THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 25, 2007 **REPORT NO: PC-07-081**

ATTENTION: **Planning Commission, Agenda of May 31, 2007**

SUBJECT: 4724 30TH STREET VESTING TENTATIVE MAP;
PROJECT NO. 97621
PROCESS FOUR

OWNERS: Richard Mansur, Trustee of the Richard Mansur Trust of 2004 (Attachment 8)

APPLICANT: Scott Peters, Sterling Land Services, Inc.

SUMMARY

Issue: Should the Planning Commission approve a Vesting Tentative Map for the conversion of seven existing residential units to condominiums at 4724 30th Street, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 318764; and

2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Greater North Park Planning Committee voted 9-0-0 to recommend approval of the proposed project on March 5, 2007, with no additional recommendations (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 March 22, 2006. 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.

DIVERSITY

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 seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on March 8, 2006, and is therefore subject to 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 0.161-acre site is located at 4724 30th Street in the MR-3000 Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan area (Attachment 3). The site is presently developed with 1, two-story structure containing seven units consisting of three 1-bedroom units and four 2-bedroom units. Ten off-street parking spaces are provided on the site: five spaces are accessed from 30th Street at the front and five are accessed from the alley at the rear. The site is bounded on the north, east and west by multi-family residential uses, and to the south by the parking lot of the commercial use fronting on Adams Street.

The existing improvements were permitted in 1984. At the time the site was constructed it was zoned R-3 and would have allowed for seven units, or 1 unit for every 1,000 square feet of lot area. Current density requirements for this site would allow two units to be constructed, or 1 unit for every 3,000 square feet of lot area. Parking requirements at the time of construction resulted in 10 spaces being required on-site. Current parking regulations for the development on this site in the Transit Area Overlay Zone would require 11 spaces. 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 and parking requirements. The project 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 Vesting Tentative Map for the subdivision of a 0.161-acre site to convert seven 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*, 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. 12 of the draft Vesting 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 Vesting 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. 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 March 5, 2007, the Greater North Park Community Planning Group voted 9-0-0 to recommend approval of the project no additional recommendations (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 tenants between October 18 and November 18, 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 $7,677.50 (6,142 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 Vesting 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 Vesting Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Vesting Tentative Map No. 318764, **with modifications.**

2. **Deny** Vesting Tentative Map No. 318764, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

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. Vesting 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. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations