

DATE ISSUED: July 29, 2005 **REPORT NO. PC-05-240**

ATTENTION: **Planning Commission, Agenda of August 4, 2005**

SUBJECT: COLONIAL COURT TENTATIVE MAP - PROJECT NO. 8834
PROCESS FOUR

OWNER: Colonial Court, L.L.C.

APPLICANT: Justin Beope, Applicant (Attachment 8)

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to convert eleven existing residential units to nine condominiums and a request to waive the requirement to underground existing overhead utilities on a 0.291 acre site at 3216 30th Street within the Mid-City Communities Planned District in the Greater North Park Community Plan area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 145190
2. **APPROVE** request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On May 17, 2005, the Greater North Park Community Planning Committee voted 12-0-2 in favor of this project.

Environmental Review: The proposed activity is categorically exempt from CEQA pursuant to Article 19, Section 15301 (k), Existing Facilities of the State CEQA Guidelines.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are being paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of eleven existing apartments to nine condominiums, there would be a loss of eleven rental units and a gain of nine for-sale units. The condominium conversion project is required to comply with the Inclusionary Housing Ordinance and tenant relocation assistance which have been included as a condition of the Tentative Map. The subdivider has elected to pay the In-Lieu Fee to satisfy the Inclusionary Housing Ordinance.

BACKGROUND

The 0.291 acre site is located at 3216 30th Street (between Thorn Street and Redwood Street) in the RS-1-7 Zone within the Mid-City Communities Planned District in the Greater North Park Community Plan area, which designates the site for Low Density (5-10 dwelling units per acre). The site is presently on two lots, developed with eleven, single story cottage-style apartments containing a total of eleven one bedroom apartment units. The site currently provides no off-street parking spaces. The applicant proposes to remove two single story cottages (along the alley) and replace them with six standard off-street parking spaces.

All development complies with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations have been recorded against the property.

The site is within an area developed with a mixture of single and multi-family residential developments.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.291 acre site to convert eleven existing dwelling units into nine condominiums on one lot (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 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 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 under-grounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision pursuant to Condition No. 5 of the draft Tentative Map Resolution (Attachment 8)

The neighborhood currently contains power poles and overhead utility lines only at the rear of the properties in the alley. The closest pole location to this project is one located in the alley west of this development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3G, scheduled for undergrounding in 2026. However, the alley is not part of this undergrounding allocation at this time. (Attachment 10).

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 October 25, 2004 (Attachment 11).

This project's application was deemed complete on September 17, 2004. All condominium conversion projects deemed complete after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. 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 the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$0.875 per square foot. The gross floor area for this project is 12,692 square feet. The in-lieu fee will be \$11,105.00. 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.

Community Group Recommendation:

On May 17, 2005, the Greater North Park Community Planning Committee voted ~~120~~- 2 in favor of this project with a condition to remove the existing two units along the alley, replacing them with parking. Additionally, the Committee added the following conditions (Staff responses are in bold):

1. Historic sidewalk stamps and scoring be preserved.
Condition No. 18 of the Resolution requires the Subdivider/Applicant to maintain the existing sidewalk scoring pattern and preserve any contractor's stamp adjacent to the site on 30th Street.
2. First right of refusal for renters.
Condition No. 8 of the Resolution requires the Subdivider/Applicant to give each tenant exclusive right to contract for the purchase of his/her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant.
3. New and appropriate landscaping as needed.
The Subdivider/Applicant has previously conforming rights to maintain the site as approved at the time of construction. No additional Engineering or Landscape conditions regarding this issue were required by City Staff.
4. On-site parking be maximized.
The Subdivider/Applicant has previously conforming rights to maintain the site as approved at the time of construction. However, the applicant has chosen to remove two units and replace them with six City Standard parking spaces.
5. Opposition to the exemption to underground utilities.
The Subdivider/Applicant's request to waive the requirement to underground the existing utilities qualifies under the guidelines of Council Policy No. 600-25, Underground Conversion of Utility Lines at Developer's Expense in that:
 - **The conversion involves a short span of overhead facility (less than 600 feet in length), 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.**

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of eleven residential units into nine condominiums and the request to waive the requirement to underground 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. 145190 **with modifications.**
2. **Deny** Tentative Map No. 145190, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Assistant Deputy Director,
Customer Support and
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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
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 3G
11. Copy Of Tenant Notice and Certification