

DATE ISSUED: May 5, 2005 **REPORT NO.** PC-05-161

ATTENTION: **Planning Commission, Agenda of May 12, 2005**

SUBJECT: 51st STREET TENTATIVE MAP – PROJECT NO. 54612
PROCESS FOUR

OWNER/ DONALD E. AND DIANNE M. WILLIS, OWNERS
APPLICANT: SAN DIEGO LAND SURVEYING, INC., ENGINEERS, APPLICANT

SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units into condominiums at 4437 51st Street, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area?

Staff Recommendation: **Approve** Tentative Map No. 164767

Community Planning Group Recommendation - The Kensington-Talmadge Planning Committee voted 14-0 to recommend approval of the proposed project on February 9, 2005, with specific recommendations detailed within this report (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 7 existing apartments to condominiums, there would be a loss of 8 rental units and a gain of 7 for-sale units. This condominium conversion project was deemed complete on November 17, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.143 acre site is located at 4437 51st Street in the RM-1-1 Zone of the Central Urbanized Planned District within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area (Attachment 3). The site is presently developed with one, two-story structure containing 6 one-bedroom units and 1 two-bedroom unit, with off-street parking spaces accommodating 9 vehicles. Four of the off-street parking spaces are in the front of the property, accessed from 51st Street, while the remaining five spaces are accessed from the alley at the rear. The site is bounded by multi-family residential development to the east, west, and south.

The existing improvements were constructed in 1978. At that time the site was zoned R-3A and would have allowed for 10 units. Parking requirements effective in 1978 required nine off-street parking spaces to be provided for the seven dwelling units. 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 density requirement of one unit per 3,000 square feet in the RM-1-1 Zone, which would only allow two units to be constructed today. Under current criteria, 11 off-street parking spaces would be required; nine parking spaces are provided on site. 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 convert 7 existing dwelling units into condominiums on one existing lot (Attachment 5).

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

The neighborhood currently contains power poles and overhead utility lines the alley right-of-way. There is one power pole located at the southeast corner of the site in the alley. The utility lines to this pole extend to others located both north and south within the alley. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3FF, and the date for undergrounding was established for the year 2004 (Attachment 10).

The owners have just received a letter from the City's Underground Utility Program Manager indicating the undergrounding has been scheduled to occur by December 2005 (Attachment 11). As a result, this project does not include a request to waive the requirement to underground the existing overhead utilities. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4f of the draft Tentative Map resolution (Attachment 6).

COMMUNITY PLANNING GROUP AND NEIGHBORHOOD RECOMMENDATIONS:

The Kensington-Talmadge Planning Committee voted 14-0 to recommend approval of the proposed project on February 9, 2005, with their standard five recommendations and an additional seven specific recommendations for this project, which are listed below:

1. *No waiver or exemption from state and local requirements that existing utility services for this property be undergrounded. Undergrounding of all overhead utility services is a critical infrastructure need in our community and is typically paid for by the developer. Exceptions may include alleyway above ground utilities or any utility planned and programmed to be undergrounded in the next five years as identified and verified by the local council district office. The applicant's original proposal included a request to waive the requirement to underground existing overhead utilities. That request has been removed from consideration with this project based on the confirmation received from the City's Underground Utility Program Manager that the utilities in the area will be undergrounded by December 2005 (Attachment 11).*
2. *The first right of refusal to purchase a unit be given to current tenants. This is a standard condominium conversion Tentative Map condition. Please see Condition No.8 of the Resolution (Attachment 6).*
3. *Historic sidewalk stamps and scoring of existing sidewalks be preserved. If sidewalks are missing or need replacement, new sidewalks will be built to match scoring, coloring, texture and contractor or date stamps. This is an existing requirement of the Municipal Code.*
4. *If existing or previously constructed landscaping does not meet the current land development code landscape requirements, the project will be brought into compliance as part of this permit. The sidewalk and parkway planter configuration will be brought into general compliance with the City of San Diego Street Design Manual including streetscape planting requirements. There is no construction proposed with this project, therefore no additional landscaping is required.*
5. *On-street parking be preserved in its current quantity and every effort be made to increase on-street and off-street parking where possible including re-striping and removal of underutilized curb cuts. There is no construction proposed with this project, therefore no additional parking is required.*

6. *Provide palm tree planted on north side of the street driveway curb-cut in the parkway.* The applicant will be voluntarily participating in the City's offer to plant a street tree as part of the undergrounding effort in December 2005. The City's Urban Forester has determined appropriate types of street trees for this street and the selection will be made at a future date. Please see Attachment 11 for the Tree Planting Offer information.
7. *Provide low screen wall in the existing front planter area for the one parallel parking space adjacent to the building.* The existing landscape in this planter provides vehicular screening and installation of a wall would require removal of existing landscape. There is no construction proposed with this project, therefore no additional construction is required.
8. *Provide foundation planting strip at the front building wall facing the one parallel parking space.* There is no construction proposed with this project, therefore no additional landscaping is required. The installation of a planting strip in this area would reduce the existing parking space size.
9. *Reduce concrete massing of the front parking area by changing paving textures and/or cutting paving strips for gravel bed oil drip zones.* There is no construction proposed with this project, therefore no additional landscaping or new driveway surfacing is required. It should be noted, however, that small cut-outs already exist under parking spaces 2, 3, and 4 in the oil drip zones.
10. *Provide for unobstructed access from the street and alley to the areas around the entire building.* There is no construction proposed with this project, therefore no additional landscaping is required. Securing fencing does exist, as allowed, within the side yards.
11. *Provide for pocket planting at the building foundation in the alley between the garage doors.* There is no construction proposed with this project, therefore no additional landscaping is required. The area referenced would be extremely small, would have to be hand-watered, and would interfere with the use of the garages, which are built fairly close to the alley right-of-way.
12. *If trash container is located in alley, provide trash enclosure positioned such that it does not block access to the areas around the entire building.* Trash containers will not be located to block access around the building.

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 Notice of Intent to Convert to Condominiums were provided to the tenants on varying dates between May 10, 2004, and March 6, 2005, (Attachment 12).

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 March 15, 2004. This proposed project was Deemed Complete on November 17, 2004, 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) 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.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of seven 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 required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 164767with modifications.**
2. **Deny Tentative Map No. 164767if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeffrey D. Strohminger
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Support and Information Division
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STROHMINGER/MAS

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 3FF
11. Notice of Undergrounding dated April 7, 2005
12. Copy of 60-Day Notice of Intent to Convert