



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** January 4, 2008 **REPORT NO. PC-08-010**

**ATTENTION:** Planning Commission, Agenda of January 10, 2008

**SUBJECT:** 4639 35TH STREET TENTATIVE MAP – PROJECT NO. 86036  
PROCESS FOUR

**OWNERS:** Equity Homebuyers LLC. (Attachment 8)

**APPLICANT:** Sterling Land Services, Engineer

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of eight existing residential units to condominiums at 4639 35<sup>th</sup> Street, including a waiver of the requirement to underground the existing overhead utilities, within the Normal Heights neighborhood of the Mid-City Communities Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 277324; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On August 1, 2006, the Normal Heights Community Planning Committee voted 9-0-0 to recommend approval of the proposed project without recommendations (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). The environmental exemption determination for this project was made on October 28, 2005, and the opportunity to appeal that determination ended November 18, 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 October 21, 2005, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations 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 0.15-acre project site is located at 4639 35<sup>th</sup> Street in the RM-1-1 Zone of the Central Urbanized Planned District and the Transit Area Overlay Zone, within the Normal Heights neighborhood of the Mid-City Communities Plan Area (Attachment 3). The site is presently developed with one, two-story structure containing a total of six, 3-bedroom units and two, 1-bedroom units. Eight off-street parking spaces are provided on the site: four are accessed from 35<sup>th</sup> Street at the front; four are accessed from alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1962 when the site was zoned R-4, which permitted multi-family residential development at an unlimited density. The site is currently zoned RM-1-1, which would allow one unit for every 3,000 square feet, or two units, on the subject site. Current parking regulations would require 20 parking spaces on site and eight parking spaces are provided. 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 two units; however, 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 0.15-acre site into one (1) lot for an eight-unit residential condominium conversion (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 a full block in length 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. 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, directly behind 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 3BB1, and the date for undergrounding has been established for the year 2016 (Attachment 10).

#### Community Planning Group and Neighborhood Recommendations:

On August 1, 2006, the Normal Heights Community Planning Group voted 9-0-0 to recommend approval of the proposed project without recommendations (Attachment 7).

#### Project-Related Issues:

##### Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the eight unit complex has no on site tenants and the 60-day Notice of Intent to Convert to Condominiums was not required

(Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding Inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on October 1, 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) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map. The applicant will not have to adhere to the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) as the complex is vacant. If prospective tenants occupy the premises prior to the recording of the Final Map, the Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights required by the State Map Act and Land Development Code.

The applicant has elected to pay the Inclusionary Affordable Housing In-Lieu Fee of \$6,925.00 (5,540-square-feet x \$1.25) pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

#### 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 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. 277324, with modifications.**
2. **Deny Tentative Map No. 277324, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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



**Derrick Johnson**  
**Development Project Manager**  
**Development Services Department**

WESTLAKE/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. Project Chronology
9. Ownership Disclosure Statement
10. City's Undergrounding Master Plan Map 3BB1
11. Photos of Existing Front and Rear Elevations
12. Building Conditions Report

