

**DATE ISSUED:** September 7, 2006 **REPORT NO: PC-06-253**

**ATTENTION:** **Planning Commission, Agenda of September 14, 2006**

**SUBJECT:** 4024 GEORGIA STREET TENTATIVE MAP; PROJECT NO. 89197  
PROCESS FOUR

**OWNERS:** Southern Seven, LLC (Attachment 8)

**APPLICANT:** San Diego Land Surveying & Engineering

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 7 existing residential units to condominiums at 4024 Georgia Street, within the Greater North Park Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 285443 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Greater North Park Planning Committee voted 10-1-1 to recommend approval of the proposed project on April 18, 2006, with recommendations as detailed in this report (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on December 2, 2005. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

**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 7 existing apartments to condominiums, there would be a loss of 7 rental units and a gain of 7 for-sale units. This condominium conversion project was deemed complete on November 16, 2005 and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 0.16 -acre project site is located at 402 Georgia Street, in the MR-800B Zone of the Greater North Park Community Plan Area. (Attachment 3). The site is presently developed with 1, two-story structure containing 1, one-bedroom unit and 6, two-bedroom units. Fourteen off-street parking spaces are provided on the site: 4 spaces are accessed from Georgia Street at the front and 10 are 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 1993. At the time the site was constructed, it was zoned MR-800B and would have allowed for 9 units, or 1 unit for every 800 square feet of lot area. Current parking regulations in the MR-800B require 14 parking spaces. There are 14 parking spaces provided on site. The 14 parking spaces provided complied with the parking requirements in effect at the time of construction and current regulations. 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 conform with the current maximum density of nine units and parking requirements. 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 0.16 -acre site to convert 7 existing

dwelling units into condominiums on one existing lot (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 decision maker 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. 14 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. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located within the rear alley right-of-way, approximately 5 feet west of this site. 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 3R, and the date for undergrounding has been established for the year 201 (Attachment 10).

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

On April 18, 2006, the Greater North Park Community Planning Group voted 10-1-1 to recommend approval of the project with the recommended condition that signs be posted on the rear garage doors limiting the parking in front of the doors to compact vehicles and that these parking rules should be delineated in the condominium CC&Rs. *The applicant has voluntarily agreed to this condition.* (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 June 17, 2005 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding Inclusionary housing and tenant relocation benefits. 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 \$8,751.25 (7,00 square feet x \$ 1.25) 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 seven 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. 285443 with modifications.**
- 2. Deny Tentative Map No. 285443 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 3R
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations