

**CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
M E M O R A N D U M**

DATE: January 3, 2008

TO: Planning Commission

FROM: Derrick Johnson, Development Project Manager *DJ*

SUBJECT: 3684 42ND ST TENTATIVE MAP (Project Number 95616),
Continued from December 13, 2007.

The subject project was originally scheduled for a Process 4 Planning Commission hearing on December 13, 2007. No public testimony was heard on this item. The Planning Commission continued the item until January 10, 2008, to allow the applicants an opportunity to provide copies of the approved Building Conditions Report and the Landscape Plan.

All applicable dates within the Tentative Map documents will be modified in the final version following action of the Planning Commission.

A re-print of the report for the subject project is provided.



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 6, 2007 **REPORT NO. PC-07-173**

ATTENTION: Planning Commission, Agenda of December 13, 2007

SUBJECT: 3684 42ND STREET TENTATIVE MAP - PROJECT NO. 95616
PROCESS FOUR

OWNER: Mohammad Emami (Attachment 8)

APPLICANT: Construction Testing & Engineering, Inc.

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units to condominiums at 3684 42nd Street, within the City Heights Neighborhood of the Mid-City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 309721; including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On May 1, 2006, the Greater North Park Community Planning Committee voted 10-6-2 to recommend approval of the project with recommendations as detailed within 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 March 14, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. Therefore, the scope of the subject hearing only includes the project, 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 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 4, 2006, and is therefore subject to the 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 0.12-acre project site is located at 3684 42nd Street on the west side of 42nd Street between Landis Street and Dwight Street, in the RS-1-7 Zone of the Central Urbanized Planned District, within the Mid-City Communities Plan area (Attachment 3). The site is presently developed with one, two-story multi-family structure containing 7, two-bedroom units. Thirteen off-street parking spaces are provided on the site: six are accessed from 42nd Street at the front; seven are accessed at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1988 when the site was zoned R-3A, which would allow one unit for every 600 square feet, or nine units, on the subject site. The existing seven residential units do not conform to current density requirements which allows one unit on this site. Current parking regulations would require 14 parking spaces on site and 13 parking spaces are provided. 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 of one unit; however, 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 0.12-acre site to convert seven existing dwelling units into condominiums (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 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 onsite service to the site per Condition No. 5 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. 20 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines on the alley. The power poles which serve this site also serve adjacent properties and are located within the alley right-of-way at the rear of the property. 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 Utilities Undergrounding Program designates the site within Block 3M1, and the date for undergrounding has been established for the year 2035 (Attachment 10).

Community Planning Group and Neighborhood Recommendations: On May 1, 2006, the City Heights Area Planning Committee voted 10-6-2 to approve this project with the following recommendations:

1. Denial of a waiver of the requirement to place utilities underground. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
2. Recommend installation of motion sensitive flood lighting of the alley area. *The owner has agreed to this recommendation.*
3. Recommend installation of street address numbers on the rear of the buildings. *The owner has agreed to this recommendation.*

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant certified that the required 60-day Notice of Intent to Convert

to Condominiums was provided to existing tenants on March 11, 2005 (Attachment 11).

All Condominium Conversion projected deemed completed on or after February 7, 2004, must conform with regulations regarding inclusionary housing adopted by the City Council on March 15, 2004. This project was deemed complete on March 4, 2006 and is therefore subject to these regulations.

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 \$6,573.75 (5,259 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).

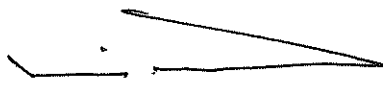
CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of seven existing 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. 309721, with modifications.**
2. **Deny Tentative Map No. 309721, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Derrick Johnson
Development Project Manager
Development Services Department

WESTLAKE/DJ

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. Undergrounding Master Plan 3M1
10. Building Conditions Report
11. Photos of Existing Elevations

