

DATE ISSUED: February 24, 2006 **REPORT NO. PC-06-081**

ATTENTION: **Planning Commission, Agenda of March 2, 2006**

SUBJECT: 7240 EL CAJON TENTATIVE MAP – PROJECT NO. 79619
PROCESS FOUR

OWNERS: Mohammad I. and Karirunnise Admani (Attachment 8)

APPLICANT: DGB Survey and Mapping, Engineer

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of twenty-eight (28) existing residential units into condominiums at 7240 El Cajon Boulevard, including a waiver of the requirement to underground existing overhead utilities, within Central Urbanized Planned District of the College Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 248347and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The College Area Community Council voted 12-4-1 to recommend denial of the proposed project on November 9, 2005, 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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 13, 2005, and the opportunity to appeal that determination ended September 27, 2005 .

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 twenty-eight (28) existing apartments to condominiums, there would be a loss of 28 rental units and a gain of 28 for-sale units. This condominium conversion project was deemed complete on September 7, 2005, and is therefore subject to the new regulations regarding Inclusionary Housing and tenant relocation assistance.

BACKGROUND

The 0.32-acre site is located at 7240 El Cajon Boulevard in the CU-2-3 Zone and Transit Overlay Zone of the Central Urbanized Planned District within the College Community Plan area (Attachment 3). The community plan designates the site for Multi-Family Residential uses at 5-10 dwelling units an acre. The site is surrounded by multi-family development and commercial uses.

The existing twenty-eight unit apartment building was constructed in 1971 under the C Zone. The twenty-eight existing residential units, consisting of 2 studio units, 2 one-bedroom units and 24 two-bedroom units were allowed on the site at the time they were built. The current zone (CU-2-3) allows one dwelling unit for each 1,000 square feet of lot area. This particular lot would be allowed 14 dwelling units.

Additionally, the project has twenty (20) parking spaces in open and carport parking, where forty-seven (47) spaces would be required in accordance with today's standards. No parking spaces were required at the time the project was built in the C Zone and the project has previously conforming rights to be maintained as currently configured for both parking and density as outlined in Chapter 12, Article 7, Division 1, and Section 142.0510(d) of the Land Development Code.

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.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.32-acre site to convert twenty-eight (28) existing dwelling units into condominiums on 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) 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 will be required to underground all existing service to the site per Condition No. 14 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 15 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in Alley North of El Cajon Boulevard. The utility lines to these poles extend to other properties located north and south, as well as east and west within the street. The pole closest to this property, which carries the line serving this site, is located in the middle of this site. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 7M, and the date for undergrounding has not been established at this time (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The College Area Community Council voted 12-4-1 to recommend denial of the proposed project on November 9, 2005, for the following reasons (Attachment 7). Staff's response follows each reason:

1. *It will reduce the supply of much needed rental housing in the community:* There is no information that the condominium conversion will not be rented out. This is an ownership change exclusively.
2. *It is not in conformance with the College Area Community Plan:* There is no finding that

this change in ownership be consistent with the Community Plan. Additionally, there is language in the Community Plan which states "...that residential uses along El Cajon Boulevard will help upgrade the area by turning it into a place where people are present 24 hours a day and a place where people live as well as shop. (Page 88)"

3. *Homebuyers will not be able to meet FNMA/FHLMC loan-underwriting requirements that 70% of the units be owner occupied as their primary residence:* There is no information that this can not be accomplished.
4. *Denial of request to waive the requirement to underground existing overhead utilities:* This project conforms with Council Policy 600-25 and therefore, staff recommends approval of the waiver. The applicant will be required to underground all existing service to the site per Condition No. 14 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 15 of the draft Tentative Map resolution (Attachment 6).

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 September 24, 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 September 7, 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 twenty-eight (28) 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. 248347 with modifications.**

2. **Deny Tentative Map No. 248347 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeffrey D. Strohminger
Acting Deputy Director, Customer Support
and Information Division
Development Services Department

Jeannette Temple
Customer Support and
Information Division
Development Services Department

STROHMINGER/JCT

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 7M
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations