

**DATE ISSUED:** July 29, 2004

**REPORT NO. PC-04-133**

**ATTENTION:** Planning Commission, Agenda of August 12, 2004

**SUBJECT:** 51<sup>st</sup> TENTATIVE MAP – PROJECT NO. 22634  
PROCESS FOUR

**OWNER/  
APPLICANT:** JAMES C. KRAUSE & GAIL M. KRAUSE, OWNERS  
WESTONE MANAGEMENT CONSULTANTS, APPLICANT

**SUMMARY**

**Issue(s)** - Should the Planning Commission approve a Tentative Map for the conversion of eleven (11) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4520 51<sup>st</sup> Street, within the Kensington/Talmadge neighborhood of the Mid-City Communities Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 56856; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - The project was before the Kensington/Talmadge Community Planning Committee on three separate occasions but did not receive a formal recommendation regarding condominium conversion. The Project Review Sub-Committee heard the item on July 28, 2004, to confirm the issues previously identified by the planning group had been resolved and recommended approval of the tentative map.

**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).

**Fiscal Impact** - 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 eleven rental units and a gain of eleven for-sale units. This condominium conversion project was deemed complete prior to February 7, 2004, and is therefore exempt from the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.21-acre site is located at 4520 51<sup>st</sup> Street, between Monroe Avenue and Madison 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 (Attachment 3). The site is presently developed with a two-story structure containing 2 one-bedroom units and 9 two-bedroom units for a total of eleven units. The site includes 17 off-street parking spaces accessed from both 51<sup>st</sup> Street and the alley at the rear of the property. Fourteen of the parking spaces are in a tandem configuration that conformed with the requirements at the time of construction. The site is surrounded by both single-family and multi-family residential development to the north, east, west, and south.

The site was incorporated into the Central Urbanized Planned District in October 2000. The existing improvements were constructed in 1986 and approved pursuant to the R-3 Zone (multi-family) development regulations. The R-3 Zone permitted one unit per 1,000 square feet of lot area, which would have resulted in nine units on this 9,389 square-foot site. However, the property was developed with a density bonus in conjunction with an approved agreement with the San Diego Housing Commission. The density bonus permitted an additional two units that are required to remain affordable rental units through May, 2007. The Housing Commission staff has determined that the two units can be converted to condominiums as part of this mapping action but may not be sold until the contract expires. The 17 parking spaces provided comply with the 1986 requirements. 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 does not meet the current density requirement of one unit per 3,000 square feet of lot area of the RM-1-1 Zone. The current zone would only allow three units to be developed on the site. However, 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 for the subdivision of a 0.21-acre site to convert the eleven existing dwelling units into condominiums and consolidate the existing three lots into one lot (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.

#### 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. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines that run north/south along the west side of the alley (opposite the project site) at the rear of the property. This configuration excludes any utility poles from abutting the property lines of the site. The drop lines servicing the property span across the alley and are attached at the northwest corner of the building. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site in Block 3FF, and is proposed to be undergrounded in Fiscal Year 2004 (Attachment 10).

#### **COMMUNITY PLANNING GROUP RECOMMENDATION:**

The proposed project was reviewed by the Kensington/Talmadge Community Planning Committee on three separate occasions. The item was continued each time with the direction to the applicant to clarify the off-street parking requirement and the density bonus. In an agreement with the Planning Committee Chair, the Design Review Sub-Committee reviewed the revised site plan on July 28, 2004, and confirmed that all of the previous issues have been resolved.

#### **PROJECT RELATED ISSUES:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with 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 December 18, 2003, and is therefore not subject to these new regulations. However, the project contains two existing affordable rental units which were approved as part of a density bonus when the property was developed in 1986. The San Diego Housing Commission has reviewed the proposed condominium conversion and provided conditions for Tentative Map No. 56856 to ensure that the two units, identified as Unit 9 and Unit 10, will remain as affordable rental units through March 1, 2006.

The applicant has certified that the required 60-day notice informing the existing tenants of the owner's intention to convert the units into condominiums on May 19, 2004 (Attachment 11).

**CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of six residential units into condominiums and the request to waive the requirements of the undergrounding of 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 believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 56856, with modifications.**
2. **Deny Tentative Map No. 56856, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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**Marcela Escobar-Eck  
Deputy Director, Project Management Division  
Development Services Department**

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**J. Patrick Hooper, Project Manager  
Development Project Manager  
Development Services Department**

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**Attachments:**

1. Aerial Photo
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. Ownership Disclosure
8. Project Chronology
9. City's Undergrounding Master Plan – Map 3EE
10. Copy of Tenant Notices