

DATE ISSUED: January 20, 2005

REPORT NO. PC-05-013

ATTENTION: **Planning Commission, Agenda of January 27, 2005**

SUBJECT: MENTONE TENTATIVE MAP - PENINSULA – PROJECT No. 43673.
PROCESS 4

OWNER/APPLICANT: David Yeh

SUMMARY

Issue: Should the Planning Commission approve an application for a Tentative Map to convert 11 existing residential units to condominiums?

Staff Recommendation:

APPROVE Tentative Map No. 128209 and Waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: The Peninsula Community Planning Board Land Use subcommittee considered the project at their meeting of January 12, 2005 and recommended denial of the project due to parking concerns. The full board will consider the project on January 20, 2005. Staff will provide an update to the Planning Commission prior to the January 27, 2005 Hearing.

Environmental Review: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with the State CEQA Guidelines 15301(k), existing facilities.

Fiscal Impact: The cost of processing this application is paid for by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is the conversion of 11 existing apartment units to condominiums. There would be a loss of 11 rental units and a gain of 11 for-sale units. This project is required to comply with the inclusionary housing and tenant relocation assistance program, which are conditions of the proposed Tentative Map. An Inclusionary Housing in-lieu fee of \$12,577.50 would be paid by the applicant (calculated as 7,186 square feet of unit area x \$1.75 per square foot).

BACKGROUND

A “Tentative Map for a Condominium Conversion” is a Process Four, Planning Commission decision per San Diego Municipal Code Section 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

The developed 9,374 square foot (0.21 acre) site is located at 4437 Mentone Street on Assessors Parcel Number (APN) 449-860-50 between West Point Loma Boulevard and Clovis Street. The site is within the Loma Alta neighborhood of the Peninsula Community Plan and Local Coastal Program, in the RM-3-7 Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and Council District 2. The land is designated multifamily residential in the community plan at a density of 30-44 du/ac. The surrounding area contains multifamily, and single family development. The site is zoned RM-3-7. The units were constructed in 1968 as a two-story apartment building under permit A99964 at a density of 11 units on 0.21 acres or 52.4 du/ac. All structures were in conformance with the development codes at the time of development. The project was originally constructed with 9 parking spaces: three accessible from Mentone Street and the remainder from the rear alley. There are no zoning or code violations associated with the property.

DISCUSSION

Project Description:

The project proposes to convert the existing 11 apartments to 11 condominiums. The project contains a mix of seven 1-bedroom units (ranging from 523 - 695 square feet each), and four 2-bedroom units (ranging from 748 - 828 square feet each) for a total of 7, 186 square feet of living area. Although the existing multi-unit complex does not meet the current parking requirements, it will adhere to development regulations of previously conforming requirements in accordance with Chapter 12, Article 7, Division 1 of the San Diego Municipal Code (SDMC). A Final Map is required to consolidate the existing three lots into one lot and to subdivide the ownership interest as a condition of the tentative map.

Project-Related Issues:

Municipal Code Conformance - The 9,374 square foot site is currently in the RM-3-7 zone as applied to the site in January 2000. Previous zoning includes the R-1000 zone established in June 1987, the R-2A zone applied in April 1974 and the R-4 zone in September 1932. The site is within the Coastal Height Limit Overlay Zone, and Airport Approach / Environs Overlay Zones. Any future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2 of the Land Development Code.

The 11 unit residential project was constructed in 1968 at a density of 11 units on 0.21 acres or 52.4 du/ac. The land is designated multifamily residential in the 1987 community plan at a density of 30 - 44 du/ac. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

As approved in the original construction, the existing project provides for 9 parking spaces. Under current regulations, the project would require 15 spaces: the seven 1-bedroom units require 1.25 spaces each, and the four 2-bedroom units require 1.5 spaces each per Table 142.05C. However, because of previously conforming rights, no additional spaces are required and the proposed 11 parking spaces are adequate according to the Municipal Code.

Airport Environs Overlay Zone (AAOZ) - The project site is within the Airport Environs Overlay Zone (AEOZ) and within the 70 – 70 decibel (dB) Community Noise Equivalent Level (CNEL) for Lindbergh Field operations based on the 1990 Airport Influence Area, As a permit condition, and to be conditionally compatible with the Comprehensive Land Use Plan (CLUP), an Avigation Easement shall be granted to the airport operator to ensure interior noise would be at 45 dB CNEL or less.

Undergrounding Waiver Request - There are existing overhead facilities adjacent to the project site. San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the parcel or subdivision. Staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developers Expense, in that it involves a short span (less than on block), and 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 would not represent a logical extension to an undergrounding facility. The project's implementation requires the undergrounding of any new utilities to any new or proposed structures within the parcel or subdivision.

Affordable Housing - The proposed condominium conversion will represent a change in ownership of each unit. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on June 9, 2004. A Notice of Intent to Convert to Condominiums to prospective occupant(s) has been served to all new tenants subsequent to this time. All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to 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 September 9, 2004, and is therefore subject to these new regulations. As such, the project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$12,577.50 (calculated as 7,186 square feet of unit area x \$1.75 per square foot) pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code at 142.1310, Table 142-13D). This fee is required prior to receiving a Final Map/certificate of compliance pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640). The applicant has provided proof of service that all 10 tenants were served the required notice on June 9, 2004. Government Code 66452.3, requires that a copy of the staff report be served to each tenant on each lease at least 72-hours (3 calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before January 24, 2005.

Conclusion:

Staff has reviewed the proposed condominium conversion and finds it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 128209 with modifications.
2. Deny Tentative Map No. 128209 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

Cory Wilkinson,
Development Project Manager
Development Services Department

Attachments:

1. Site Location Map
2. Parcel Location Map
3. Aerial Photograph
4. Community Plan Land Use Map
5. Community Plan Density Designation
6. Project Data Sheet
7. Tentative Map
8. Draft Tentative Map Conditions
9. Ownership Disclosure Statement
10. Project Chronology
11. City Undergrounding Master Plan, Map 2G
12. Peninsula Community Planning Board Recommendation
13. Copy of Tenant Notices