

DATE ISSUED: October 20, 2005 **REPORT NO. PC-05-287**

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

SUBJECT: 3958 IOWA STREET TENTATIVE MAP - PROJECT NO. 66593
PROCESS FOUR

OWNERS: Thomas E. Roach

APPLICANT: Metropolitan Mapping

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of seven existing residential units into condominiums and waive the requirement to underground existing overhead utilities on a 0.16 acre site located at 3958 Iowa Street in the Mid-City Planned District within the Greater North Park Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 200272 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On June 21, 2005, the Greater North Park Planning Committee voted 10-0-0 to approve the proposed project and included the five standard comments regarding condominium conversions emphasizing the committee's opposition to the underground utility waiver, the need to maximize landscape and off-street parking opportunities, the right of first refusal to existing tenants and the preservation of historic sidewalk scoring patterns. These issues are discussed within this report.

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 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 on March 30, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.16-acre site is located at 3958 Iowa Street in the MR-80B Zone of the Mid-City Planned District Ordinance within the Greater North Park Community Plan Area (Attachment 3). The site is developed with a two story building containing seven two-bedroom units. There are a total of eleven off-street parking spaces serving the property. Five surface spaces and four garage spaces are accessed from the alley at the rear of the property and two enclosed garage spaces are accessed from a standard curb cut on Iowa Street. The property is surrounded almost exclusively by similar sized multi-family developments. Other land uses in the neighborhood include a variety of commercial retail and service stores along the University Avenue corridor one block south of the site.

The existing building was permitted and constructed in 1990 when the current Mid-City Communities Planned District Ordinance and MR-800B Zone designation were in effect. Based on the zoning and the size of the property nine units could be developed. Development regulations for the structure, off-street parking and the landscape requirements in effect in 1990 for the seven units are the same as current regulations and the property as developed, including the eleven off-street parking spaces complies with the Land Development Code. No Building or Zoning code violations have been recorded against the property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert seven existing dwelling units into condominiums and to consolidate two existing parcels into one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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), it has been determined that such conversion is not a part of a continuing effort to accomplish a total under-grounding within a specific street or area, 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. 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 property line. The utility lines to these poles extend to other properties located north and south within the alley. Currently, one utility pole along the service line is located at the southwest corner of the property within the right-of-way adjacent to the property. In order to facilitate the undergrounding requirement, at least one existing pole would have to be relocated to the northwest corner of the property or an additional pole may be required to support the remaining lines to the north or south. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3GG, and the date for undergrounding has been established for the year 2017 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Greater North Park Planning Committee voted 10-0-0 to recommend approval of the proposed project on June 21, 2005, with the following recommendation if applicable to the site:

1. *Deny the request to waive the requirement to underground existing overhead utilities.* As previously stated City staff determined that the request to waive the requirement to underground existing overhead utilities is consistent with Council Policy 600-25 and would continue to support the undergrounding waiver request.

2. *Provide existing tenants with the right of first refusal to purchase their units.* The right of first refusal is a condition of approval within the Tentative Map Resolution.
3. *Maximize new landscape and off-street parking opportunities.* As previously discussed, the proposed project complies with current development regulations and has sufficient off-street parking and landscaping on site.
4. *Preserve historic sidewalk scoring patterns and contractor date stamps.* The Tentative Map Resolution is conditioned to require the preservation of historic score patterns and date stamps as well as matching score patterns when new sidewalks are required (Resolution Condition No. 5).

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 May 11, 2005 (Attachment 9).

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 March 30, 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 seven 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. 200272 with modifications.**
2. **Deny Tentative Map No. 200272 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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STROHMINGER/JPH

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. City's Undergrounding Master Plan – Map 3GG
9. Copy of 60-Day Notice of Intent to Convert
10. Project Chronology
11. Ownership Disclosure Statement