

DATE ISSUED: October 12, 2006

REPORT NO. PC-06-258

ATTENTION: Planning Commission, Agenda of October 19, 2006

SUBJECT: **3751 BANCROFT TENTATIVE MAP - PROJECT NO. 86851.**
PROCESS 4.

**OWNER/
APPLICANT:** Bancroft Village, LLC (Attachment 8)

SUMMARY

Issue(s) - Should the Planning Commission approve Tentative Map No. 275863 and waive the requirement to underground existing utilities to convert seven existing residential units to condominiums at 3751 Bancroft Street in the Greater North Park Community Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 275863 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The Greater North Park Planning Committee (GNPPC) voted 12:0:0, on April 18, 2006, to approve the map with revised conceptual drawings incorporating member's suggestions as presented to the GNPPC for action. The content of these suggestions have not been made available to City staff for comment.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities." This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 24, 2005, and the opportunity to appeal that determination ended November 7, 2005. This Tentative Map has no outstanding environmental appeals.

Fiscal Impact - 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 seven existing apartments to condominiums, there would be a loss of 7 rentals units and a gain of 7 for-sale units. This Tentative Map request was deemed complete subsequent to February 7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

BACKGROUND

The 0.143 acre site is located at 3751 Bancroft Street in the MR-1750z one of Mid City Communities Planned District in the Greater North Park Community Plan area. The surrounding land uses are residential to the north, east, south and west. Specifically the existing uses include multi-family and a small number of single family uses. The Land Use Element of the Greater North Park Community Plan designates the site for Medium Residential development at 15-25 dwelling units per acre units per acre (Attachment 1). The 0.143 acre site has been developed at an approximate density of 48 dwelling units per acre (Attachment 2). Within areas designated for attached housing, the Greater North Park Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1985 (Attachment 3). At the time the property was developed the approved construction met all current regulations. The site is presently improved with one two-story apartment building. The building includes a total of three one-bedroom units at 700 square feet each and four two-bedroom units at 850 square feet. The original development provided and maintains eleven parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The new regulations adopted by the City Council regarding condominium conversions do not apply to this project. The project was included in the appeals filed by Briggs Law Offices and rejected by the City Council. The City Council made a deliberate decision to exempt all tentative maps which were the subject of the appeals from the new condominium conversion regulations in effect on July 27, 2006.

DISCUSSION

Project Description

The current application proposes a Tentative Map (Attachment 4) to convert the existing seven residential units to condominiums. Utilities are existing above ground in the alley right-of-way

between North Park Way and Landis Street. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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 is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition Nos. 6 and 7 of the draft Tentative Map resolution (Attachment 5).

An existing power pole is immediately behind the property on the west side of the alley which is part of the utility system carrying utility lines throughout the neighborhood. Neighboring sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services adjacent to the subject property would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3P. Funding for this undergrounding is scheduled for 2026 (Attachment 6).

CONDOMINIUM CONVERSION REGULATIONS

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified on September 28, 2005 the required 60-day Notice of Intent to Convert to Condominium was provided to the tenants (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on January 27, 2006, is subject to these regulations and has been conditioned to comply with the

requirements. The applicant has elected to pay an in lieu fee in the amount of \$68750 to meet these requirements. This tentative map was included in the appeals filed by Briggs Law Corporation. The City Council made a deliberate decision to exempt all tentative maps which were the subject of the appeals from the new condominium conversion regulations in effect on July 27, 2006.

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 and the waiver from the requirement to underground the existing overhead utilities. Staff has provided draft findings to support approval of the Tentative Map (Attachment 5) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 275863 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 275863 and waive the requirement to underground existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

John S. Fisher
Development Project Manager
Development Services Department

BROUGHTON/JSF

- Attachments:
1. Community Plan Land Use Map
 2. Aerial Photograph
 3. Project Location Map
 4. Tentative Map
 5. Draft Map Conditions and Subdivision Resolution
 6. Underground Project Schedule
 7. Government Code 66452.3; self-certification statement

8. Ownership Disclosure Statement
9. Community Planning Group recommendation
10. Project Chronology
11. Project Data Sheet