

DATE ISSUED: January 7, 2005 REPORT NO. PC-05-022

ATTENTION: Planning Commission, Agenda of January 13, 2005

SUBJECT: DUNLOP TENTATIVE MAP
PROJECT NO. 19404, PROCESS FOUR

OWNER/
APPLICANT: West Dunlop Street Investments, L.P., a California Limited
Partnership, Owner (Attachment 8); Robert J. Bateman, San Diego Land
Surveying and Engineering, Inc.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to convert six existing residential dwelling units to condominiums on a 0.42-acre site at 2215-2225 West Dunlop Street, in the RM-2-5 (Multi-Family Residential) Zone within the Linda Vista Community Planning Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 46157; and
2. **APPROVE** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation: On November 25, 2003, the Linda Vista Community Planning Group voted 10-1-0 to recommend approval of the application. The Groups recommendation noted that the absence of parking on the property results in an extreme public safety hazard on Dunlop Street, which should be addressed by the City. Staffs response to this concern is included in the discussion section of this report. A copy of the Groups recommendation is included as Attachment 7.

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 six rental units and a gain of six for-sale units. This condominium conversion project was deemed complete on October 29, 2003, prior to February 7, 2004, and is therefore exempt from the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.42-acre site is located at 2215-2225 West Dunlop Street, between Ulric Street and Flushing Drive in the RM-2-5 (Multi-Family Residential) zone, within the Linda Vista Community Plan Area (Attachment 2). The site is presently developed with a two-story building consisting of six, two-bedroom units. The site is bounded by Linda Vista Road to the north, Ulric Street to the west, Flushing Drive to the east, and Tait Street to the south. Surrounding land uses include multi-family residential to the north, south and west, and single-family residential to the east.

The site is currently zoned RM-2-5, which was applied to the site in April 25, 1974. The six-unit apartment was approved for construction in 1941 subject to the R-1 (R-100, February 15, 1932) development regulations. No parking was required to be provided at the time the project was approved for construction. 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 required off-street parking regulations of the Land Development Code, currently in effect. The current zone would allow development of up to 12 units on the site. Redevelopment of the site with six, two-bedroom dwelling units, as currently exist, would require two spaces per unit, for a total of 12 off-street parking spaces. 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 0.42-acre site to create one lot and for the conversion of six multi-family dwelling units into condominiums (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 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 along Dunlop Street. The closest pole location is one located adjacent to this development in the north/south alley. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 6E, which has a projected date for undergrounding in year 2028 (Attachment 10).

Community Planning Group Recommendation

The Linda Vista Community Planning Group recommended approval of the proposed project at their November 25, 2003, meeting by a vote of 10-1-0 (Attachment 7). The Groups recommendation noted a concern that the absence of required off-street parking on the property results in a public safety hazard on Dunlop Street.

As noted on Page Two of this report, the property was developed in the early 1940's when the Municipal Code did not require that off-street parking be provided. In the early 1960's, the Code was amended to require that properties developed with multi-family residential uses provide one, off-street parking space per dwelling unit. The Code considers properties developed prior to the adoption of this requirement to be "previously conforming", and are therefore not required to add parking unless the multi-family use is being expanded (addition of bedrooms). Staff has reviewed photographs submitted by the Applicant with this application, which indicate that on-street parking is available on both sides of Dunlop Street.

The Application for a tentative map to accommodate the sale of the existing units as condominiums, and the previously conforming status of the property relative to off-street parking, have no impact on the safety of Dunlop Street.

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 October 29, 2003, and is therefore not subject to these new regulations.

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. Staff has determined the project to be in conformance with the applicable sections of the Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff can support the required findings and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 46157, with modifications.
2. Deny Tentative Map No. 46157, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

Bill Tripp
Development Project Manager
Development Services Department

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Attachments:

1. Aerial Photograph of Project Site
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. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan - Map 6-E
11. Sample Notice to Tenants