

DATE ISSUED: May 5, 2005

REPORT NO. PC-05-136

ATTENTION: Planning Commission, Agenda of May 12, 2005

SUBJECT: 39th STREET TENTATIVE MAP - PROJECT NO. 50157, PROCESS FOUR

OWNER/ William Richards, Owner

APPLICANT: Elisabeth Reiter, Alta Consultants, Applicant

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of five (5) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 448- 72 39th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 148832and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: On March 1, 2005, the Normal Heights Community Planning Committee approved this project, with no conditions, by a vote of 12-0 (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 associated with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of five existing apartments to condominiums, there would be a loss of five rental units and a gain of five for-sale units. This condominium conversion project was deemed complete on October 2, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$3,279 based on a \$0.87 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

BACKGROUND

The 0.14-acre site is located at 4468-72 39th Street (Attachment 1), between Monroe Avenue and Meade Avenue, in the RM-1-1 Zone of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan (Attachment 3). The site is presently developed with two, two-story structures, containing a total of three, one-bedroom units, one, two-bedroom unit and one, three-bedroom unit. One garage parking space is provided onsite and is accessed from the alley at the rear of the property. No parking was required when the project was built between 1938 and 1949. The project is surrounded by multi-family development to the north, single-family development to the south and single- and multi-family development to the east and west.

The site was incorporated into the RM-1-1 Zone of the Central Urbanized Planned District in October 2000. The site was zoned R-4 when the structures were built between 1938 and 1949. Under current standards, two units could be built on the subject property. The project has previously conforming rights, to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. 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.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.14-acre site to convert five existing 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 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 site is served by existing overhead utility lines which are connected to a power pole located on the opposite side of the alley right-of-way at the rear of the property. This power pole serves multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3AA, which is proposed to be undergrounded in Fiscal Year 2017 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION

On March 1, 2005, the Normal Heights Community Planning Committee voted 12-0 to approve the project with no conditions (Attachment 7).

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 provided to the tenants on August 1, 2004 (Attachment 11).

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 2, 2004, and is therefore subject to these new regulations.

With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$3,279 based on a \$0.87 fee per residential square footage, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map. The applicant has demonstrated conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the San Diego Housing Commission, as stated in their letter dated March 17, 2005 (Attachment 12).

CONCLUSION

Staff has reviewed the request for a Tentative Map for the conversion of eight 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. 148832, **with modifications.**
2. **Deny** Tentative Map No. 148832, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeffrey D. Strohminger
Assistant Deputy Director,
Customer Support and Information Division
Development Services Department

Paul B. Godwin
Development Project Manager,
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STROHMINGER/PBG

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. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3AA
11. Copy of Tenant Notices
12. Housing Commission Tenant Relocation Compliance Letter

