

**DATE ISSUED:** September 22, 2005 **REPORT NO. PC-05-260**

**ATTENTION:** **Planning Commission, Agenda of September 29, 2005**

**SUBJECT:** 4544 HAMILTON TENTATIVE MAP - PROJECT NO. 61734  
PROCESS FOUR

**OWNER:** 454-4 552 Hamilton Street, LLC, David and Vicky Maltby, Members

**APPLICANT:** Westone Management Consultants

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 14 existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 454- 456 Hamilton Street, within the Greater North Park Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 183265; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Greater North Park Community Planning Committee voted 13-0-0 to recommend approval of the proposed project on August 16, 2005, with recommendations detailed within this 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 Statement:** 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 14 existing apartments to condominiums, there would be a loss of 14 rental units and a gain of 14 for-sale units. This condominium conversion project was deemed complete on February 15, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.32-acre site is located at 454- 456 Hamilton Street in the MR-1750 Zone of the Mid-City Communities Planned District within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with two two -story structures containing a total of 14 two bedroom units. There are a total of 22 parking spaces on site, consisting of 14 garage spaces and eight surface parking spaces accessed from the alley at the rear of the property. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1986. At that time the site was zoned R-1000 which allowed for the construction of the 14 existing units. Parking requirements effective in 1986 required 1.6 off -street parking spaces for each two-bedroom unit, for a total of 22 required 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 does not conform with the current density requirement of one unit per 1,750 square feet in the MR-1750 Zone, which would only allow eight units to be constructed today. Under current criteria, 25 off-street parking spaces would be required. 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 0.32-acre site to convert 14 existing dwelling units into condominiums on four existing lots (Attachment 5). The applicant is also requesting that the requirement to underground 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 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). 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 utilities lines in the alley right-of-way at the rear of the project site. The utility lines to these poles extend to other properties located north and south within the alley. The two poles closest to this property are located within the alley right-of-way. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3Y, and the date for undergrounding has been established for the year 2010 (Attachment 10).

### **Community Planning Group and Neighborhood Recommendations:**

On August 16, 2005, the Greater North Park Community Planning Committee voted 13-0-0 to approve the project with four conditions, which are listed below (Attachment 7).

1. *Maximize Landscaping and Parking:* Due to the existence of previously conforming rights, additional landscaping is not required at this time, however, this request has been forwarded to the applicant for their consideration. The 22 parking spaces that were required when the project was constructed would remain. The Land Development Code specifies that parking, once provided, cannot be reduced below that which is required. Further said, parking areas must remain available for parking vehicles.
2. *Right of First Refusal:* This is a standard condominium conversion Tentative Map condition. Please see Condition No. 8 of the Resolution (Attachment 6).
3. *Save Historic sidewalk stamps and scoring:* This project has been conditioned to replace portions of the existing sidewalk while retaining historic stamps and scoring patterns, as described in Condition No. 14 and 15 of the Resolution (Attachment 6). Additionally, the Land Development Code requires the preservation of historic sidewalk markers.
4. *Deny request to waive undergrounding of utilities:* The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by Engineering staff, who determined that the waiver request meets the requirements of City Council Policy 600-25.

**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 Notices of Intent to Convert to Condominiums were provided to the tenants on November 12, 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 on February 15, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider 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) 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 14 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. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 183265with modifications.**
2. **Deny Tentative Map No. 183265if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**Paul B. Godwin**  
**Development Project Manager**  
**Customer Support and Information Division**  
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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
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 3Y
11. Copy of 60-Day Notice of Intent to Convert