

DATE ISSUED: June 16, 2006 REPORT NO. PC-06-185

ATTENTION: Planning Commission, Agenda of June 22, 2006

SUBJECT: 4388 DELTA STREET TENTATIVE MAP
PROJECT NO. 78973, PROCESS 4

OWNER 525 28TH Street Investors, LLC, Rodolfo and Carmen Estolano,
Henry and Carmen Castillo (Attachment 6)

APPLICANT: Chris Christensen

SUMMARY

Issue – Should the Planning Commission approve an application for a Tentative Map to convert 28 residential units into condominiums and waive the requirement to underground the existing overhead utilities?

Staff Recommendations -

1. **Approve** Tentative Map No. 248964and
2. **Approve** a waiver to the requirement for the undergrounding of the existing overhead utilities

Community Planning Group Recommendation – On January 9,2006 the Southeastern San Diego Community Planning Committee voted 10-1-0 to recommend approval of the project with recommendations. Reference the Discussion section of the staff report (Attachments 9 and 9A).

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 environmental appeal. The environmental exemption determination for this project was made on September 19, 2005, and the opportunity to appeal that determination ended October 10, 2005.

Fiscal Impact – None with this action. All costs associated with the processing of this application are paid for by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement – With the proposed conversion of the 28 existing apartments to condominiums, there will be a loss of 28 rental units and a gain of 28 for-sale units. This condominium conversion project was deemed completed on September 2, 2005 and is therefore subject to the new regulations regarding the inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.78-acre site is located at 4388 Delta Street east of 43rd Street in the MF-1500 zone of the Southeastern San Diego Planned District of the Southeastern San Diego Community Planning area (Attachments 1 and 2). The site is designated for residential uses with the community plan. The surrounding area is developed with residential units. Across Delta Street to the south is the city of National City (Attachment 12).

The property is developed with four, three story buildings containing 28 units, tandem garages, and tandem surface parking spaces as follows:

1. One three-story building containing eight units;
2. One three-story building containing eight units and 10 tandem garages;
3. Two three-story buildings containing six units for a total of 12 units and seven tandem garages for a total of 14 tandem spaces; and
4. Five surface tandem parking spaces.

The unit mix is indicated below:

Three, 2-bedroom units: 1,340 square feet
Twelve, 2-bedroom units: 945 square feet
Eight, 2 bedroom units: 840 square feet
Three, 2 bedroom units: 825 square feet
Two, 1 bedroom unit: 575 square feet

A total of 58 parking spaces (29 tandem parking spaces) are provided on site. All parking spaces are accessed from one driveway on Delta Street. Sixty parking spaces would be required based on current standards.

The original development was approved for construction in 1986 when the site was zoned R-1500 allowing a total of 22 units. However, a bonus density agreement allowed an additional six units for a total of 28 units. This agreement subsequently expired. Twenty-two units would be permitted based on current zoning. There are no known Building or Zoning Code Violations recorded against this property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of the 0.78-acre site to convert 28 multi-family dwelling units into condominiums (Attachment 4). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

Section 125.0401 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 Map and Condo Conversions*, the decision maker may approve a Tentative Map for the conversion of residential units into condominiums if the decision maker finds that proposed project complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed project for condominium conversion and has determined that it complies with 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 for the requirement to underground the existing overhead utilities within the boundaries of the subdivision or within the abutting public right-of-way. Staff has determined that the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developers Expense*, in that the conversion is a requirement for a condominium conversion of an existing development and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new services to any new or proposed structure within the subdivision. The draft Tentative Map resolution includes this requirement under general condition No. 5. Two power pole and overhead utility lines are located along Delta Street. The City's Undergrounding Master Plan for fiscal Year 2006 designates the site within Block 4-C and the undergrounding allocation year is 2025 (Attachment 8). The undergrounding typically takes place one year from the date of the allocation.

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 Condominiums was provided to the tenants on June 3, 2005 (Attachment 11).

All condominium conversion projects Deemed Completed after February 7, 2004, must conform to the new regulations regarding the inclusionary housing and tenant relocation benefits adopted by City Council on March 15, 2004. This project was deemed completed on September 2, 2005 and is therefore subject to the new regulations. The project has been conditioned to require the applicant to pay an Inclusionary Affordable Housing In-Lieu Fee of \$57,836, pursuant to the Affordable Housing Requirements of 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 the 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.

Community Planning Group Recommendation:

The Southeastern San Diego Planning Committee recommended approval of the project with twelve recommendations as noted in Attachment 9. The applicant prepared a response to each of these items (Attachment 9A). The community group's 12 areas of concern are summarized below along with the applicant's response to each item. The applicant has agreed to all recommendations:

1. There shall be no aluminum wire in electrical system.

Applicant Response: Page 16, Section 2.5.2 Electrical Systems of our Property Condition Report (PCR) prepared by Land America Assessment Corporation dated 4/28/06 states "interior branch wiring noted was observed to be copper."

2. Establish a tot lot.

Applicant Response: A tot lot is proposed.

3. The parking spaces seem to be very narrow.

Applicant Response: Parking will conform to applicable city code

4. Require that the kitchen and bathroom exhaust fans should be double the City standards for cubic feet per minute (cfms) for exhaust.

Applicant Response: All ventilation will conform to applicable city standards.

5. Clean Water Act Best Management practices should be implemented and enforced.

Applicant Response: Clean Water Act Best Management Practices, erosion control and storm water compliance will be implemented.

6. Page 7 of the PTS Report needs to be answered. (Staff note: The "PTS" reference is to the Development Services' Department project assessment letter)

Applicant Response: This item has been resolved. There are 28 units.

7. Security cameras should be installed because of the area.

Applicant Response: Property currently has security/surveillance system in place.

8. Substitute jacarandas for the eucalyptus trees.

Applicant Response: The proposed landscape upgrades will include new jacarandas trees.

9. Use a high color scheme so that not all the units are the same.

Applicant Response: We have proposed a color scheme of natural tone colors of beige, gold and orange.

10. Delete all chain link and barbwire.

Applicant Response: Wrought iron fencing will replace chain link.

11. Provide elevations for all four directions.

Applicant Response: Elevations have been submitted.

12. Implement San Diego Police Department (SDPD) recommendations except for chain link fencing.

Applicant Response: SDPD recommendations will be implemented.

CONCLUSION

Staff has reviewed the request for the Tentative Map for the conversion of the 28 residential units into condominiums and the request to waive the requirement for the undergrounding of overhead utilities, and it was determined that the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of the existing overhead utilities. Staff believes that the required findings can be supported and recommends that the Planning Commission approve the proposed project.

ALTERNATIVES

1. **Approve** Tentative Map No. 248964 and the waiver to the requirement for the undergrounding of the existing overhead utilities, **with modifications**.
2. **Deny** Tentative Map No. 248964 and the waiver to the requirement for the undergrounding of the existing overhead utilities, **if the findings required to approve the project cannot be affirmed**.

Respectfully submitted,

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

**Sandra Teasley, Project Manager
Development Services Development**

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Draft Tentative Map Resolution with Findings and Conditions
4. Tentative Map Exhibit
5. Project Data Sheet
6. Ownership Disclosure Statement
7. Project Chronology
8. City's Undergrounding Master Plan Map Block 4-C
9. Community Planning Group Recommendation
- 9A. Applicant's Response to Community Planning Group Recommendation
10. Photographs of Existing Elevations
11. 60-Day Notice
12. Aerial Photograph