

DATE ISSUED: October 21, 2005 **REPORT NO. PC-05-292**

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

SUBJECT: 3746 31ST STREET TENTATIVE MAP - PROJECT NO. 67478
PROCESS FOUR

OWNERS: NORTH VIEW PARTNERS, LLC

APPLICANT: ALTA CONSULTANTS

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of seven existing residential units into condominiums at 3746 31st Street, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 203629; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Greater North Park Planning Committee voted 11-0-0 to recommend approval of the proposed project on July 19, 2005, with their standard five recommendations, as 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 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 April 20, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.144-acre site is located at 3746 31st 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 one, two-story structure containing seven units. Two units have one bedroom and five units have two bedrooms. Seven off-street parking spaces are provided on the site: three accessed from 31st Street at the front and four accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1967. At that time the site was zoned R-4 and would have allowed for 16 dwelling units. Parking requirements effective in 1967 required seven parking spaces to be provided for the seven dwelling units. 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 four units to be constructed today. Under current criteria, 13 off-street parking spaces would be required. 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 0.144-acre site to convert seven existing dwelling units into condominiums on two existing lots (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) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. 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, on both sides of the alley. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property is located within the alley right-of-way, adjacent to the property to the north of this site. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3P, and the date for undergrounding has been established for the year 2026 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Greater North Park Planning Committee voted 11-0-0 to recommend approval of the proposed project on July 19, 2005, with their five standard recommendations (Attachment 7).

1. *No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted.* Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.
2. *The first right of refusal to purchase a unit be given to current tenants.* The Map Waiver resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.
3. *Preserve historic sidewalk stamps and existing scoring of sidewalks.* The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.
4. *Provide new and appropriate landscaping as needed.* There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the

project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

5. *Maximize on-site parking.* There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

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 December 15, 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 April 20, 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. 203629 with modifications.**
2. **Deny Tentative Map No. 203629 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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STROHMINGER/MAS

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 3P
11. Copy of 60-Day Notice of Intent to Convert