

**DATE ISSUED:** September 28, 2006 **REPORT NO. PC-06-2 32**

**ATTENTION:** **Planning Commission, Agenda of October 5, 2006**

**SUBJECT:** HARDY AVENUE CONDOMINIUMS – PROJECT NO.86317  
PROCESS FOUR

**OWNER:** Hardy Trust, (Attachment 8)

**APPLICANT:** Paul Determan

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of twelve (12) existing residential units to twelve (12) condominiums at 5565 Hardy Avenue, within the College Area Community Planning Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 273781

**Community Planning Group Recommendation:** On July 12, 2006, the College Area Community Council (CACC) recommended approval of the project on a vote of 10-1-0. (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 October 31, 2005, and the appeal period ended on November 15, 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 12 existing apartments to condominiums, there would be a loss of 12 rental units and a gain of 12 for-sale units. This condominium conversion project was deemed complete on October 25, 2005, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance, adopted by the City Council on March 15, 2004.

## **BACKGROUND**

The 0.158 acre site is located at 5565 Hardy Avenue within the Fraternity Area/RM-3-9 zone, the Campus Impact Parking Overlay Zone, the College Area Community Plan, and the Core Sub-Area of the College Community Redevelopment Project in Council District 7 (Attachment 3). The site is presently developed with twelve (12) two-bedroom residential units. Twenty-two (22) off-street underground parking spaces are provided on the site and access is provided off Hardy Avenue. The site is bounded by multi-family residential use to the north, and south, a surface parking lot is adjacent to the east, with a single-dwelling unit, currently used as a fraternity house to the west. The proposed project fronts Hardy Avenue to the North with 55<sup>th</sup> Street to the west, Lindo Paseo to the south, and College Avenue to the east.

The twelve (12) unit project was built in 1980, by a City issued Building Permit #N38444/Plan File #E96831, when the site was zoned R-4. Under current RM-3-9 zone, 11 units could be constructed on the site (One unit per 600 square feet of lot area). The site deviates from current parking requirements. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 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 0.158 acre site to convert twelve (12) existing dwelling units into condominiums on one existing lot (Attachment 5).

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.

**Community Planning Group and Neighborhood Recommendations:**

On July 12, 2006, the College Area Community Council (CACC) Executive Board voted 10-1-0 to approve the project. A previous motion recommending denial of the project was defeated on a 4-6-1 vote. One of the concerns was that approval of the conversion would preclude future development of the site as a Fraternity.

**Building Conditions Report/Landscape Development Plan and Development Regulations for Condominium Conversions**

The Applicant has provided a Building Conditions Report/Landscape Development Plan (Attachment 10) in accordance with §144.0504 of the San Diego Municipal Code:

- (a) A Building Conditions Report shall be prepared in accordance with the Land Development Manual by a California registered architect, structural engineer, or other professional licensed by the State of California to perform these services.*
- (b) A condominium conversion shall not be approved until the applicant has submitted a Building Conditions Report and the City has accepted the report as complete.*

The Project has been conditioned to comply with San Diego Municipal Code §144.0504(c) “A copy of the Building Conditions Report shall be provided to a prospective purchaser prior to the opening of an escrow account,” and San Diego Municipal Code §144.0507 “Development Regulations for Condominium Conversions.”

Staff has reviewed and accepted the Building Conditions Report.

A Landscape Development Plan, with a front elevation illustration, was provided to LDR-Landscape for Review. Staff has reviewed and accepted the Landscape Development Plan.

**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 August 23, 2005 and there have been no changes in tenants since that date. (Attachment 11). There was a change in the tenant roster in the later part of August 2006 to reflect incoming student tenants. The “Report to the Planning Commission” was given to existing and new tenants. The “Prospective Tenant Notice of Intent to Convert to Condominiums” was and shall be given to new and future tenants. Applicant has completed and returned the “Staff Report for Condominium Conversions Project Certification”

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on October 25, 2005, and is therefore subject to these new regulations. The project has been conditioned that

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.

The applicant has elected to pay an in-lieu fee of \$23,270 (9,308 square-feet X \$2.50) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code.)

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of twelve (12) 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 required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 27378J with modifications.**
2. **Deny Tentative Map No. 27378J if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Mike Westlake  
Program Manager  
Development Services Department

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Jeffrey W. Robles  
Development Project Manager  
Development Services Department

WESTLAKE/JWR

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. Building Inspection Report/Landscape Development Plan
11. A sample of the 60-Day Notice of Intent to Convert