

**DATE ISSUED:** October 13, 2005 **REPORT NO.** PC-05-294  
**ATTENTION:** Planning Commission, Agenda of October 20, 2005  
**SUBJECT:** 4046 IOWA STREET TENTATIVE MAP – Project No. 60553  
**OWNER/  
APPLICANT:** 4046 Iowa Street, LLC (Attachment 9)

**SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 179246 to convert seven existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

Staff Recommendation

1. **APPROVE** Tentative Map No. 179246; and
2. **APPROVE** waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation - On May 17, 2005 the Greater North Park Community Planning Committee voted 14 in favor, 0 opposed, and 0 abstentions to approve the project, with several conditions. The Greater North Park Community Planning Committees recommended conditions are discussed further in this report.

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 conversion of seven existing apartments to condominiums, there would be a loss of seven rentals units and a gain of seven for-sale

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

## **BACKGROUND**

The 0.16 acre site is located at 4046 Iowa Street in the Greater North Park Community Plan. The site is zoned MR-1250B in the Mid-City Community Planned District, Council District 3 (Attachment 1). The subject property is surrounded by multi- and single-family development (Attachment 2). The Greater North Park Community Plan currently designates the project site for Medium High Residential density at 30 to 35 dwelling units per acre (Attachment 3).

The site is presently improved with a two-story, seven-unit apartment building. The building includes three one bedroom units with 525 square feet of living area, and four two bedroom units with 755 square feet of living area, totaling 4,475 square feet. The project was constructed in 1981 at which time the site was zoned R-3A and permitted seven units. Seven parking spaces were required by the zoning ordinance at the time the apartments were constructed. The project currently has fourteen parking spaces which is consistent with today's parking requirements for newly constructed projects of the same number of 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 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 to allow the conversion of seven existing apartments into seven condominiums, and a request to waive the requirement to place existing overhead utilities underground. No physical changes to the developed site are proposed or would occur should the project be approved (Attachment 4).

Section 125.0410 of the San Diego Municipal Code requires a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion, the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker 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 it complies with both the Subdivision Map Act and the Municipal Code.

### Undergrounding Waiver Request

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, 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. 4 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. In addition properties 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 to be within block 3GG and is proposed to be undergrounded in Fiscal Year 2015 (Attachment 6).

#### Condominium Conversion Regulations

The requested conversion of these residential units to condominiums represents 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 May 10, 2005 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. The project was deemed complete on February 23, 2004, and is subject to all Inclusionary Affordable Housing Regulations.

#### Community Planning Group Recommendations

On May 17, 2005 the Greater North Park Planning Committee voted 14 in favor, 0 opposed, and 0 abstentions to approve the project with the following conditions (Attachment 8). The Committee's conditions are provided in the underlined text below. Staff's response on each issue follows in regular text.

1. Save historic sidewalk stamps and scoring.

The following is part of the Tentative Map Resolution for this project: "The existing contractors' stamps shall be protected in place and existing scoring patterns shall be replicated."

2. Provide existing tenants "First Right of Refusal"

The subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant.

3. Maximize parking and landscaping

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. Staff has not made this a condition of the map waiver.

4. Deny request for undergrounding waiver request:

City staff has determined the undergrounding waiver request meets 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. Staff recommends the Planning Commission grant the Waiver.

**CONCLUSION**

Staff has reviewed the request for a Tentative Map to convert seven residential units into seven condominiums and to waive the requirements of the undergrounding of existing overhead utilities. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps, the State Map Act and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff has determined the required findings can be supported and staff recommends the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

**ALTERNATIVES**

1. Approve Tentative Map No. 179246 and waive the requirement to underground existing overhead utilities, with modifications.
2. Deny Tentative Map No. 179246 and deny a waiver of the requirement to underground existing overhead 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 Photo
3. Project Location Map
4. Tentative Map Exhibit
5. Tentative Map resolution
6. City's Undergrounding Master Plan for Fiscal Year 2005
7. 60 Day Notice of Filing Tentative Map for Conversion
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Project Data Sheet

Job Order No. 42-3896