

DATE ISSUED: July 29, 2005 **REPORT NO.** PC-05-235
ATTENTION: **Planning Commission, Agenda of August 4, 2005**
SUBJECT: 4328 McCLINTOCK TENTATIVE MAP – PROJECT NO. 59592
PROCESS FOUR
OWNER/ Lucy Nannizzi
APPLICANT: Robert Bateman, San Diego Land Surveying and Engineering, Inc.
SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 4328 McClintock Street in the CT-2-4 Zone of the Central Urbanized Planned District within the Normal Heights Neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 175736 and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On February 1, 2005, the Normal Heights Community Planning Committee voted 12-0-0 to recommend approval of the project with no conditions (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 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 after February 7, 2004, and is therefore required to comply with the new regulations regarding inclusionary housing and tenant

relocation assistance, which have been included as conditions of the Tentative Map. The owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

BACKGROUND

The 0.138-acre site is located at 4328 McClintock Street, between El Cajon Boulevard and Meade Avenue, in the CT-2-4 Zone of the Central Urbanized Planned District within the Normal Heights neighborhood of the Mid City Communities Plan area (Attachments 2 and 3). The community plan designates this site for Commercial Residential Transition Zone at 29 dwelling units/acre, and the existing residential complex is consistent with this designation. The site is presently developed with one, two story structure, containing three (3) one-bedroom apartment units, three (3) two bedroom units and one (1) three-bedroom unit. The site also contains five enclosed garage parking spaces and five surface spaces. The site is surrounded by multi-family residential development and commercial development on El Cajon Boulevard.

The proposed Tentative Map application is to convert a seven unit apartment complex on two lots to a seven unit residential condominium complex on one lot. The lots have a combined total of approximately 6,006 square feet is currently located in the CT-2-4 Zone within the Central Urbanized Planned District. The site was zoned R-4 on 10/20/30, rezoned to R3A on 4/17/75, rezoned again on 1/21/86 to MR1000B and rezoned to its current zoning of CT 2-4 on 10/22/2000.

The property was constructed in 1988 at which time the site was zoned MR1000B which permitted 1 unit/1000 sf. (The project had an additional affordable housing bonus unit). The project has ten parking spaces of which ten spaces were required when constructed, and eleven are required by current standards. 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 0.138-acre site to convert seven existing dwelling units into condominiums on one lot (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 the conversion involves a short span of overhead facility (less than 600 feet in length). 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 at the rear of the property in the alleys to the south and west. The closest poles are located at both sides of this development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3AA, which has been scheduled for undergrounding by the City Council in 2017 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION

On February 1, 2005, the Normal Heights Community Planning Committee voted 12-0-0 to recommend approval of the project with no conditions.

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 existing tenants on June 1, 2004 (Attachment 11).

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 after that date and has indicated that they will pay the in-lieu fee for inclusionary housing. Additionally, the draft Tentative Map Conditions Nos. 10 and 11 specifically address the affordable housing and rent relocation requirements.

Regarding the density bonus aspect of the project, the Housing Commission has no objection to the City approving a Tentative Map to authorize the property owner to process for final condominium approval from the State Department of Real Estate. However, as a condition of the Map the Housing Commission is requesting that certain language be inserted into the Map Resolution. This affordable housing condition would require the property owner to incorporate into the project's DRE White Paper Report specific language identifying the Density Bonus Agreement and the remaining term of restrictions on the one density bonus unit. This condition has been added to the draft resolution, Condition No.12 (Attachment 6).

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of seven (7) 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. 175736**with modifications.**
2. **Deny** Tentative Map No. 175736**if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

**Jeffrey D. Strohminger, Assistant Deputy Director
Customer Support and Information Division
Development Services Department**

**William C. Tripp
Development Project Manager
Development Services Department**

STROHMINGER/JT

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 3AA
11. Copy of Tenant Notices