



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 8, 2007 **REPORT NO. PC-07-151**

ATTENTION: Planning Commission, Agenda of November 15, 2007

SUBJECT: 2551 WORDEN TENTATIVE MAP AND EASEMENT VACATIONS
PROJECT NO. 84000, PROCESS FIVE

OWNER: Charles Warner

APPLICANT: Lintvedt, McColl & Associates

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of a Tentative Map for the conversion of 29 existing residential units into condominiums, a waiver of the requirement to underground the existing overhead utilities and the vacation of several unused public service and street reservation easements at 2551 Worden Street, in the Peninsula Community Plan area?

Staff Recommendation:

1. Recommend **Approval** of Tentative Map No. 265665; and
2. Recommend **Approval** of Easement Vacation No. 499428; and
3. Recommend **Approval** of a waiver of the requirement to underground the existing overhead utilities.

Community Planning Group Recommendation: On November 17, 2005, the Peninsula Community Planning Group voted 7-1-2 to recommend denial of the project with no recommended conditions (Attachment 7).

Environmental Review: This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 3, 2005, and the opportunity to appeal that determination October 24, 2005.

Fiscal Impact: None associated with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of 29 existing residential units into condominiums, there would be a loss of 29 rental units and a gain of 29 for-sale units. This condominium conversion project is subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations that became effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations and this project can proceed to its discretionary hearing.

The 1.10-acre site is located at 2551 Worden Street in the RM-3-7 Zone and the Airport Environs, Airport Approach and Coastal Height Limit Overlay Zones, within the Peninsula Community Plan area (Attachment 3). The site is presently developed with a two-story multi-family structure that was built in 1970 and consists of 12 one-bedroom units and 17 two-bedroom units, for a total of 29 units. There are 31 parking spaces onsite, consisting of 22 garage spaces, 3 carport spaces and 6 uncovered parking spaces. Vehicular access to the site is provided from a single driveway on Worden Street. The site is surrounded by a mix of single- and multi-family residential development on all sides.

When the development was constructed in 1970, the site was zoned R-4, which would have allowed for up to 119 units on the subject site. The site is currently zoned RM-3-7, which would allow one unit per 1,000 square feet of lot area, or 48 units allowed on this 1.10-acre project site. The Community Plan designates the site for multi-family development at a density of 30 to 40 dwelling units per acre, or 33 to 44 units allowed on this site. Therefore, the project as constructed conforms with the current density requirements for this site.

A newly constructed 29-unit project such as this would require a total of 52 off-street parking spaces according to current parking regulations. The current condominium conversion parking regulations would require a total of 34 off-street parking spaces for this project. The 31 parking spaces provided are allowed because, as discussed previously, the new condominium conversion parking requirements that were approved in June 2006, do not apply to this project.

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 has previously conforming rights which allows for the current parking count, 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 1.10-acre site into one lot to convert 29 existing dwelling units into condominiums (Attachment 5), including a request to waive the requirement to underground the existing overhead utilities. The project scope also includes several easement vacations, which require a Process Five, City Council decision. As outlined in the San Diego Municipal Code, projects such as this which include easement vacations require a recommendation from the Planning Commission before proceeding to a Process Five, City Council hearing.

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.

Easement Vacations

The requested Tentative Map would include the vacation of several unused public service and street reservation easements that are located within the project site. These easements include a 10-foot wide public utility easement located towards the front of the site along Worden Street, a 10-foot wide drainage easement located along the north side of the existing building and a 35-foot street reservation easement located at the northeastern corner of the property.

City staff has reviewed the requested easement vacations and determined that the easements are not being utilized, are no longer required for their original intended use and are supportive of the requested vacations. These easements are listed on the Tentative Map exhibit and would become final with the completion of the Final Map that is required subsequent to the Tentative Map.

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), 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. 27 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. 26 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located in the Worden Street right-of-way along the property frontage. These utility lines and poles also service the adjacent properties. 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 the utilities serving the adjacent properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 2M3, and the date for undergrounding has been established for the year 2055 (Attachment 9).

Community Planning Group and Neighborhood Recommendations:

On November 17, 2005, the Peninsula Community Planning Committee voted 7-1-2 to recommend denial of the project (Attachment 7). Concerns raised by Planning Group included the amount of parking provided, the age of the building and possible need for physical upgrades and that no affordable units were being provided onsite. No recommended project conditions were provided.

The project provides at least one parking space per unit and complies with the parking regulations in effect for this site. A Building Conditions Report which discloses the current condition of the building and the required repairs and upgrades was completed subsequent to the Planning Group meeting and has been reviewed and accepted by City staff. Also, the project is now required to provide onsite affordable housing to meet the current condominium conversion inclusionary housing requirements, which were approved subsequent to the Planning Group meeting.

Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

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 on September 6, 2005 (Attachment 10).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

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.

Because the project involves the conversion of 20 or more units, the project has been conditioned to provide onsite affordable housing units to comply with the Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). These regulations require that at least 10 percent of the units be set aside for households with an income level at or below 100 percent of the Average Median Income (AMI).

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

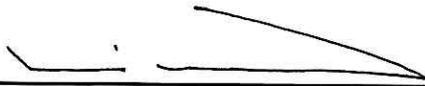
Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 29 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 also reviewed the requested public service and street reservation easement vacation request and has determined that these easements are no longer required for their intended use and should be vacated. All applicable City departments are supportive of the proposed Easement Vacation. Staff believes the required findings can be supported and recommends that the Planning Commission recommend approval of the project as proposed to the City Council.

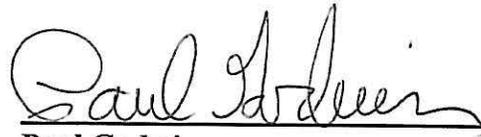
ALTERNATIVES:

1. **Approve** Tentative Map No. 265665; and Easement Vacation No. 499428, **with modifications.**
2. **Deny** Tentative Map No. 265665; and Easement Vacation No. 499428, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Paul Godwin
Development Project Manager
Development Services Department

WESTLAKE/PBG

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Plan
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Project Chronology
9. Undergrounding Master Plan 2M3
10. Sample 60-Day Notice
11. Ownership Disclosure Statement
12. Photos of Existing Elevations
13. Applicant's proposed schematic presented to Community Planning Group
14. Building Conditions Report (Under Separate Cover)