

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: November 10, 2005

TO: Planning Commission

FROM: Helene Deisher, Development Project Manager

SUBJECT: **Continued from October 20, 2005-
3337 Herman Avenue Tentative Map Project No. 50060**

On October 20, 2005, the Planning Commissioners made a motion to continue the 3337 Herman Avenue Tentative Map to November 10, 2005. Staff was instructed to perform additional research with respect to the circumstances of the original development of the property in conjunction with the adjacent property located at 3345 Herman Avenue. Staff also researched compliance with the development regulations at the time of construction. This included setbacks, required parking and landscaping.

1.) Were the two properties built at the same time and intended to be one project?

The complex located at 3337 Herman Avenue, requesting the Tentative Map, was constructed in 1966 as an eight unit apartment building (Permit No. A28096). The adjacent property located at 3345 Herman Avenue was constructed in 1967 (Permit No. A99441). Building records indicate different owners at the time of construction; however the same architect is listed for both properties. There is no other data on record that would indicate the properties were under the same ownership when built or that they were intended to operate as one property. The properties are currently held under separate ownership.

2.) Are the two properties observing a legal interior setback?

Each of the buildings were constructed on two 25 x 125 foot lots. Development regulations at the time of construction would have allowed a three-foot interior side setback for lots 50-foot or less. A three-foot setback is shown on the Site Plan for portions of both buildings. The permits do not show any shared facilities between the two properties. Further, the original Site Plan for the subject property shows a wooden fence on the property line between 3337 Herman Avenue and 3345 Herman Avenue.

3.) What can be done about the unauthorized parking space at 3337 Herman Avenue and can additional landscaping be added?

The original site plan for 3337 Herman Avenue shows four parking spaces and landscaping on the southern frontage for the property. Currently there is one non-permitted parking space

where landscaping was shown on the original Site Plan. The proposed Tentative Map for 3337 Herman Avenue is conditioned to remove the unauthorized parking space. Landscaping equal in area (200 square feet) of what was required in the original drawings is also a condition. The revised language is as follows

21. The subdivider shall remove the unauthorized parking space and replace it with 200 square feet of landscaping per the original building permit (No. A28096).

DATE ISSUED: October 13, 2005 **REPORT NO.** PC-05-279

ATTENTION: Planning Commission, Agenda of October 20, 2005

SUBJECT: 3337 HERMAN AVENUE TENTATIVE MAP - PROJECT NO. 50060.
PROCESS 4.

OWNER/

APPLICANT: Richard D. Ennis and Victor Swedosh, Owners/Applicants (Attachment 7)

SUMMARY

Issue(s) - Should the Planning Commission approve Tentative Map No. 148353 to convert 8 existing residential units to condominiums and a request to waive the requirements to underground existing overhead utilities at 3337 Herman Avenue in the Greater North Park Community Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 148353
2. APPROVE waiver from the requirement to underground existing overhead utilities

Community Planning Group Recommendation - The Greater North Park Planning Committee, on July 20, 2005 voted 11-0 to approve the project once all code violations identified were resolved.

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 0.143 acre site is located at 3337 Herman Avenue in the RS-1-7 zone within the Greater North Park Community Plan area at between Thorn and Upas Streets. The surrounding landuses are multi-family residential development. The Land Use Element of the Greater North Park Community Plan designates the site for low density single family residential at 5 to 10 dwelling units per acre. Per the Greater North Park Community Plan a maximum of one dwelling unit is allowed on site (Attachment 1). The 0.43 acre site has been developed at an approximate density of 56 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 1966 (Attachment 3). At the time the property was developed the approved construction met all current regulations. The site is presently improved with a one two-story eight unit apartment building. The two -story building includes two studio units with 600 square feet of living area and six two bedroom units of 800 square feet. The original development provided eight parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. Contrary to the information of the planning group, 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 12 residential units to condominiums. Utilities are existing below ground in the right-of-way along Union and Laurel 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).

The neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There is one power pole located within the alley at the southeast corner of the building adjacent to the property line. The next closest pole is located several hundred feet north within the alley. 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 3P, and is proposed to be undergrounded in Fiscal Year 2026 (Attachment 6).

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 August 8, 2004 (Attachment 9).

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. 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. 148353 with modifications.
2. Deny Tentative Map No. 148353 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeffrey D. Strohminger
Acting Deputy Director
Customer Support and
Information Division
Development Services Department

John S. Fisher
Development Project Manager
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HALBERT/JSF

- 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. Community Planning Group Recommendation
 8. Ownership Disclosure Statement
 9. Government Code 66452.3; self-certification statement
 10. Project Chronology
 11. Project Data Sheet