



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 28, 2008 **REPORT NO. PC-08-113**

ATTENTION: Planning Commission, Agenda of September 11, 2008

SUBJECT: 4711 BIONA DRIVE TENTATIVE MAP; PROJECT NO. 78145
PROCESS FOUR

OWNER: M. S. Browar Family Trust, Matthew and Nancy Browar, Trustees

APPLICANT: Sterling Land Services, Incorporated

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to allow the conversion of six existing residential rental units into condominiums, including a waiver of the requirement to underground the existing overhead utilities, at 4711-4721 Biona Drive, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 242521; and
2. **Approve** a waiver of the requirement to underground the existing overhead utilities.

Community Planning Group Recommendation: The applicant has indicated that they received approval from the Kensington-Talmadge Community Planning Group on December 14, 2005, however the Planning Group has no record of this approval. The applicant has elected to proceed without a formal Planning Group recommendation.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, on August 18, 2005, and the opportunity to appeal that determination ended September 8, 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 existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. The project is subject to the current inclusionary housing and tenant relocation assistance regulations.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations that became 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 0.25-acre site is located at 4711-4721 Biona Drive, in the RS-1-7 Zone, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area (Attachment 2). The site is presently developed with two one-story structures containing a total of six, 1-bedroom apartment units. There are four onsite parking spaces which are provided in two, 2-car garages that are located at the front of the property and accessed from separated driveways off of Biona Drive. The site is bordered by commercial development to the south, multi-family development to the west and single-family development to the north and east.

The existing buildings were constructed with approved building permits in 1950. The site is currently zoned RS-1-7, which is a single-family zone that allows one unit per lot. The Community Plan also designates the site for single-family development. At the time building permits were approved, no parking was required; although four garage parking spaces were provided. The San Diego Municipal Code would require nine off-street parking spaces for a newly constructed project and six spaces for a condominium conversion project. As discussed previously, the new condominium conversion parking requirements that were approved in June 2006, do not apply to this project, therefore, the four parking spaces provided are acceptable.

The development complies 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 maintains previously conforming rights which allows the current parking and density count, 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 0.25-acre site into one lot to convert six existing dwelling units into condominiums (Attachment 5). The applicant is also requesting that the requirement to underground 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 or a Vesting Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker 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.

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, Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 18 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 17 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located at the rear of the property. These utility lines also service the adjacent properties. 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 designates the site within Block 3AA, and the date for undergrounding has been established for the year 2032 (Attachment 9).

Community Planning Group and Neighborhood Recommendations:

The applicant has indicated that they received approval from the Kensington-Talmadge Community Planning Group on December 14, 2005, however the Planning Group has no record of this approval. The applicant has elected to proceed without proof of a formal Planning Group recommendation.

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. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was prepared on September 15, 2005. There were no tenants occupying the project at the time of the notice, however, the applicant has verified that all subsequent tenants have received copy of that notice (Attachment 10).

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 applicant has elected to pay an in-lieu fee of \$4,500 (\$1.25 x 3,600 square feet) 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).

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 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. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES:

1. **Approve** Tentative Map No. 242521, **with modifications.**
2. **Deny** Tentative Map No. 242521 **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/MS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Plan
6. Draft Map Conditions and Subdivision Resolution
7. Ownership Disclosure Statement
8. Project Chronology
9. Utility Undergrounding Master Plan Map
10. Sample 60-Day Notice of Intent to Convert
11. Photos of Existing Elevations
12. Building Conditions Report (under separate cover)