

DATE ISSUED: February 16, 2006 **REPORT NO. PC-06-034**

ATTENTION: **Planning Commission, Agenda of February 23, 2006**

SUBJECT: 4043FIRST AVENUE TENTATIVE MAP, PROJECT NO. 77656
PROCESS FOUR

OWNERS: Roger and Norah DeSilva (Attachment 8)

APPLICANT: Sullivan Wertz McDade & Wallace

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 15 existing residential units to condominiums at 4043First Avenue, within the Uptown Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 277557and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Uptown Planning Committee voted 6-3-0 to recommend approval of the project on November 1, 2005, with recommendations as described in this report (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 9, 2005, and the opportunity to appeal that determination ended August 30, 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 15 existing apartments to condominiums, there would be a loss of 15 rental units and a gain of 15 for-sale units. This condominium conversion project was deemed complete on July 26, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.25-acre site is located at 4043 First Avenue in the MR-800B Zone of Mid City Communities Planned District and the Transit Area Overlay Zone, within the Uptown Community Plan Area (Attachment 3). The site is presently developed with one, three-story structure containing nine, two-bedroom units and six, one-bedroom units. Fifteen off-street parking spaces are provided on the site, seven of which are located in the front yard setback along First Avenue and eight spaces located along the alley frontage at the rear of the property. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1970. At the time the site was zoned R-4 which allowed the development of the 15 existing dwelling units. The project provides 15 parking spaces, which complies with the requirement of one space per unit that was in effect in 1970. 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.

The project conforms to the current density requirement of one unit per 600 square feet in the MR-800B Zone, which would allow 18 units on the subject site. Utilizing current parking regulations, 23 off-street parking spaces would be required. Although the 15 parking spaces provided do not satisfy the current requirement of 23 spaces, 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 0.25-acre site to convert 15 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*, as the conversion involves a short span of overhead facility (less than 600 feet in length).

The applicant will be required to underground all existing service to the site per Condition No. 16 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 is currently serviced by power poles and overhead utilities lines which are located in the alley right-of-way. The power poles and overhead utility lines which service this site also service other properties in the neighborhood. As indicated above, all onsite 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 3U, which is scheduled to be undergrounded in the year 2013 (Attachment 10).

Community Planning Group Recommendations:

The Uptown Planning Committee voted 6-3-0 to recommend approval of the project on November 1, 2005, with the following recommendations (Attachment 7):

1. Rebuild driveway to meet ADA requirements. *The proposed Tentative Map would not require the project to meet current ADA standards. However, the applicant has indicated that they intend to improve the driveway, parking areas and walkway with enhanced paving and would incorporate ADA requirements.*
2. Score the walkway with the historical sidewalk pattern. *The Land Development Code already requires the preservation of historic sidewalk stamps and scoring, but does not require that stamp and scoring patterns be continued into the interior flatwork of the project. However, the applicant has indicated that they intend to provide enhanced paving areas for the parking and walkway at the front of the project to improve the appearance of the frontage.*

3. Minimize curb cuts without eliminating parking. *The current configuration of the parking areas and curb cuts does not provide an opportunity to minimize the curb cut without removing 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 Notices of Intent to Convert to Condominiums were provided to the tenants September 6, 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 July 8, 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 15 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. 277557 with modifications.**
2. **Deny Tentative Map No. 277557 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Acting Deputy Director, Customer Support
and Information Division
Development Services Department

Paul B. Godwin
Project Manager, Customer Support
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STROHMINGER/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 3U
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations