



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 23, 2007 **REPORT NO:** PC-07-089

ATTENTION: Planning Commission, Agenda of June 7, 2007

SUBJECT: 2404-2408 J SREET TENTATIVE MAP; PROJECT NO. 87368
PROCESS FOUR

OWNERS: George Woo (sole owner)

APPLICANT: Vernon Franck

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 11 existing residential units to condominiums at 2404-2408 J Street, within the Southeastern San Diego Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 298518; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On February 12, 2007 the Southeastern San Diego Planning Committee voted 8-1-0 to approve this project with recommended conditions (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 January 24, 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.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of 11 existing apartments to condominiums, there would be a loss of 11 rental units and a gain of 11 for-sale units. This condominium conversion project was deemed complete on January 9, 2006 and is therefore not 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 0.289-acre project site is located at 2404 J Street, in the MF-3000 zone of the Southeastern San Diego Planned District, the Transit Area Overlay Zone and is within the Southeastern San Diego Community Plan Area (Attachment 3). The site is presently developed with three, 2-story structures containing one, 3-bedroom unit and ten, two-bedroom units. Twenty-one off-street parking spaces are provided on the site; two spaces are accessed from J Street, three are accessed from 24th Street and sixteen are accessed from the alley at the rear. Thirteen spaces are enclosed in garages. To the west is the Sherman Heights Elementary School and the site is bounded by multi-family residential uses to the north, east, south.

The existing improvements were constructed in 1987. At the time the site was constructed it was zoned R-3 and would have allowed for 13 units, or one unit for every 1000 square feet of lot area. Current density requirements would permit four units. Current parking regulations in the MF-3000 and Transit Area Overlay Zone require 20 parking spaces. The twenty-one 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. There are no Building or Zoning code violations recorded against the property.

The project does not conform with the current maximum density of four units and provides twenty-one parking spaces where 20 are currently required. 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 Tentative Map for the subdivision of a 0.289-acre site to convert 11 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. 16 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 a power poles and overhead utilities lines in the 24th Street right-of-way. The utility lines to these poles extend to other properties located north and south within the right-of-way. The pole closest to this property, which carries the line serving this site, is located within the 24th Street right-of-way, approximately 5 feet northeast 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 8G, and the date for undergrounding has been established for the year 2008. (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On February 12, 2007 the Southeastern San Diego Planning Committee voted 8-1-0 to approve this project with the following conditions. Attachment 7 includes the minutes, concerns, and suggestions from the Planning Committee which comply with the applicable regulations for the proposed project.

1. The project should have one unit of inclusionary housing. *The owner has decided to pay the in-lieu fee.*
2. The project should comply with all of the Sherman Heights Historic District standards. *There is no construction proposed with this project. If construction is proposed at a later date, it will have to comply with section 1519.0201 of the San Diego Municipal Code.*

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 February 2, 2007 (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 \$23,500.00 (9,400 square feet x \$2.50) 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).

Staff has reviewed the request for a Tentative Map for the conversion of eleven 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. 298518, with modifications.**
2. **Deny Tentative Map No. 298518, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Renee Mezo
Development Project Manager
Development Services Department

WESTLAKE/ROM

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. Project Chronology
9. City's Undergrounding Master Plan – Map 8G
10. Sample of 60-Day Notice of Intent to Convert
11. Photos of Existing Front and Rear Elevations