

**DATE ISSUED:** February 17, 2005                      **REPORT NO. PC-05-045**

**ATTENTION:**            **Planning Commission, Agenda of February 24, 2005**

**SUBJECT:**                30<sup>TH</sup> STREET TENTATIVE MAP - PROJECT NO. 33753.  
PROCESS 4

**OWNER:**                 Dennis Bragg

**APPLICANT:**            San Diego Land Surveying & Engineering, Inc.

**SUMMARY**

**Issue(s):** Should the Planning Commission approve an application for a Tentative Map to convert eight (8) existing residential units into condominiums on a 0.16-acre site located at 4618 30th Street in the CN-3 Zone of Mid City Communities Planned District within the Greater North Park Community Plan?

**Staff Recommendations:**

1.        APPROVE Tentative Map No. 92655; and
2.        WAIVE the requirement to underground existing overhead utility lines.

**Community Planning Group Recommendation:** On January 18, 2005, the Greater North Park Community Planning Committee voted 13-0-0, conditionally approving a recommendation to approve the proposed Tentative Map (Attachment 7). The community recommendation is discussed in greater detail within this report.

**Environmental Review:** The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), as an Existing Facility.

**Fiscal Impact Statement:** None. All of the cost of processing this application is paid for the applicant.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** With the proposed conversion of eight existing apartments into condominiums, there would be a net loss of eight rental units and a net gain of eight for-sale units. This condominium conversion project was deemed complete on May 14, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance. This issue is discussed in greater detail within this report.

## **BACKGROUND**

The project site is located at 4618 30<sup>TH</sup> Street within the Greater North Park Community Plan area (Attachment 3). The 0.16-acre site is designated for commercial use that allows for medium to high residential development between 30 to 45 dwelling units per acre (Attachment 2). The property is in the CN-3 Zone and subject to the development regulations of the Mid-City Planned District Ordinance. Surrounding land uses within the area are primarily commercial uses including small neighborhood serving retail establishments. Many of the commercial establishments include a residential component as a second story or at the rear of the properties. The outlying areas one block in any direction are almost exclusively multi-family development.

### **Project Description:**

The existing two-story eight unit residential project was permitted for construction in May 1960, when the site was zoned "C" for general commercial use. In 1960, the C Zone permitted the eight residential units with no off-street parking requirement. The current CN-3 Zone would allow up to seven units to be developed based on the size of the lot. The project deviates from the current residential density and parking requirements however the project, including the structure and the density have previously conforming rights pursuant to Chapter 12, Article 7, Division 1, of the Land Development Code. The two-story stucco building includes eight 2-bedroom units and nine off-street parking spaces. Five spaces are accessed from 30<sup>TH</sup> Street in the front and the remaining four spaces are accessed from the alley at the rear of the site.

## **DISCUSSION**

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert eight existing dwelling units into condominiums and consolidate two existing parcels into one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

### **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 Condominium was provided to the tenants on April 19, 2004 (Attachment 9).

### **Condominium Conversions**

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 decisionmaker 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 regulations.

### **Undergrounding Waiver Request**

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 is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 5 of the draft Tentative Map Resolution (Attachment 6).

There are no overhead lines along the project frontage on 30<sup>TH</sup> Street. The neighborhood currently contains power poles and overhead utility lines within the right-of-way on the opposite side of the alley at the rear of the property. Overhead Utility lines serving the project attach mid-span and cross over the alley and connect to the side of the building. There are no power poles within the right-of-way abutting the subject property and staff has determined that the existing poles located within the right-of-way of adjacent properties would have to be relocated or remain in their current locations to support the overhead utilities servicing the area. In either case, the number of poles within the alley would not be reduced and the underground effort (50 feet) would have a minimal effect on the neighborhood. The Citywide Underground Conversion Program Master Plan indicates that the project site is located in Residential District 3-Y and tentatively scheduled for comprehensive undergrounding in 2008 (Attachment 10).

### Affordable Housing

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This application was Deemed Complete on May 14, 2004, and is therefore subject to these regulations. The property owner has opted to pay the in-lieu fee established by the Inclusionary Housing Ordinance rather than providing affordable units on site. Based on the date that the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$.875 per square-foot of gross floor area (excluding garages) which totals approximately \$3,196.00. Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map and prior to the recordation of the final map. Both the in-lieu fee and the relocation assistance are conditions of the Tentative Map Resolution (Attachment 6).

### Community Planning Group recommendation

The Greater North Park Community Planning Committee recommended approval of the proposed project at their January 18, 2005, meeting by a vote of 13-0-0 (Attachment 7). The Committee's recommendation includes standard conditions applicable to all proposed condominium conversions in Greater North Park. The motion to approve the Tentative Map includes recommendations to deny the request to waive undergrounding requirements, to provide the existing tenants with the right of first refusal to purchase their units, to maintain or increase off-street parking, upgrade existing landscape to conform to current regulations, and to preserve historical sidewalk scoring patterns. Two additional project specific recommendations include the provision of a four-foot wide planting strip at the building foundation fronting 30<sup>TH</sup> Street and to remove tandem parking spaces.

Staff has reviewed the Planning Committee's recommendations and conditioned the draft Tentative Map Resolution accordingly. The draft Resolution for Tentative Map No. 92655 includes specific conditions that would require the subdivider to provide existing tenants with the right of first refusal and to preserve historical sidewalk scoring patterns and contractor date stamps. However, as indicated within this report, the property has previously conforming rights pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code relative to the existing landscape and off-street parking. As discussed above, staff has determined that the project complies with the criteria within Council Policy 600-25 and recommends approval of the underground waiver.

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of eight residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities, and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and the State Map Act regulating the

subdivision of real property. Staff has also determined the project is consistent with the Inclusionary Housing Regulations and City Council Policy 600-25 regulating the undergrounding of existing overhead utilities. The project is exempt from further CEQA review and has the conditional support of the Greater North Park Community Planning Committee. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as conditioned.

**ALTERNATIVES:**

1. Approve Tentative Map No. 92655, with modifications.
2. Deny Tentative Map No. 92655, if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

---

**Marcela Escobar-Eck  
Deputy Director, Customer Support and  
Information Division  
Development Services Department**

---

**Patrick Hooper, Project Manager  
Customer Support and Information Division  
Development Services Department**

ESCOBAR-ECK/JPHS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft Subdivision Resolution with Findings and Map Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. 60-Day Notice (Sample)
10. Undergrounding Master Plan – Neighborhood 3-Y
11. Project Chronology