THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 31, 2008 **REPORT NO. PC-08-097**

ATTENTION: **Planning Commission, Agenda of August 7, 2008**

SUBJECT: 3650 FLORIDA TENTATIVE MAP - PROJECT NO. 82092
PROCESS FOUR

OWNER/ APPLICANT: Matthew Browar and Nancy Browar (Attachment 9)/
D. Scott Peters, Sterling Land Services, Inc.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map and waive the requirement to underground existing overhead utilities to convert 24 existing residential units to condominium located at 3650 Florida Street in Greater North Park Community Plan area?

Staff Recommendations:

1. APPROVE Tentative Map No. 257318; 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 (Attachment 8). Denial was based on insufficient parking and no renderings presented to the committee.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental determination for this project was made on September 27, 2005, and the opportunity to appeal that determination ended October 18, 2005.

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 24 existing apartments to condominiums, there would be a loss of 24 rental units and a gain of 24 for-sale units. The applicant must enter an agreement with the Housing Commission to assure at least 10 percent of the 24 units will be provided as affordable. This project was deemed complete September 16, 2005 and is subject to the current inclusionary housing regulations 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, on-site 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 requirements.

The 0.60-acre project site is located at 3650 Florida Street in the MR-1000 zone of the Mid-City Communities Planned District within the Greater North Park Community Plan (Attachment 1). The Greater North Park Community Plan area designates this site for medium-high residential (Attachment 2). The site is presently development with four, two-story buildings for a total of 24 units. There are 16 two-bedroom units, three one-bedroom units and five studio units. Twelve parking spaces are provided on site. Five parking spaces are accessed from Florida Street and seven parking spaces are accessed from Cypress Avenue. Multi-family residential development is located to the west and south of the project site. A mixture of single family and multi-family development is located to the north and east of the project.

The existing buildings were constructed in 1944. The four buildings were moved to the Florida Street site in 1958 by the Lafayette Hotel. One of the buildings was expanded to include four units in 1958. During the move-on and building addition, the site was zoned R-4 which permitted multiple unit residential development with unlimited density and therefore, the twenty-four residential units were allowed on the site. The original development of the site in 1958 had no parking requirements. The site is currently zoned MR-1000 which would allow 26 units on site. Current parking regulations would require 37 parking spaces on site and 12 parking spaces are provided to be maintained with previously conforming rights. The development complied with the zoning and development regulations in effect at the time of construction.

DISCUSSION

Project Description:

The current application proposes a Tentative Map for the subdivision of a 0.60 acre site to

convert twenty four existing residential units into condominiums. The applicant is also requesting the requirement for the undergrounding of existing overhead utilities. Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 124.0444, Findings for Tentative Maps and for Condominium Conversions, the decision maker 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 would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing services to the site per Condition No. 22 of the draft Tentative Map resolution (Attachment 7). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition 21 of the draft Tentative Map resolution (Attachment 7).

The neighborhood currently contains power poles and overhead utility lines on the north of the property and along Cypress Avenue and Florida Street, which the utility lines to these poles extend to other properties. All utilities serving this property will be required to be undergrounded. The City's Undergrounding Master Plan designates the site within Block 3R2, and the date for undergrounding has been established for the year 2051 (Attachment 11).

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 Notice of Intent to Convert to Condominiums was provided to the tenants on May 6, 2005 (Attachment 12).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The project has been conditioned to require the subdivider to 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).

The applicant must enter into an agreement prior to receiving a Final Map with the San Diego Housing Commission to assure the project provides at least 10 percent of the 24 units as affordable to households with an income at or below 100 percent area median income (AMI). The applicant must also show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with Tenant Relocation Benefits.

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 (Attachment 6 and 14).

Community Planning Group Recommendation

On January 17, 2006, the Greater North Park Community Planning voted 11-0-1(abstained) to deny the project because there is insufficient parking and no renderings were presented to the committee.

Staff's response: This project has previously conforming rights to parking as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Additional parking is not a requirement of this application. Staff has not made this a condition of the Tentative Map.

CONCLUSION

Staff has reviewed the request for a Tentative Map for the conversion of 24 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 and the waiver from the requirement to underground the existing overhead utilities. Staff recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Tentative Map No. 257318 and the waiver from the requirement to underground existing overhead utilities, **with modifications.**

2. **Deny** Tentative Map No. 257318 and waiver of the requirement to underground existing overhead utilities, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Cherlyn Cac
Project Manager
Development Services Department

KGB/CTC

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Landscape Plan
7. Draft Map Conditions and Subdivision Resolution
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Utility Underground Project Schedule
12. Sample 60-Day Notice of Intent to Convert
13. Photos of Existing Elevations
14. Building Conditions Report (under separate cover)