

DATE ISSUED: September 14, 2006 **REPORT NO. PC -06-119**

ATTENTION: **Planning Commission, Agenda of September 21, 2006**

SUBJECT: 4054 ILLINOIS STREET TENTATIVE MAP – PROJECT NO. 84341
PROCESS FOUR

OWNER/ 4054 ILLINOIS STREET, LLC

APPLICANT: MIREK KNOPP, STERLING LAND SERVICES

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential units to condominiums and waive the requirement to underground existing overhead utilities on a 0.16-acre site at 4054 Illinois Street in the MR-1250B Zone of Mid-City Communities Planned District within the Greater North Park Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 266350 and ;
2. **Approve** the waiver for the requirements to underground existing overhead utilities located in the public-right-of-way.

Community Planning Group Recommendation - On February 22, 2006, the Greater North Park Planning Committee voted 12-0-1 to recommend approval of the tentative map and a waiver for the undergrounding of utilities.

Environmental Review – On October 13, 2005 the City of San Diego made an Environmental Determination that the project was Exempt pursuant to Article 19, Section 15301(k), Existing Facilities, from the California Environmental Quality Act (CEQA). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

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 (8) existing apartments to condominiums, there would be a loss of eight (8) rental units and a gain of eight (8) for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is therefore required to comply with the new regulations regarding inclusionary housing and tenant relocation assistance, which have been included as conditions of the Tentative Map. The owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

BACKGROUND

The proposed Tentative Map application is to convert an eight (8)-unit apartment complex on two lots to an eight (8)-unit residential condominium complex on one lot.

The 0.16-acre site is located at 4054 Illinois Street in the MR-1250B Zone of the Mid-City Communities Planned District within the Greater North Park Community Plan area (Attachments 2 and 3). The site is also in the Transit Area Overlay Zone. The zone was established in November 1987. The community plan designates this site at Medium-High Density with 30-35 dwelling units/acre.

The property was constructed in 1969 at which time the site was zoned R-4, allowing a maximum of eighteen (18) dwelling units. The site is surrounded by a mixture of single and multi-family residential units. Utilities run from the rear of the structure across the alley to power lines.

The site is presently developed with one, two-story structure, containing two (2) one-bedroom, one bath apartment units, two (2) two-bedroom, one bath units and four (4) two-bedroom, two-bath units. Eight (8) parking spaces (one parking space per unit) were provided in accordance with the parking regulations at the time of construction. Current parking regulations would require fourteen (14) parking spaces. 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 0.16 -acre site to convert eight (8) existing dwelling units into condominiums on one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the 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 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, *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.) The applicant would be required to underground any new service run to any new or proposed structures within the subdivision as indicated in the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines at the rear of the property in the alley. The closest poles are located across the alley from the project. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3GG, which has been scheduled for undergrounding by the City Council in 2017 (Attachment 10).

The project is conditioned that the subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

COMMUNITY PLANNING GROUP RECOMMENDATION

On February 22, 2006, the Greater North Park Planning Committee voted 12-0-1 to recommend approval of the Tentative Map and a waiver for the undergrounding of utilities.

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 Notice of Intent to Convert to Condominium was provided to the existing tenants on August 3, 2005 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to 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 after that date and has indicated that they will pay the in-lieu fee of \$8,507.50 for Inclusionary housing. Additionally, draft

Tentative Map Condition No. 10 specifically address es the affordable housing and rent relocation requirements.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of eight (8) residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities in the public-right-of-way and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Tentative Map No. 266350 and the waiver to underground existing overhead utilities, **with modifications.**
2. **Deny** Tentative Map No. 266350 and the waiver to underground existing overhead utilities , **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

**Mike Westlake, Program Manager
Development Services Department**

**Jeffrey W. Robles
Development Project Manager
Development Services Department**

WESTLAKE/JR

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map/Photo Survey
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 3GG
11. Copy of Tenant Notices