

DATE ISSUED: July 21, 2006 **REPORT NO. PC-06-198**

ATTENTION: **Planning Commission, Agenda of July 27, 2006**

SUBJECT: 5765 LAURETTA TENTATIVE MAP; PROJECT NO. 79077.
PROCESS NUMBER 4.

OWNER/ The Contreras Family Trust, Alfred Contreras and Cleo J. Contreras,
Trustees (Attachment 8).

APPLICANT: Sarah Marijana, DGB Survey and Mapping.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of six existing residential units to condominiums at 5765 Laretta Street within the Linda Vista Community Plan Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 246354and
2. **APPROVE** a waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On March 13, 2006, the Linda Vista Community Planning Group voted 16-0-0to recommend approval of the project.

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 determination for this project was made on August 12, 2005, and the opportunity to appeal that determination ended on August 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 six (6) existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium conversion project was deemed complete on August 8, 2005, and is subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The Land Use Element of the Linda Vista Community Plan designates the site for multi-family residential use at a medium-high density of 30-43 dwelling units per acre (Attachment 1). The 0.23-acre site is located at 5765 Laretta Street in the RM-3-7 (Residential, Multi-Family) Zone. The property is sited within the Linda Vista Community Plan Area north of Riley Street between Colusa and Eureka Streets (Attachment 2). The site is presently developed with one, two-story building containing six three-bedroom units. A total of 12 off-street parking spaces are provided on-site; ten spaces in a tandem configuration and two spaces in a standard configuration. Access to all of these parking spaces is provided from the alley located to the south. The site is surrounded by multi-family residential uses (Attachment 3).

The existing improvements were constructed in 198 . At that time the site, zoned R-1000, would have allowed ten units. The existing parking spaces provided complied with the requirement of 16 spaces per three-bedroom unit then in effect. Tandem parking was allowed. If constructed today, a total of 15 parking spaces would be required for the six unit project. 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.

Under the current zoning of RM-3-7, ten units could be built on-site. Although the project includes 12 parking spaces where 15 would be required under current standards, 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 (Attachment 4) for the subdivision of a 0.23-acre site to convert six existing dwelling units within a two-story building into condominiums. The applicant is also requesting the requirement for the undergrounding of existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires 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 descisionmaker finds the proposed conversion complies with the requirements of

the Subdivision Map Act and the SDMC. Staff has reviewed the proposed condominium conversion and determined it complies with 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*. 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 per Condition No. 18 of the draft Tentative Map Resolution (Attachment 5).

The neighborhood is currently serviced by overhead utility lines located along the southerly portion of Laretta Street. The overhead utility lines which serve this site also serve other properties in the neighborhood. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 6 A, which has a projected date for undergrounding in year 2010 (Attachment 6).

Community Planning Group Recommendation:

On March 13, 2006, the Linda Vista Community Planning Group voted 16-0-0 to recommend approval of the project (Attachment 7). The planning group had no recommended conditions.

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 Condominiums were provided to the tenants on September 28, 2004 (Attachment 8).

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 on August 8, 2005, and is subject to these new regulations. The project has been conditioned to require the Subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 12, Article 4, 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) prior to recording the Final Map. In order to meet the inclusionary housing requirements, the Applicant has elected to pay an in-lieu fee of \$8,467.50.

CONCLUSION

Staff has reviewed the request for a Tentative Map to convert six 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, the waiver from the undergrounding requirement, adopted Council policies and the State Map Act. Staff has determined the required findings can be supported and recommends the Planning Commission approve the project as proposed (Attachment 5).

ALTERNATIVES

1. **Approve** Tentative Map No. 246354**with modifications.**
2. **Deny** Tentative Map No. 246354**if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

William C. Tripp
Project Manager
Development Services Department

WESTLAKE/WCT

Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Tentative Map
5. Draft Map Conditions and Subdivision Resolution
6. Underground Project Schedule
7. Community Planning Group Recommendation
8. Government Code 66452.3; self-certification statement
9. Ownership Disclosure Statement
10. Project Chronology
11. Project Data Sheet