

**DATE ISSUED:** October 20, 2005 **REPORT NO.** PC-05-271

**ATTENTION:** Planning Commission, Agenda of October 27, 2005

**SUBJECT:** 4341UTAH AVENUE TENTATIVE MAP - PROJECT NO. 68641.  
PROCESS 4.

**OWNER/  
APPLICANT:** 4341 Utah Street, LLC, Owners/Applicants (Attachment 8)

**SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 207870 and waive the requirement to underground existing utilities to convert 8 existing residential units to condominiums at 4341 Utah Street in the Greater North Park Community Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 207870 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The Greater North Park Planning Committee, on June 2, 2005 voted 10:1:0 to approve the project, with conditions.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities."

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 eight existing apartments to condominiums, there would be a loss of 8 rentals units and a gain of 8 for-sale units. This

Tentative Map request was deemed complete subsequent to February 7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

## **BACKGROUND**

The 0.24 acre site is located at 4341 Utah Street in the MR800R zone of the Mid City Planned District within the Greater North Park Community Plan area at between Meade Avenue and El Cajon Boulevard. The surrounding land uses are multi-family residential development. The Land Use Element of the Greater North Park Community Plan designates the site for High to Very High Density Residential at 45-55 dwelling units per acre with the opportunity of obtaining a density bonus of up to 75 dwelling units per acre through parcel accumulation and conformance with the Greater North Park Community Plan Urban Design Element guidelines (Attachment 1). The 0.24 acre site has been developed at an approximate density of 33 dwelling units per acre (Attachment 2). Within areas designated for attached housing, the Greater North Park Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1945 (Attachment 3). At the time the property was developed the approved construction met all current regulations. The site is presently improved with a two one-story four unit apartment buildings. The one-story buildings includes four two bedroom units of 539 square feet each. The original development provided six parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. 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 current application proposes a Tentative Map (Attachment 4) to convert the existing 8 residential units to condominiums. Utilities are existing above ground in the alley right-of-way between Utah and 30<sup>th</sup> Streets. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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 5).

Existing power poles are approximately 50 feet south and 46 feet north of the site. Neighboring sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3Y, and is proposed to be undergrounded in Fiscal Year 2010 (Attachment 6).

#### Greater North Park Planning Committee Recommendation

The Greater North Park Planning Committee, on June 21, 2005 voted 10:1:0 to approve the project, with conditions. The motion from the meeting included five standard concerns and conditions (Attachment 9). The five standard conditions are as follows:

1. Historic sidewalk stamps and scoring be preserved.

The historic sidewalk stamps and scoring is important to the community and City. The City of San Diego Transportation Department, Streets Division as a course of their work preserves existing stamps and scoring patterns. Staff has made this a condition of the map waiver.

2. First right of refusal for renters.

In accordance with the State Map Act and Government Code provisions regulating condominium conversions, renters have the first right of refusal to purchase the units which they occupy. The Subdivider is required to provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective. The tenants right runs for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right. This requirement is included in the Tentative Map resolution as condition number nine.

3. New and appropriate landscaping as needed.

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Landscaping the site may not be a requirement of this application. Staff has not made this a condition of the map waiver.

4. On-site parking be maximized.

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. The existing development provides six parking spaces. Additional parking on the site may not be a requirement of this application. Staff has not made this a condition of the map waiver.

5. Opposed to the exemption to underground utilities.

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* as described earlier in this report. Staff continues to support the waiver to underground existing utilities as the request is consistent with adopted City Council policy.

### **CONDOMINIUM CONVERSION REGULATIONS**

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 March 30, 2004 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on October 14, 2004, is subject to these regulations and has been conditioned to comply with the requirements.

### **CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of 8 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 and the waiver from the requirement to underground the existing overhead utilities. Staff has provided draft findings to support approval

of the tentative map (Attachment 5) and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. Approve Tentative Map No. 207870 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 207870 and waive the requirement to underground existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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- Attachments:
1. Community Plan Land Use Map
  2. Aerial Photograph
  3. Project Location Map
  4. Tentative Map
  5. Draft Map Conditions and Subdivision Resolution
  6. Underground Project Schedule
  7. Government Code 66452.3; self-certification statement
  8. Ownership Disclosure Statement
  9. Community Planning Group Recommendation
  10. Project Chronology
  11. Project Data Sheet