

DATE ISSUED: February 4, 2005 REPORT NO. PC-05-037

ATTENTION: Planning Commission, Agenda of February 10, 2005

SUBJECT: RILEY STREET TENTATIVE MAP PROJECT NO. 23754,
PROCESS FOUR.

OWNER/
APPLICANT: The Slater Family Trust, Byron Slater and Nancy B. Slater, Trustees
Owner (Attachment 8); Robert J. Bateman, San Diego Land Surveying and
Engineering, Inc., Applicant

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to convert six existing residential dwelling units to condominiums on a 0.143-acre site at 5763 Riley Street, in the RM-3-7 Zone within the Linda Vista Community Planning Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 61364; and
2. **APPROVE** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation: On February 23, 2004, the Linda Vista Community Planning Group voted 12-0-0 to recommend approval of the application. A copy of the Groups recommendation is included as 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).

Fiscal Impact: 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 January 15, 2004, prior to February 7, 2004, and is therefore exempt from the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.143-acre (6,229 sq. ft.) site is located at 5763 Riley Street, south of Laretta, east of Colusa, west of Eureka and north of Gaines Streets, in the RM-3-7 Zone, within the Linda Vista Community Plan Area (Attachment 3). The site is presently developed with a two-story building consisting of six, three-bedroom units. The Community Plan designates this site for multi-family residential use and the existing use is consistent with this designation. Surrounding land uses include multi-family residential use.

The site is currently zoned RM-3-7, which was applied to the site in 1974. The six-unit apartment building was approved for construction in 1991, subject to the development regulations of the R-1000 Zone which permitted up to one dwelling unit per 1,000 sq. ft. of lot area. The development is in compliance with the zoning and development regulations in effect at the time of construction, and currently provides a total of ten off-street parking spaces.

The project does not meet the required off-street parking regulations of the Land Development Code, currently in effect. The current zone would allow development of up to six (6) units on the site. Redevelopment of the site with six, three-bedroom dwelling units, as currently exist, would require 2.25 spaces per unit, for a total of 15 off-street parking spaces. 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 0.143-acre site to create one lot and for the conversion of six multi-family dwelling units into condominiums (Attachment 5). The Applicant is also requesting that the requirement for the undergrounding of the 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 the Subdivision Map Act and the San Diego Municipal Code.

Undergrounding Waiver Request

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 is a requirement of a condominium conversion of an existing development, no new construction is proposed, the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility.

The neighborhood currently contains power poles and overhead utility lines along Riley Street. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 6A, which has a projected date for undergrounding in year 2009 (Attachment 10).

Project-Related Issues

The requested conversion of these residential units to condominiums represents primarily a change in ownership. All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to 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 January 15, 2004, and is therefore not subject to these new regulations. A site visit by staff indicated that on-street parking is available on both sides of Riley Street.

Conclusion

Staff has reviewed the request for a Tentative Map for the conversion of six residential units into condominiums, and the request to waive the requirements of the undergrounding of existing overhead utilities. Staff has determined the project to be in conformance with the applicable sections of the Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff can support the required findings and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 61364, with modifications.
2. Deny Tentative Map No. 61364, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department

Bill Tripp
Development Project Manager
Development Services Department

HALBERT/WCT

Attachments:

1. Aerial Photograph of Project Site
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 6A
11. Undergrounding Waiver Request Letter
12. Sample Notice to Tenants