

DATE ISSUED: May 5, 2006 **REPORT NO. PC-06-094**

ATTENTION: **Planning Commission, Agenda of May 11, 2006**

SUBJECT: 4461 49TH STREET TENTATIVE MAP; PROJECT NO. 87117
PROCESS FOUR

OWNERS: Thomas Behr & Lila Behr (Attachment 8)

APPLICANT: Sterling Land Services, Inc.

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 5 existing residential units to condominiums at 4461 49th Street, within the Kensington-Talmadge Neighborhood Community Plan Area of the Mid City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 278092and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Kensington-Talmadge Neighborhood Planning Committee voted 12-0-0 to recommend approval of the project on February 8, 2006, with recommendations as 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). The environmental exemption determination for this project was made on November 1, 2005. An appeal of this determination was made by Briggs Law Corporation on November 8, 2005, and subsequently withdrawn on January 17, 2006. Therefore this project can continue through the decision process.

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 October 25, 2005 and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.27 -acre site is located at 4461 49th Street in the RM-1-2 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, 2 story structure containing three 2-bedroom units and two 1-bedroom units. Eight off-street parking spaces are provided on the site: all spaces are accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1987. At the time the site was zoned MR-1000B and would have allowed for 6 dwelling units. The eight parking spaces provided complied with the parking requirements in effect at the time of construction. The site is currently within the RM-1-2 Zone of the Mid-City Communities Planned District, which would allow six units to be constructed on the subject site (1 unit per 1,000 sq/ft of lot area). Utilizing current parking standards, eight spaces would be required. 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 conforms with the current density and parking requirements. In addition, 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 0.127 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*, the conversion involves a short span of overhead facility (less than 600 feet in length) 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. 15 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 on the alley. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located within the rear alley right-of-way, approximately five feet west of 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 3EE, and the date for undergrounding was established for the year 2005 and has been allocated (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Kensington-Talmadge Neighborhood Planning Committee voted 12-0-0 to recommend approval of the project on February 8, 2006, with recommendations as detailed within this report (Attachment 7).

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. *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. Historic sidewalk stamps and scoring of existing sidewalks be preserved, and any replacement or new sidewalks be constructed so that the scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp. *The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*

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. 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. 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. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. *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. Landscape planting on sidewalks; two street trees; three pocket planters and cutouts where applicable. *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.*

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 October 17, 2005 (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 October 25, 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.

The applicant has elected to pay an in-lieu fee of \$5,523.75(4,419square feet x \$ 1.25) to satisfy the Inclusionary Housing requirement, as allowed by the City’s Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of nine 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. 278092with modifications.**
2. **Deny Tentative Map No. 278092if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeffrey D. Strohminger
Acting Deputy Director, Customer Support
and Information Division
Development Services Department

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STROHMINGERMS

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 3EE
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations