

**DATE ISSUED:** August 18, 2005                      **REPORT NO.** PC-05-256

**ATTENTION:** Planning Commission, Agenda of August 25, 2005

**SUBJECT:** 4336 FELTON TENTATIVE MAP - PROJECT NO. 55919  
PROCESS FOUR

**OWNER/  
APPLICANT:** 4336 Felton Street, LLC (Attachment 8)  
Milton Bennett (Craig and Associates, Inc.)

**SUMMARY**

**Issue(s)** – Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4336 Felton Street, within the Normal Heights Neighborhood of the Mid-City Communities Plan Area?

**Staff Recommendation:**

1.     **Approve** Tentative Map No. 169450; and
2.     **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - On February 1, 2005, the Normal Heights Community Planning Committee considered the project and voted 12-0-1 to recommend approval of the Tentative Map with no recommendations (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 seven existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on January 5, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.141 acre site is located at 4336 Felton Street north of El Cajon Boulevard in the CT-2-4 Zone of the Central Urbanized Planned District, and within the Normal Heights Neighborhood of the Mid-City Communities Plan Area (Attachment 3). The site is presently developed with a 2-story building consisting of 3 one-bedroom, 3 two-bedroom, and 1 three-bedroom residential units. The development also provides a total of 13 off-street parking spaces in a combination of 5 garage spaces and 8 surface parking spaces. Surrounding land use consists of multi-unit residential development.

The site is currently zoned CT-2-4 and is within the Mid-City Communities Planned District, which was established over the area in October 2000. The site is also within the Transit Area Overlay Zone established in October 1992. The seven unit residential project was constructed in 1990. At that time the site was zoned CN-1T, within the Mid-City Communities Planned District, which permitted up to a maximum of 15 units on the approximately 6,142-square-foot site, and required a total of 13 parking spaces. 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 meet the current density requirement of the CT-2-4 zone, which allows 1 unit per 1,500 square feet of lot area or a total of 4 units on the subject site. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The project provides 13 parking spaces, which exceeds the 12 spaces required for the seven-unit development per current municipal code requirement. .

## **DISCUSSION**

### **PROJECT DESCRIPTION:**

The project proposes a Tentative Map for the subdivision of a 0.141 acre site for the conversion of seven 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 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 a) the conversion involves a short span of overhead facility (less than 600 feet in length), and b) the conversion is a requirement of a condominium conversion of an existing development 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 within the west side of the alley right of way. The closest power pole is located across the alley, which is used to serve the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-Z, which is proposed to be undergrounded in Fiscal Year 2016 (Attachment 10).

#### **COMMUNITY PLANNING GROUP RECOMMENDATION:**

On February 1, 2005, the Normal Heights Community Planning Committee considered the project and voted 12-0-1 to recommend approval of the Tentative Map with no recommendations.

#### **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 January 5, 2005, 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 the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$4,287.50, 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), 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.

**CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of seven 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. 169450 with modifications.**
2. **Deny Tentative Map No. 169450 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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**Jeffrey D. Strohminger**  
Assistant Deputy Director, Customer Support and  
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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 3-Z
11. Copy of Sample Notice to Tenants