

DATE ISSUED: May 5, 2005 **REPORT NO. PC-05-037**

ATTENTION: **Planning Commission, Agenda of May 12, 2005**

SUBJECT: 5722 RILEY STREET TENTATIVE MAP-PROJECT NO. 58027
PROCESS FOUR

OWNER/ **J.R. Brothers, LLC (Attachment 8)**

APPLICANT: **Chris Christensen**

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of ten (10) existing residential units into condominium units with a waiver of the requirement to underground existing overhead utilities at 5722 Riley Street within the Linda Vista Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 170171
2. **Approve** Waiver from the requirement to under-ground existing overhead utilities.

Community Planning Group Recommendation: On February 28, 2005 the Linda Vista Community Planning Committee voted to approve the request for the Tentative Map. The motion passed 11-0-0, with no conditions (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 the ten (10) existing apartments to condominiums, there would be a loss of ten (10) rental units and a gain of ten (10) for-sale units. This condominium conversion project is required to comply with

the Inclusionary Affordable Housing Ordinance and tenant relocation assistance which have been included as a condition of the Tentative Map. The subdivider has elected to pay the In-Lieu Fee to satisfy the Inclusionary Affordable Housing Ordinance.

BACKGROUND

The 0.23 acre site is located at 5722 Riley Street, between Benicia Street and Eureka Street in the RM-3-7 zone, within the Linda Vista Community Plan area, which designates the site for medium-high density 30-43 dwelling units per acre (Attachment 2). The site is presently developed with one, three story structure on two lots. The three story structure contains one (1), one-bedroom unit, eight (8), two bedroom units and one (1), three- bedroom unit. The site provides sixteen (16) off street parking spaces, which includes one tandem garage parking space and fourteen additional off-street parking spaces for the ten units.

The existing improvements were constructed in 1987 when the site was zoned R-1000. The R-1000 zone allowed one unit per 1,000 square feet of lot area and permitted the ten units on the 10,018.80 square foot site. 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 0.23 -acre site to convert ten (10) existing dwelling units into condominiums on one lot (Attachment 3). The applicant is also requesting that the requirement for the under-grounding 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 under-grounding 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 down Riley Street. The subject property is served by the power poles across Riley Street to the south. The City's Undergrounding Master Plan for Fiscal Year 2004 designates Riley Street, located in Residential District 6A, is tentatively scheduled for undergrounding in 2009 (Attachment 10).

Project-Related Issues:

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 delivered to the tenants August 31, 2004. Certified receipts of that notice demonstrate receipt by tenant by September 21, 2004 (Attachment 11).

This project was Deemed Complete on January 18, 2005. All condominium conversion projects Deemed Complete after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. Conditions No. 10 and 11, in the draft Tentative Map resolution require compliance with this ordinance (Attachment 6).

On February 28, 2005 the Linda Vista Community Planning Committee voted to approve the request for the Tentative Map Waiver. The motion to approve the project passed 11-0-0 with no conditions (Attachment 7).

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of the ten (10) residential units into condominiums and the request to waive the requirements of the under-grounding 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. 170171 and the waiver to underground the existing Utilities **with modifications.**
2. **Deny** Tentative Map No. 170171, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

**Helene Deisher
Development Project Manager
Development Services Department**

ESCOBAR-ECK/HMD

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation and Minutes
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan -6A
11. Copy Of Tenant Notice and Certification