

DATE ISSUED: December 7, 2006 **REPORT NO. PC-06-294**

ATTENTION: **Planning Commission, Agenda of December 14, 2006**

SUBJECT: **4452 DAWSON TENTATIVE MAP AND EASEMENT VACATION PROJECT NO. 97239, PROCESS FIVE**

OWNER: Susan Haaland

APPLICANT: Wayne Haaland

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of a Tentative Map for the conversion of one (1) existing residential unit and one (1) unit under construction into condominiums, a waiver of the requirement to underground the existing overhead utilities and a Sewer Easement Vacation at 4452 and 4452½ Dawson Avenue, in the RM-1-1 Zone of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. Recommend **Approval** of Tentative Map No. 403494and
2. Recommend **Approval** of Easement Vacation No. 380216and
3. Recommend **Approval** of a waiver of the requirement to underground the existing overhead utilities.

Community Planning Group Recommendation: On July 12, 2006, the Kensington-Talmadge Community Planning Committee voted unanimously to approve the project with nine conditions (Attachment 7), which are described on Page Three of this report.

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). A valid appeal of the environmental determination has not been filed.

Fiscal Impact: None associated with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of one existing residential unit to a condominium and the creation of a new under-construction condominium unit, there would be a loss of one rental unit and a gain of two for-sale units. This condominium conversion project was deemed complete on May 5, 2006, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The 0.11-acre site is located at 4452 and 4452½ Dawson Avenue (Attachment 1), on the west side of Dawson Avenue between Monroe Avenue and El Cajon Boulevard, in the RM-1-1 Zone of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area (Attachment 3). The RM-1-1 Zone would allow for a maximum of two units on the subject site. The Mid-City Communities Plan designates the site for residential development at 11-15 dwelling units per acre, or 1-2 dwelling units allowed on this site. Therefore, the two units are in compliance with the current density requirements for this site.

The site is developed with one 850-square-foot, two-bedroom, one-story, single-family structure that was built in 1941. This structure occupies the front half of the lot closest to Dawson Avenue. A 1,134-square-foot, two-bedroom, two-story structure is currently under construction on the rear half of the property. There are four onsite parking spaces, consisting of two garage parking spaces that are accessed from a driveway on Dawson Avenue and two open parking spaces which are accessed from the alley at the rear of the property. No parking spaces were required when the first structure was built and four parking spaces are required under current regulations. Therefore, the four spaces provided are in compliance with current regulations.

The project is located in an established residential area and is surrounded by multi-family residential development on all sides. Each residential unit complies with the zoning and development regulations in effect at the time of construction and there are no active Building or Zoning Code violations for the subject property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.11-acre site to convert one existing residential unit into a condominium and the creation of one new condominium unit in a residential unit currently under construction (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.

Typically, a two-unit subdivision such as this would be processed as a Map Waiver. However, because a Process Five Sewer Easement Vacation is included in the project scope, a Tentative Map is required.

The applicant is requesting the easement vacation to vacate the unused and undeveloped portion of a sewer easement located at the rear of the property adjacent to the alley. The site is served by an existing sewer line located in the 20-foot alley right-of-way. The appropriate sewer easement is the 20-foot alley right-of-way. However, there is an additional 20 feet of sewer easement located outside the alley, on the subject property, a portion of which runs beneath the rear residential building. City Wastewater, Engineering and Real Estate Assets staff has determined that this additional 20 feet of sewer easement located outside of the alley right-of-way is not needed and would not be developed. All sewer facilities necessary to serve the site and the block are located in the existing alley right-of-way. Therefore, City staff is supportive of the proposed sewer easement vacation.

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 is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4f of the draft Tentative Map resolution (Attachment 6).

The site is served by existing overhead utility lines which are connected to power poles located along the alley right-of-way at the rear of the property. These power poles also serve other properties in the neighborhood. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3FF, which was allocated funds for undergrounding in 2004 and undergrounding in the area has begun (Attachment 10).

Community Planning Group Recommendation:

On July 12, 2006, the Kensington-Talmadge Community Planning Committee voted unanimously to approve the project with nine conditions (Attachment 7) which are described below:

1. *Maximize onsite parking:* The project provides four parking spaces where four are required by the Municipal Code.
2. *Maximize landscaping:* The project has been reviewed and approved by the City's LDR-Landscape section. The project provides all Municipal Code required landscaping and no landscape deviations have been requested.
3. *Grant right of first refusal to existing tenants:* The existing residential unit is vacant and the second unit is still under construction.
4. *Save historic sidewalk stamps and scoring:* This is already a Municipal Code Requirement.
5. *Deny the request to waive the requirement to underground the existing overhead utilities:* The project is served by existing overhead utility lines and power poles which are located in the alley right-of-way. City staff has reviewed the project for compliance with Council Policy 600-25, Underground Conversion of Utility Lines at the Developer's Expense, and determined that the project is eligible for a waiver due to the short span involved. Additionally, this area was funded for utility undergrounding in 2004 and undergrounding has begun.
6. *Place two trees in the parkway:* This was a requirement of the building permit for the residential unit that is currently under construction.
7. *Place trash behind fence:* Although not a municipal code requirement, the applicant has agreed to this condition.
8. *Provide three-foot emergency access:* Although not a municipal code requirement, the applicant has agreed to this condition
9. *Provide concrete cutouts for vines on fence:* Although not a municipal code requirement, the applicant has agreed to this condition

Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council. The requested conversion of these residential units to condominiums represents primarily a change in ownership.

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

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.

The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$2,483 based on a \$1.25 fee per residential square foot for the existing 852 square-foot residence and under construction 1,134-square-foot residence, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance. The project has also been conditioned to provide proof of 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.

Building Conditions Report and Landscape Requirements:

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing:

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of one existing residential unit to a condominium and the creation of a new residential condominium unit under construction and the request to waive the requirement to underground existing overhead utilities, 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 has also reviewed the request for an Easement Vacation and has not identified a need to retain this portion of the sewer easement. All applicable City departments are supportive of the proposed Easement Vacation.

Staff believes the required findings can be supported and recommends the Planning Commission recommend approval the project as proposed.

ALTERNATIVES:

1. **Approve** Tentative Map No. 403494 and Easement Vacation No. 380216 **with modifications.**
2. **Deny** Tentative Map No. 403494 and Easement Vacation No. 380216 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Paul Godwin
Development Project Manager
Development Services Department

WESTLAKE/PBG

Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map/Easement Vacation Exhibit
6. Easement Vacation Legal Description
7. Draft Tentative Map Conditions and Subdivision Resolution
8. Draft Easement Vacation Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. City's Undergrounding Master Plan – Map 3FF
13. Draft Planning Commission Recommendation Resolution

