

DATE ISSUED: February 9, 2006 **REPORT NO. PC-06-018**

ATTENTION: **Planning Commission, Agenda of February 6 , 2006**

SUBJECT: 4335 MCCLINTOCK TENTATIVE MAP, PROJECT NO. 78138
PROCESS FOUR

OWNERS: Thomas L. & Lila R. Behr (Attachment 8)

APPLICANT: Sterling Land Service, Inc.

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of eight existing residential units to condominiums at 4335 McClintock Street, within the Normal Heights Neighborhood of Mid-City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 242542and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Normal Heights Community Planning Committee voted 6-1-1 to recommend approval of the project with no conditions on October 4 , 2005 (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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 17, 2005, and the opportunity to appeal that determination ended September 8, 2005.

Fiscal Impact Statement: 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 eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on August 3, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.4- acre site is located at 4335 McClintock Street in the CT-2-4 Zone of the Central Urbanized Planned District within the Normal Heights Neighborhood of the Mid-City Communities Plan Area (Attachment 3). The project is located on the east side of McClintock Street between Meade Avenue and El Cajon Boulevard. The site is presently developed with one, two-story structure containing four, two-bedroom units and four, one-bedroom units. Eight off-street parking spaces are provided on the site, three of which are accessed from McClintock Street and five of which are accessed from the alley at the rear of the property. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1968 when the site was zoned R-4, which allowed for the development of the eight units. The eight parking spaces provided complies with the requirement of one space per unit that was in effect at the time of construction. The site is currently within the CT-2-4 Zone of the Central Urbanized Planned District, which would allow four units to be constructed on the subject site (1 unit per 1,500 sq/ft of lot area). Utilizing current parking standards, 14 spaces would be required. 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.

Although the project does not conform with the current maximum density of four units and provides eight parking spaces where 14 are currently required, 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 0.14-acre site to convert eight existing dwelling units into condominiums on two existing lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 of Existing Utilities

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*, the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 19 of the draft Tentative Map resolution (Attachment 6). The applicant would also 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 utilities lines on the alley. The utility lines to these poles extend to other properties located north and south within the street. The pole closest to this property, which carries the line serving this site, is located within the rear alley right-of-way, approximately 15 feet in the southeast corner of this site. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3II, and the date for undergrounding has been established for the year 2019 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Normal Heights Community Planning Committee voted 6-1-1 to recommend approval of the project with no conditions on October 4, 2005 (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 Notices of Intent to Convert to Condominiums were provided to the tenants July 1, 2005 (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 August 3, 2005, 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.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of eight residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 242542with modifications.**
2. **Deny Tentative Map No. 242542if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

Paul B. Godwin
Project Manager, Customer Suport
and Information Division
Development Services Department

STROHMNGER/PBG

Attachments:

1. Aerial Photograph
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 3II
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations