

**CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
M E M O R A N D U M**

DATE: March 23, 2006

TO: Planning Commission

FROM: Derrick Johnson, Development Project Manager

SUBJECT: 4410 41st Street Tentative Map (Project Number 72860),
Continued from March 2, 2006 to March 30, 2006

The subject project was originally scheduled for a Process 4 Planning Commission hearing on March 2, 2006. No public testimony was heard on this item, this item was continued by the Planning Commission until March 30, 2006, to allow for additional Commissioner's to be present.

All applicable dates within the Tentative Map documents will be modified in the final version following action of the Planning Commission.

A re-print of the report for the subject project is provided.

DATE ISSUED: February 24, 2006 **REPORT NO.** PC-06-086

ATTENTION: Planning Commission, Agenda of March 2, 2006

SUBJECT: 4410 41ST STREET TENTATIVE MAP- PROJECT NO. 72860
PROCESS FOUR

OWNERS: Huntsman 6, LLC (Attachment 8)

APPLICANT: San Diego Land Surveying and Engineering Inc. , Engineer

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of six existing residential units into condominiums at 4410 41st Street, within the Mid City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 222674 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On December 15, 2005, the Kensington-Talmadge Planning Committee voted 10-0-0 to recommend approval of the proposed project, with their five standard conditions, discussed further 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 June 22, 2005, and the opportunity to appeal that determination ended July 16, 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 six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium conversion project was deemed complete on June 8, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.17-acre site is located at 4410 41st Street (between Monroe Avenue and Meade Avenue) in the RM-1-1 zone of the Central Urbanized Planned District and Transit Overlay Zone, within the Kensington Talmadge Neighborhood of Mid City Communities Plan Area (Attachment 3). The site is developed with seven, one-story structures containing six, one-bedroom units and a six-car garage. Six off-street parking spaces are provided on the site: all six spaces are accessed from the alley at the rear. The site is bounded on the east, west, and south by multi-family residential uses. Single family residential is located to the north of the project site

The existing improvements were constructed in 1927. At that time the site was zoned R-4 and would have allowed for nineteen dwelling units. No parking requirements were in effect in 1927. However, six off street parking spaces are provided on site. 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 the current density requirement of one unit per 3,000 square feet in the RM-1-1 Zone, which would only allow three units to be constructed today. Under current criteria, nine off-street parking spaces would be 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 0.17 acre site into one (1) lot for a six unit residential condominium conversion on three 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*, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and 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.

The applicant will be required to underground all existing service to the site per Condition No. 12 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 in the alley right-of-way to the rear. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located on the opposite side of the alley at the rear of the property. 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 3AA, and the date for undergrounding has been established for the year 2020 (Attachment 12).

Community Planning Group and Neighborhood Recommendations:

On December 15, 2005, the Kensington-Talmadge Planning Committee voted 10-0-0 to approve the project with the following recommended standard conditions (Attachment 7).

1. No waiver or exemption from state and local requirements that existing utility services for this property be undergrounded. Undergrounding of all overhead utility services is a critical infrastructure need in our community and is typically paid for by the developer. Exceptions may include alleyway above ground utilities or any utility planned and programmed to be undergrounded in the next five years as identified and verified by the local council district office. *Based on the preceding information regarding the*

undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.

2. *The first right of refusal to purchase a unit be given to current tenants. The Tentative Map Resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.*
3. *Historic sidewalk stamps and scoring of existing sidewalks be preserved. If sidewalks are missing or need replacement, new sidewalks will be built to match scoring, coloring, texture and contractor or date stamps. The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*
4. *If existing or previously constructed landscaping does not meet the current land development code landscape requirements, the project will be brought into compliance as part of this permit. The sidewalk and parkway planter configuration will be brought into general compliance with the City of San Diego Street Design Manual including streetscape planting requirements. There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*
5. *On-street parking be preserved in its current quantity and every effort be made to increase on-street and off-street parking where possible including re-striping and removal of underutilized curb cuts. There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*

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 February 3, 2005 (Attachment 13).

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 June 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 six 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 has determined the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 222674with modifications.**
2. **Deny Tentative Map No. 222674if 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

Derrick Johnson
Customer Support and
Information Division
Development Services Department

STROHMINGER/DNJ

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 3AA
11. Copy of Sample 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations