

**DATE ISSUED:** November 10, 2005 **REPORT NO.** PC-05-328

**ATTENTION:** Planning Commission, Agenda of November 17, 2005

**SUBJECT:** 4585 OHIO STREET TENTATIVE MAP - PROJECT NO. 68833.  
PROCESS 4.

**OWNER/  
APPLICANT:** 4585 Ohio Street, LLC., Owners/Applicants (Attachment 9)

**SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 208440 to convert eight existing residential units to condominiums and to waive the requirement to underground existing utilities on a 0.16 acre site located at 4585 Ohio Street in the MR-80B zone of the Mid-City Communities Planned District within the Greater North Park Community Plan area?

Staff Recommendation -

1. APPROVE Vesting Tentative Map No. 208440 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The Greater North Park Planning Committee, on August 16, 2005 voted 13:0:0 to approve the project, with conditions. The planning group's 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 proposed conversion of eight existing apartments to condominiums, there would be a loss of 8 rental 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 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 an opportunity to achieve a density bonus of up to 75 dwelling units per acre through parcel accumulation and conformance with the Plan's Urban Design policies (Attachment 1). According to the Land Use Element, between five and six dwelling units could be constructed on-site. The 0.6 acre site has been developed at an approximate density of 50 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 0.16 acre site is located at 4585 Ohio Street in the MR-80B zone of the Mid-City Communities Planned District within the Greater North Park Community Plan area (Attachment 3). The surrounding land uses are multi-family residential development.

The existing development was constructed in 1986 (Attachment 4). At the time the property was developed the approved construction met all current regulations. The site is presently improved with one two-story, eight unit apartment building. Within the building there are a total of five two bedroom units with 825 square feet of living area, one one bedroom unit with 552 square feet, and two one bedroom unit with 600 square feet. The original development provided and maintains thirteen parking spaces.

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 current application proposes a Tentative Map (Attachment 5) to convert the existing eight residential units to condominiums and to waive the requirement to underground existing utilities. Utilities are existing above grade located in the alley behind the building. The power poles are not adjacent or near the property corners. 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 (Attachment 6). 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).

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 3GG, and is proposed to be undergrounded in Fiscal Year 2017 (Attachment 7).

#### Greater North Park Planning Committee Recommendation

The Greater North Park Planning Committee, on August 16, 2005 voted 13:0:0 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 (Attachment 6, condition 5).

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 unit. 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 is not 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 January 12, 2005 (Attachment 8).

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 April 26, 2005, 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 eight residential units into condominiums and to waive the requirement to underground existing utilities and has

determined 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 6) and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. Approve Tentative Map No. 208440 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 208440 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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Development Services Department

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- Attachments:
1. Community Plan Land Use Map
  2. Aerial Photograph
  3. Project Location Map
  4. Building Records
  5. Tentative Map
  6. Draft Map Conditions and Subdivision Resolution
  7. City's 2004 Master Underground Program
  8. Government Code 66452.3; self-certification statement
  9. Ownership Disclosure Statement
  10. Community Planning Group Recommendation
  11. Project Chronology
  12. Project Data Sheet