

DATE ISSUED: March 31, 2006 **REPORT NO. PC-06-102**

ATTENTION: **Planning Commission, Agenda of April 6, 2006**

SUBJECT: 5760 RILEY STREET TENTATIVE MAP; PROJECT NO. 84811.
PROCESS NUMBER 4

OWNERS/ 5760 Riley St., LLC; Richard Betzenderfer and Peter Bedford, Members
(Attachment 8)

APPLICANT: Richard Betzenderfer

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of five existing residential units to condominiums at 5760 Riley Street within the Linda Vista Community Plan Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 268325 and
2. **APPROVE** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On February 27, 2006, the Linda Vista Community Planning Group voted 96- 0 to approve the project provided the existing overhead utilities are undergrounded.

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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 17, 2005, and the opportunity to appeal that determination ended November 7, 2005.

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 (5) 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 September 26, 2005 and is subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.114 acre site is located at 5760 Riley Street in the RM-3-7 (Residential, Multi-Family) Zone of the Linda Vista Community Plan Area (Attachment 2). The site is presently developed with one, two story structure containing five, two-bedroom units. Five off-street parking spaces are provided on the site, all of which are located within the rear yard setback and accessed from an improved alley on the northerly portion of the property. The site is surrounded by multi-family residential uses.

The existing improvements were constructed in 1973. At that time, the site was zoned R -4 which would have allowed for 12 units on the subject site. The five parking spaces provided complies with the requirement of one space per unit that was in effect in 1973. If constructed today 11 parking spaces would be required for the five unit project. 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.

Under the current zoning of RM-3-7 five units could be built on the subject site. Although the project includes five parking spaces where 11 would be required under current standards, 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 0.114-acre site to convert five existing dwelling units into condominiums on one existing lot (Attachment 5). The applicant is also requesting the requirement for the undergrounding of existing overhead utilities be waived. Utilities to the site are currently provided from one above grade power pole located across Riley Street to the south.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires 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 descisionmaker finds the proposed conversion complies with the requirements of the Subdivision Map Act and the SDMC. Staff has reviewed the proposed condominium conversion and determined it complies with 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 would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 15 of the draft Tentative Map resolution (Attachment 6).

The neighborhood is currently serviced by power poles and overhead utility lines which are located within the Riley Street right-of-way. The power poles and overhead utility lines which service this site also service other properties in the neighborhood. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 6-A, which has a projected date for undergrounding in year 2010 (Attachment 10).

Community Planning Group Recommendation:

On February 27, 2006, Linda Vista Community Planning Group voted 9-6-0 to recommend approval of the project providing that undergrounding of existing above grade utilities was required.

Condominium Conversion Regulations:

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 Covert to Condominiums were provided to the tenants on March 5, 2005 (Attachment 11).

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 September 26, 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 12, Article 4, 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), prior to recording the Final Map. In order to meet the inclusionary housing requirements, the Applicant has elected to pay an in-lieu fee of \$5,312.50

(4,250 square-feet x \$1.25 per square-foot).

CONCLUSION

Staff has reviewed the request for a Tentative Map to convert 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, adopted Council policies and the State Map Act. Staff has determined the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 268325, with modifications.**
2. **Deny Tentative Map No. 268325, if 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

William C. Tripp
Project Manager, Customer Support
and Information Division
Development Services Department

STROHMINGER/WCT

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
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 6-A
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations