will be installed.*

6. Terraces at the south end should be enclosed.

*Applicant Response: Terraces at the south end of the property on Island Street will have controlled access for residence.*

7. Clean Water Act Best Management practices should be implemented and enforced.

*Applicant Response: Clean Water Act Best Management Practices, erosion control and storm water compliance will be implemented.*

8. Implement San Diego Police Department (SDPD) recommendations, except for chain link fencing.

*Applicant Response: SDPD recommendations will be implemented.*

9. Suggestion: Consider larger units and also install child-proof materials on banisters and fencing.

*Applicant Response: No unit consolidation is planned. All banisters and fencing will meet applicable city codes.*

## **CONCLUSION**

Staff has reviewed the request for the Tentative Map for the conversion of the 27 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. 221151 and the waiver to the requirement for the undergrounding of the existing overhead utilities, **with modifications**.
2. **Deny** Tentative Map No. 221151 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,**

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**Mike Westlake  
Program Manager  
Development Services Department**

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**Sandra Teasley, Project Manager  
Development Services Department**

Attachments:

1. Project Location Map
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. City's Undergrounding Master Plan- Map Block 8-E
9. Community Planning Group Recommendation
- 9A. Applicant Response to Community Planning Group Recommendation
10. Photographs of Existing Elevations
11. 60-Day Notice