

DATE ISSUED: June 2, 2005 **REPORT NO.** PC-05-197

ATTENTION: **Planning Commission, Agenda of June 9, 2005**

SUBJECT: 4519 NORTH AVENUE TENTATIVE MAP – PROJECT NO. 50955
PROCESS FOUR

**OWNER/
APPLICANT:** 4519 NORTH AVENUE, LLC, (ATTACHMENT 8)
STERLING LAND SERVICES, INC. APPLICANT

SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of nine (9) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4519 North Avenue, within the Uptown Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 146706; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation – On March 1, 2005, the Uptown Planners voted 15-0-0 to recommend approval of the proposed project with the standard condominium conversion conditions and specific recommendations for a screening element for the backflow prevention equipment and the addition of street trees in the right-of-way (Attachment 7). The Uptown Planners recommendation is discussed in further detail within this report.

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 nine existing apartments to condominiums, there would be a loss of nine rental units and a gain of nine for-sale units. This condominium conversion project was deemed complete on October 25, 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 \$9,513.00, based on a \$1.75 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

BACKGROUND

The 0.16-acre site is located at 4519 North Avenue in the MR-1500 Zone of the Mid-City Communities Planned District within the Uptown Community Plan area (Attachment 3). The site is presently developed with a two-story structure containing 3 two-bedroom units and 6 one-bedroom units, with off-street parking spaces accommodating nine vehicles. Four of the off-street parking spaces are accessed from North Avenue and the remaining five spaces are accessed from the alley at the rear of the site. The surrounding neighborhood consists primarily of multi-family development but is in close proximity to small-scale neighborhood commercial uses along the Park Boulevard corridor.

The existing improvements were developed in 1964 when the site was zoned R-4 and permitted a maximum of 17 units. Current density calculations for the MR-1500 Zone would yield a maximum of five units based on the total lot area. The parking requirement in effect for multi-family residential use in 1964 was one space for each dwelling unit which were provided at the time of construction. Current parking regulations would require 15 spaces based on the number and size of the units. 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 conform to current density or parking regulations of the MR-1500 Zone 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

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert nine existing dwelling units into condominiums on two existing lots (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.

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Uptown Planners placed the proposed tentative map project on the March 1, 2005, Consent Agenda and voted 15-0-0 to recommend approval of the proposed with the following recommendations:

On March 18, 2005, the Greater North Park Community Planning Committee voted 12-0-1 to approve the project with four conditions, which are listed below (Attachment 7).

1. *Reduce the curb cut along North Avenue in order to provide two new street trees and create an entry element to the project:* Reducing the existing curb cut along the North Avenue frontage would result in the elimination of two off-street parking spaces and increase the non-conforming aspect of the project. Further, the existing gas line and water meter would effectively preclude locating street trees within the right-of-way.
2. *Screen Backflow Prevention Devices (BPD's):* The subdivider has agreed to provide a screening element to all private BPD's and wherever possible, locate them in landscape planting areas.
3. *Save Historic sidewalk stamps and scoring:* The Land Development Code requires the preservation of historic sidewalk markers and has been included as part of Condition No. 14 of the Resolution (Attachment 6).
4. *Replace the curb with City standard curb and gutter adjacent to the site:* As previously stated, the existing curb cut facilitates the required parking and cannot be replaced without eliminating off-street parking.

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 September 10, 2004 (Attachment 11).

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 would not represent a logical extension to an underground facility and the conversion involves a short span of overhead facility (less than 600 feet in length). 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 within the alley right-of-way at the rear of the project site. There are no power poles located within the property limits in the abutting right-of-way at the alley. The existing utility lines extend through the site to poles located north and south within the alley. Staff has concluded that to accomplish the underground effort for this site the existing poles would have to be relocated to the northeast and southeast corners of the property. The total underground effort would only be 50 linear feet. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3W, and the date for underground funding has been established for the year 2010 (Attachment 10).

Affordable Housing

All condominium conversion projects Deemed Complete on or after February 7, 2004, must comply 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 25, 2004, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map. The in-lieu fee for the proposed conversion would be \$9,513.00, which is based on a calculation using the size and number of units and the date the project was deemed to be a complete application.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of nine 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. The project has been determined to be categorically exempt from the California Environmental Quality Act because it is an existing facility. The Uptown Planners have reviewed the proposed tentative map and applied conditions that have, to the extent possible been included as conditions of the draft resolution. Staff believes the required findings can be supported and therefore recommends that the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve** Tentative Map No. 146706, **with modifications.**
2. **Deny** Tentative Map No. 146706, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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STROHMINGER/JPH

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
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 3W
11. Copy of 60-Day Notice of Intent to Convert (Sample)