

**DATE ISSUED:** August 24, 2006 **REPORT NO:** PC-06-244

**ATTENTION:** **Planning Commission, Agenda of August 31, 2006**

**SUBJECT:** 4580 39<sup>th</sup> STREET TENTATIVE MAP; PROJECT NO. 86206  
PROCESS FOUR

**OWNERS:** Shirley Segal (Attachment 8)

**APPLICANT:** San Diego Land Surveying & Engineering

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 16 existing residential units to condominiums at 4580 39<sup>th</sup> Street, within the Normal Heights Neighborhood of the Mid-City Communities Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 276446 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On June 6, 2006, the Normal Heights Community Planning Group voted 7-0-0 to approve this project with no recommendations. (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on November 1, 2005. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

**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 16 existing apartments to condominiums, there would be a loss of 16 rental units and a gain of 16 for-sale units. This condominium conversion project was deemed complete on October 25, 2005 and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0347 acre project site is located at 4580 39<sup>th</sup> Street, in the RM-1-2 zone of the Normal Heights Neighborhood of the Mid-City Communities Plan Area. (Attachment 3). The site is presently developed with 2, two-story structures containing 16, two bedroom units. Sixteen off-street parking spaces are provided on the site: 4 spaces are accessed from 39<sup>th</sup> Street at the front and twelve are accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1959. At the time the site was constructed it was zoned R-4 and would have allowed for 38 units, or 1 unit for every 400 square feet of lot area. Current density requirements in the RM-1-2 zone allow for 1 unit for every 2,500 square feet, which would permit 6 units. Current parking regulations in the RM-1-2 and Transit Area Overlay Zone require 28 parking spaces, or 1.75 spaces for every 2-bedroom unit on site. The approved building site plan (Permit No. A10908, Plan File No. A4535), however, shows 16 parking spaces provided on site. The 16 parking spaces provided complied with the parking requirements in effect at the time of construction. 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 with the current maximum density of six units and provides 16 parking spaces where 28 are currently required. The project also 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 0347 acre site to convert 16 existing dwelling units into condominiums on one existing lot (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 decision maker 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. 18 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. 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 within the rear alley right-of-way, approximately 5 feet west 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:**

On June 6, 2006, the Normal Heights Community Planning Group voted 7-0-0 to approve this project. The group "expressed concerns" about inadequate parking, location of the dumpster, the need for construction debris disposal, and water and energy efficient upgrades but offered no recommendations. (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 September 5, 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 October 25, 2005. 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 applicant has elected to pay an in-lieu fee of \$30,000.00 (12,000 square feet x \$2.50) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**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 believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 276446with modifications.**
2. **Deny Tentative Map No. 276446if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Mike Westlake**  
**Program Manager**  
**Development Services Department**

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**Renee Mezo**  
**Development Project Manager**  
**Development Services Department**

WESTLAKE/ROM

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