

DATE ISSUED: December 8, 2005 **REPORT NO.** PC-05-364

ATTENTION: Planning Commission, Agenda of December 15, 2005

SUBJECT: 2015 ROBINSON AVENUE CONDO MAP - PROJECT NO. 50742.
PROCESS 4.

**OWNER/
APPLICANT:** BETTY T. MA, SHAOHUA H. LU and EDWARD T. MA, Owners/
MAISEL PRESLEY, INC., Applicant (Attachment 8)

SUMMARY

Issue(s) - Should the Planning Commission approve Tentative Map No. 146010 and waive the requirement to underground existing utilities to convert 15 existing residential units to condominiums at 2015 Robinson Avenue in the Greater North Park Community Plan area?

Staff Recommendation -

1. APPROVE Vesting Tentative Map No. 146010 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The City Heights Area Planning Committee, on January 18, 2005 voted 13:0:0 to recommend approval of the project and deny the request to waive the undergrounding requirement of existing utilities, with conditions. The 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." This Tentative Map has no outstanding environmental appeals.

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 fifteen existing apartments to condominiums, there would be a loss of 15 rentals units and a gain of 15 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 Residential Medium High density at 30-45 dwelling units per acre (Attachment 1). Per the Greater North Park Community Plan a maximum of five to eight dwelling unit would be allowed on the site today. The 0.17 acre site is located at 2015 Robinson Avenue in the MR-1000 zone within the Mid-Cities Communities Planned District between Florida and Alabama Streets in the Greater North Park Community Plan area (Attachment 2). The surrounding land uses are multi-family residential development. The 0.17 acre site has been developed at an approximate density of 83 dwelling units per acre (Attachment 3). 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 1970 at which time the site was zoned R4 allowing one dwelling unit for every 400 square feet of lot area. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a four-story fifteen unit apartment building. The building includes three one-bedroom units with 701 square feet of living area each, nine one-bedroom units with 741 square feet of living area each and three two bedroom units of 947 square feet each. The original development provided fifteen parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. 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 15 residential units to condominiums. Electrical, telephone and cable utilities are located above ground in the alley behind the building and along Robinson Avenue adjacent to the site. 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). Further, the subdivider would be required to underground the existing service run from the building to the utility pole per Condition No. 6.

The neighborhood currently contains power poles and overhead utility lines within the right-of-way along Robinson Avenue and in the alley at the rear of the property. There are power poles located adjacent to the building along Robinson Avenue yet not within the alley adjacent to the property line. The next closest poles are located several hundred feet north and south 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 3R, and is proposed to be undergrounded in Fiscal Year 2016 (Attachment 6).

Greater North Park Planning Committee Recommendation

The Greater North Park Planning Committee, on January 18, 2005 voted 13:0:0 to recommend approval of the project, with conditions. The motion from the meeting included their five standard concerns and conditions, plus two additional requests (Attachment 9). The seven conditions are as follows:

1. West parking spaces employ landscaping detail adjacent to front of building to prohibit tandem parking.

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 the 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 tentative map.

2. Two units be consolidated into one to provide a minimum of one parking space per unit.

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 the time the original construction permits were issued. The existing development provides fifteen parking spaces. Additional parking on the site may not be a requirement of this application. Staff has not made this a condition of the tentative map.

3. 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 tentative map.

4. 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.

5. 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 the 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 tentative map.

6. 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 the time the original

construction permits were issued. The existing development provides fifteen parking spaces. Additional parking on the site may not be a requirement of this application. Staff has not made this a condition of the tentative map.

7. 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 August 20, 2004 (Attachment 7).

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 February 14, 2005, is subject to these regulations and has been conditioned to comply with the requirements. The applicant has elected to pay an in lieu fee in the amount of \$20,322.75 to meet these requirements.

CONCLUSION

Staff has reviewed the request for a Tentative Map for the conversion of 15 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 and waiver of requirement to underground existing overhead utilities (Attachment 5) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 146010 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 146010 and the waiver of the requirement to underground existing 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 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