

DATE ISSUED: March 31, 2005

REPORT NO. PC-05- 090

ATTENTION: Planning Commission, Agenda of April 7, 2005

SUBJECT: EDGEWARE ROAD TENTATIVE MAP-PTS 55154

**OWNER/
APPLICANT:** 4680 Edgeware LLC

SUMMARY:

Issue(s) - Should the Planning Commission approve Tentative Map No. 66795 to convert eight existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 4680 Edgeware Road within the Kensington-Talmadge neighborhood of the Mid-City Community Plan?

Staff Recommendation

1. **APPROVE** Tentative Map No. 66795; and
2. **APPROVE** waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – On February 9, 2005 the Kensington-Talmadge Planning Board voted 10 in favor, 4 opposed, and 0 abstentions to approve the project, with a several conditions which are discussed later in this report.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as “Existing Facilities.”

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 conversion of eight existing apartments to condominiums, there would be a loss of eight rentals units and a gain of eight for-sale

units. This Tentative Map request was deemed complete after February, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

BACKGROUND:

The 0.137 acre site is located at 4680 Edgeware Road in the Central Urbanized Planned District within the Kensington-Talmadge neighborhood of the Mid-City Community Plan (Attachment 1). The subject property is surrounded by similar multi-family and single family development (Attachment 2). The Mid-City Community Plan currently designates the project site for Commercial/Mixed-Use development at a density of 29-43 dwelling units per acre (Attachment 3). The site is zoned CN-1-3 by the Central Urbanized Planned District Ordinance. The site was incorporated into the CN-1-3 Zone in October 2000, by ordinance number 18855.

The site is presently improved with a two-story, eight-unit apartment building. The building includes eight two bedroom units with 740 square feet of living area. Both the upper and lower levels of the building have four units. The project was constructed in 1954 when the site was zoned RC and permitted eight units. No off street parking was required by the zoning ordinance at the time the apartments were constructed in 1954. The site maintains eight substandard parking spaces which is less than today's parking standard of sixteen spaces for newly constructed projects with the same density.

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 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 to allow the conversion of eight existing multi-family dwelling units into eight condominiums and a request to waive the requirement to place existing overhead utilities underground. No physical changes to the developed site are proposed or will occur should the project be approved (Attachment 4).

Section 125.0410 of the San Diego Municipal Code requires a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion, the decision maker 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 it complies with both the Subdivision Map Act and the 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 and the conversion involves a short span of overhead facilities less than a full block in length, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 10 of the draft Tentative Map resolution (Attachment 5).

The neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There is one power pole located within the alley at the northeast corner adjacent to the subject property, with the next closest pole located within the alley adjacent to the southeastern corner of the property to the south. Furthermore, sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3EE, and is proposed to be undergrounded in Fiscal Year 2005(Attachment 6).

Condominium Conversion Regulations:

The requested conversion of these residential units to condominiums represents a change in ownership.

The applicant has certified that the required 60-day Notice of Intent to Convert to Condominium was provided to the tenants on October 10, 2004 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. The project was deemed complete on November 18, 2004, and is subject to all Inclusionary Affordable Housing Regulations.

Community Planning Group Recommendations:

On February 9, 2005 the Kensington-Talmadge Planning Board voted 10 in favor, 4 opposed, and 0 abstentions with the following conditions. The Board's conditions are noted in the underlined text below. Staff's comment on each issue follows in regular text.

1. Provide foundation planting at the south face of the building at the alley.

Staff Response: The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was

constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

2. The trash enclosure at the alley south wall shall have sidewalls only.

Staff Response: No permits are required with the proposed subdivision and there is no legal nexus for this condition. However, the applicants have agreed with the recommendation and have agreed to adhere to this request and include it as part of the subdivision.

3. Provide a code required stair and balcony railing design style in keeping with a 1950 era building.

Staff Response: The applicants have agreed to do this as part of the property improvement. This is in keeping with the local planning group's desires to keep the building in the 50's style, while fulfilling current Building Code requirements which do not allow for spaces of greater than four inches between railings. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

4. Provide for strip foundation planting between the parking and the building.

Staff Response: Staff has not made this a condition of the map waiver. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

5. Provide for a low screen wall with foundation planting between the parking and Adams Avenue.

Staff has not made this a condition of the map waiver. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

6. When the exterior doors and windows are replaced, provide installations in keeping with a 1950 era building.

Staff has not made this a condition of the map waiver. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development

Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

7. Maintain the existing tree planting in the parking area.

Staff has not made this a condition of the map waiver. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

8. Reduce the continuous length of the parking curb cut along Edgeware Road by providing standard curb and gutter in front of the main building stair access between the parking areas, and with a street tree to be planted at this new location. Then, extend the curbs and gutters at the north and south ends of the curb cuts to a practical point to allow parking access and plant two more street trees.

Staff Response: No permits are required with the proposed subdivision and there is no legal nexus for this condition. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver.

9. Reduce the concrete massing of the front parking area by changing paving textures and/or cutting paving strips for gravel bed oil drip zones.

Staff has not made this a condition of the map waiver. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

10. When remodeling the building, provide materials and colors installed in keeping with a 1950 era styling.

Staff has not made this a condition of the map waiver. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver. However, the applicant has agreed to integrate this request as part of the property improvement.

Environmental Analysis:

The project is categorically exempt from the California Environmental Quality Act per Article 19, Section 15301 (k), Existing Facilities.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of the eight residential units into eight condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff recommends the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES:

1. Approve Tentative Map No. 66795 and waive the requirement to underground existing overhead utilities with modifications.
2. Deny Tentative Map No. 66795 and waive the requirement to underground existing overhead utilities if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Marcela Escobar-Eck
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Development Services Department

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Development Project Manager
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Attachments:

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Tentative Map Exhibit
5. Tentative Map resolution
6. City's Undergrounding Master Plan for Fiscal Year 2005
7. 60 Day Notice of Filing Tentative Map for Conversion
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Project Data Sheet

Job Order No. 42-3610