THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 10, 2008 **REPORT NO. PC-08-095**

ATTENTION: **Planning Commission, Agenda of July 17, 2008**

SUBJECT: 4176 OREGON STREET TENTATIVE MAP – PROJECT NO. 78873 PROCESS FOUR

OWNERS: Browar Family Trust (Attachment 8)

APPLICANT: Sterling Land Services

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of nine existing residential units to condominiums at 4176 Oregon Street, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 245495; and

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

Community Planning Group Recommendation: On January 17, 2006, the Greater North Park Planning Committee voted 11-0-1 to recommend denial of the project as detailed on Page Three of this report (Attachment 7).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 25, 2005, and the opportunity to appeal that determination ended September 8, 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.

DIVERSITY

Housing Impact Statement: With the proposed conversion of nine existing apartments to condominiums there would be a loss of nine rental units and a gain of nine for-sale units. The project is subject to the current inclusionary housing and tenant relocation regulations.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations that became 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 site is located at 4176 Oregon Street in the MR-1250B Zone of Mid-City Communities Planned District, the Transit Area Overlay Zone, the FAA Park 77 Noticing area, and the North Park Redevelopment Project area, within the Greater North Park Community Plan area (Attachment 3). The site is bounded by multi-family residential development to the north, west and south and the North Park Recreation Center to the east.

The site is presently developed with one, two-story, nine-unit, multi-family structure consisting of 6 one-bedroom units and 3 two-bedroom units. When the existing improvements were constructed in 1965, nine units were allowed on the subject site. The current MR-1250B zoning designation would allow one dwelling unit per 1,250 square feet of lot area, or six units allowed on this 7,000 square-foot site.

There are nine off-street parking spaces provided onsite, four of which are surface parking spaces accessed from Oregon Street, three of which are garage spaces accessed from the alley and two of which are surface spaces also accessed from the alley. The nine spaces provided conforms with the requirement of one space per unit that was in effect at the time of construction. The project also conforms with the new condominium conversion parking regulations, which would require eight spaces, although as discussed above these new parking regulations do not apply to this project.

The development complies 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. Although the project exceeds the density that would be allowed under current standards, 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 0.16-acre site into one lot to convert nine existing dwelling units into condominiums (Attachment 5). 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 or a Vesting 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.

Community Planning Group and Neighborhood Recommendations:

On January 17, 2006, the Greater North Park Planning Committee voted 11-0-1 to recommend denial of the project (on consent) for the following reasons (Attachment 7):

1. There were no renderings presented at the meeting. *Although it is recognized that the Community Planning Group requested renderings, it is not a requirement of the City's Tentative Map Process.*

2. The building does not conform with the Greater North Park Community Plan. *The project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1, of the Land Development Code and the development complies with the zoning and development regulations in effect at the time of construction.*

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 May 5, 2005 (Attachment 11).

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*, *Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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. 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. 16 of the draft Tentative Map resolution.

The neighborhood currently contains power poles and overhead utilities lines on the alley. The utility lines to these poles extend to adjacent properties along the alley right-of-way. 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 3GG, and the date for undergrounding has been established for the year 2017 (Attachment 10).

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 $7,313 ($1.25 x 5,850 square feet) 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 nine 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. 245495, with modifications.

2. **Deny** Tentative Map No. 245495, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Paul Godwin
Development Project Manager,
Development Services Department

WESTLAKE/PBG

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. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3GG
11. Sample of the 60-Day Notice of Intent to Convert
12. Photos of Existing Elevations
13. Building Conditions Report (under separate cover)