

DATE ISSUED: February 20, 2008

REPORT NO: PC-08-007

ATTENTION: **Planning Commission, Agenda of March 6, 2008**

SUBJECT: 4366 UTAH STREET TENTATIVE MAP; PROJECT NO. 85096
PROCESS FOUR

OWNERS: Diana K. Conant (sole owner)

APPLICANT: Metropolitan Mapping

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units to condominiums at 4366 Utah Street, within the Greater North Park Community Plan?

Staff Recommendation:

1. **Approve** Tentative Map No. 270325; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 18, 2006, the Greater North Park Planning Committee voted 11-0-0 to recommend approval of the proposed project 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 October 14, 2005, and the opportunity to appeal that determination ended October 28, 2005.

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 October 3, 2005, 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 effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The 0.16-acre project site is located at 4366 Utah Street in the MR-800B Zone of the Mid-City Communities Planned District and the Transit Area Overlay Zone, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with a two-story structure containing one, 1-bedroom unit and six, 2-bedroom units. Twelve off-street parking spaces are provided on the site. Four parking spaces are within garages and accessed from Utah Street. Eight parking spaces are accessed from the alley. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1991, when the site was zoned MR-800B. The MR-800B zone permitted nine units on the property and seven units were built. The site is currently zoned MR-800B, which would allow one unit for every 800 square feet or nine units on the subject site. Current parking regulations would require 12 parking spaces on site and 12 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 conforms with the current maximum density of nine units and 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 into one lot 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*, in that the conversion involves a short span of overhead facility (less than 600 feet in length), 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. 17 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. 18 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines that run north and south within the alley. 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 3Y3, and the date for undergrounding has been established for the year 2035 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On April 18, 2006, the Greater North Park Planning Committee voted 11-0-0 to recommend approval of the proposed project with recommendations as detailed in this report.

1. Approve the project based on the design concept from the renderings and elevations presented at the meeting. *The applicant has voluntarily accepted this condition.*
2. The applicant shall provide seven off-street parking spaces without reliance on tandem parking in front of garages. *There is no construction proposed with this project, therefore no additional parking is required. The applicant is to retain the parking which was approved at the time of construction. Twelve parking spaces are provided and the development complied with the zoning and development regulations in effect at the time of construction.*

3. A request to add tonal color to the garage doors. *The applicant has voluntarily accepted this condition.*

Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

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 on December 26, 2007 (Attachment 11).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

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 \$7,155.00 (5,724 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).

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

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. 270325, **with modifications.**
2. **Deny** Tentative Map No. 270325, **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/RM

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. Undergrounding Master Plan 3Y3
9. Sample 60-Day Notice
10. Landscape Development Plan
11. Photos of Existing Elevations
12. Applicant's proposed schematic presented to Community Planning Group
13. Building Conditions Report
14. Project Chronology