

DATE ISSUED: October 14, 2005

REPORT NO. PC-05-274

ATTENTION: **Planning Commission, Agenda of October 20, 2005**

SUBJECT: 4455 41ST STREET TENTATIVE MAP - PROJECT NO. 61720
PROCESS FOUR

OWNERS: PROVIDENCE REALIZED, LLC

APPLICANT: LANDMARK ENGINEERING CORPORATION

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of five existing residential units into condominiums at 4455-57 41st Street within the Kensington-Talmadge neighborhood of the Mid City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 183216 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Kensington-Talmadge Planning Committee voted 14-0-0 to recommend approval of the proposed project on April 13, 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 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 five existing apartments to condominiums, there would be a loss of five rental units and a gain of five for-sale units. This condominium conversion project was deemed complete on February 2, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.143-acre site is located at 4455-57 41st 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 two structures. The front building is a one-story, two-bedroom unit addressed as 4455 41st Street. The rear building is a two-story structure containing four units and is addressed as 4457 41st Street. The rear building contains 3 two-bedroom units and 1 one-bedroom unit. Eight off-street parking spaces are provided on the site: three accessed from 41st Street at the front and five accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing front structure was constructed in 1940, with the rear building constructed in 1978. In 1940 the site was zoned R-4, and was rezoned to R-3A by the time the rear building was constructed in 1978. Zoning requirements in 1978 would have allowed for 10 dwelling units and would have required eight (8) parking spaces to be provided for the five 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 Zone, which would only allow two units to be constructed today. Under current criteria, 10 off-street parking spaces would be required. 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 five existing dwelling units into condominiums on two existing lots (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*, in that the conversion involves a short span of overhead facility (less than 600 feet 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 would 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 right-of-way. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property is located within the alley right-of-way, at the southeast corner of this site. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3AA, and the date for undergrounding has been established for the year 2020 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Kensington-Talmadge Planning Committee voted 14-0-0 to recommend approval of the proposed project on April 13, 2005, with their five standard recommendations and five specific ones for this project (Attachment 7).

1. *No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted.* Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.
2. *The first right of refusal to purchase a unit be given to current tenants.* The Tentative Map resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.
3. *Preserve historic sidewalk stamps and existing scoring of sidewalks.* The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.

4. *Provide new and appropriate landscaping as needed.* There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.
5. *Maximize on-site parking.* There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.
6. *Provide two 24" box street trees in the planting parkway between the sidewalk and curb.* The owner has voluntarily agreed to provide the two 24" box trees as requested.
7. *Provide for 2 parking spaces for the front single-family residence which were eliminated by illegal property improvements in the past. The two spaces may be tandem and shall not be placed within the front yard setback. Illegal improvements, which currently block this condition, shall be removed.* The illegal improvements (gate and fence) blocking access to parking has been removed and the parking spaces have been provided in the area between the front unit and the rear building.
8. *Provide for pocket planting cut-outs in the paving between the garage doors in the alley.* The owner has voluntarily agreed to provide the requested pocket planting between the garage doors to the extent feasible. As planters, they could be either cut into the alley or surface. However, any planters may not be located within the alley right-of-way or interfere with or obstruct the parking or access.
9. *Provide a gate from the garage to the north property line to screen the trash dumpster.* At the time of the planning group meeting, the owner was not aware of the original approved site plan for the existing construction, which specified the area in question was actually a parking space and the dumpster must be removed from the property. The owner has confirmed that curb-side trash pick-up cans will be used onsite.
10. *Convert a portion of the old, inaccessible garage to a laundry room.* Since the access has been restored to the old, inaccessible garage and the two open spaces as originally approved for this site, the garage is now available for parking and the owner will be provided individual washer and dryer hookups for each unit. Accordingly, there is no need for a laundry room.

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 Notices of Intent to Convert to Condominiums were provided to the tenants between November 4, 2004 and November 17, 2004 (Attachment 11).

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 February 2, 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) 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 five 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. 183216with modifications.**
2. **Deny Tentative Map No. 183216if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Acting Deputy Director, Customer Support
and Information Division
Development Services Department

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STROHMNGER/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 3AA
11. Copy of 60-Day Notice of Intent to Convert