



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 10, 2007 **REPORT NO:** PC-07-093

ATTENTION: Continued from September 27, 2007
Planning Commission, Agenda of October 18, 2007

SUBJECT: 5646 RILEY STREET TENTATIVE MAP; PROJECT NO. 86853
PROCESS FOUR

**OWNERS/
APPLICANT:** Jerome & Christina Nava (Attachment 8)

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of five existing residential units to condominiums at 5646 Riley Street, within the Linda Vista Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 275876; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Linda Vista Community Planning Committee voted 8-4-0 to recommend approval of the proposed project on March 13, 2006 which did not include a waiver for the undergrounding of utilities.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on December 23, 2005. 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 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 five existing apartments to condominiums, there would be a loss of five rental units and a gain of five for-sale units. This condominium conversion project was deemed complete on October 21, 2005, and is therefore subject to regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the condominium conversion regulations adopted on June 13, 2006. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project may proceed to a hearing.

The 0.115-acre project site is located at 5646 Riley Street in the RM-3-7 Zone within the Linda Vista Community Plan area (Attachment 1). The site is presently developed with one, two-story structure containing five units consisting of two two-bedroom units and three three-bedroom units. Eight off-street parking spaces are provided on the site: two spaces are accessed from Riley Street at the front of the property and six spaces are accessed from the alley. The site is bounded on both sides by multi-family residential uses.

The existing improvements were permitted in 1986 under Building Permit No. F40364. Current density requirements allow five units to be built on this site. Parking requirements at the time of construction resulted in eight on-site spaces being required on-site. Current parking regulations for the development on this site in the RM-3-7 Zone require 12 spaces. 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.

The project conforms with the current maximum density and parking requirements. The project has other previously-conforming rights with respect to development regulations 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 0.115-acre site to convert five existing dwelling units into condominiums on one existing lot (Attachment 2). 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 decision maker finds 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 it complies with both 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*, in that the conversion involves a short span of overhead facility less than 600 feet in length.

The applicant will be required to underground all existing service and any new service run to any new or proposed structures within the subdivision to the site per Condition No. 4 of the draft Tentative Map resolution (Attachment 3).

The neighborhood currently contains power poles and overhead utilities lines in the alley and on Riley Street. The utility lines to these poles extend to other properties located north and south of the site. The poles closest to this property, which carry the line serving this site, is located within the rear alley right-of-way and on Riley Street. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 6A2, and the date for undergrounding has been established for the year 2017 (Attachment 4).

Community Planning Group and Neighborhood Recommendations:

On March 13, 2006, the Linda Vista Community Planning Group voted 8-4-0 to recommend approval of the project which did not include the waiving for undergrounding of utilities (Attachment 5).

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on May 24, 2005 (Attachment 6).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding inclusionary housing and tenant relocation benefits. 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 recording of the Final Map.

The applicant has elected to pay an in-lieu fee of \$5,168.75 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).

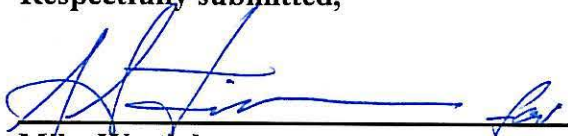
Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of five 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 requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

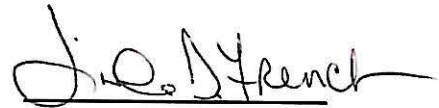
ALTERNATIVES

1. **Approve** Tentative Map and waiver of undergrounding No. 275876 for Project No. 86853, with modifications.
2. **Deny** Tentative Map and waiver of undergrounding No. 275876 for Project No. 86853, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Linda D. French
Development Project Manager
Development Services Department

WESTLAKE/LDF

Attachments:

1. Community Plan Land Use Map
2. Tentative Map
3. Draft Map Conditions and Subdivision Resolution
4. City's Undergrounding Master Plan – Map Block 6A2
5. Community Planning Group Recommendation
6. Sample of 60-Day Notice of Intent to Convert
7. Aerial Photograph
8. Project Location Map
9. Project Data Sheet
10. Ownership Disclosure Statement
11. Project Chronology
12. Photos of Existing Front and Rear Elevations
13. Environmental Determination Appeal