

DATE ISSUED: March 3, 2005 **REPORT NO.** PC-05-060

ATTENTION: Planning Commission, Agenda of March 10, 2005

SUBJECT: UTAH STREET TENTATIVE MAP - PROJECT NO. 47830
PROCESS FOUR

**OWNER/
APPLICANT:** EDGE HOLDINGS, INC. (Attachment 8)
CONDO CONVERSIONS.COM

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the conversion of nine (9) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 3970 Utah Street, within the Greater North Park Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 135876; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On October 18, 2004, the Greater North Park Planning Committee considered the project and voted 10-1-2 in favor of the project with four recommendations, which are discussed in the 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).

Fiscal Impact – 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 nine existing apartments to condominiums, there would be a loss of nine rental units and a gain of nine for-sale units. This condominium conversion project was deemed complete on August 30, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.16-acre site is located at 3970 Utah Street between University Avenue and Lincoln Avenue MR-800B Zone of the Mid-City Communities Planned District within the Greater North Park Community Plan area (Attachment 3). The site is presently developed with a 2-story building consisting of six 1-bedroom and three 2-bedroom residential units. The development also provides 2 two-car garages providing four offstreet parking spaces in the rear of the property with access from the alley, and five off-street parking spaces with access from Utah Street. Surrounding land use consists of multi-unit residential development.

The site is currently zoned MR-800B and is within the Mid-City Communities Planned District established in November 1987. Prior zoning of the site included the R-3A (R-600) Zone applied to the area in April 1975, and the R-4 (R-400) Zone established in April 1930. The property is also within the Transit Area Overlay Zone applied over the area in October 1992. The nine-unit residential complex was issued a building permit in 1970. At the time, the site was zoned R-4 and permitted up to a maximum of 17 units on the 7,000-square-foot site, and required one parking space per dwelling unit or a total of 9 parking spaces. 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 meets the current density requirement of the MR-800B Zone, which allows 1 unit per 800 square feet of lot area or a total of 9 units on the subject site. The project does not meet the current parking requirement of 13 parking spaces for the nine-unit development. 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 0.16-acre site to consolidate 2 lots into one lot and for the conversion of nine multi-family dwelling units into condominiums (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the 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 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.

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 a) the conversion involves a short span of overhead facility (less than 600 feet in length), and b) the conversion is a requirement of a condominium conversion of an existing development 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. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the alley right of way. Service to the site is provided via an overhead utility line connected to a power pole located in the alley approximately 50 feet north of the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-R, which is proposed to be undergrounded in Fiscal Year 2014 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Greater North Park Planning Committee considered the project on October 18, 2004 and voted 10-1-2 in favor of the project with the following recommendations: grant first right of refusal; maximize landscaping and parking; save historic sidewalk stamps and scoring; and underground utilities. The project has been conditioned to require first right of refusal. Based on the preceding information, staff continues to support the undergrounding waiver request. The project proposes to convert existing residential units to condominiums with no physical change to the existing development. The development has previously conforming rights and therefore the applicant is not required to provide any additional landscaping or parking in conformance with current San Diego Municipal Code regulations.

PROJECT RELATED ISSUES:

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

All condominium conversion projects Deemed Complete on or after February 7, 2004 must conform with the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete

on August 30, 2004, and is therefore subject to these new regulations. The applicant has selected to pay an in-lieu fee. Based on the in-lieu fee of \$0.50 per square foot in effect at the time the subject tentative map application was deemed complete, the subdivider would be required to pay an estimated \$3,019.00. The project has been conditioned to require the subdivider to comply with the Affordable Housing Requirements of 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.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of nine 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 Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 135876, with modifications.**
2. **Deny Tentative Map No. 135876, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Marcela Escobar-Eck
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Development Services Department

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ESCOBAR-ECK/FZT

Attachments:

1. Aerial Photograph of Project Site
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 3-R
11. Copy of Sample Notice to Tenants

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