

DATE ISSUED: May 5, 2006 **REPORT NO. PC-06-129**

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

SUBJECT: 4093 FIRST AVENUE TENTATIVE MAP; PROJECT NO. 84895
PROCESS FOUR

OWNERS: 4093 FIRST, LLC. (Attachment 8)

APPLICANT: Burkett & Wong Engineers

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 8 existing residential units to condominiums at 4093 First Avenue, within the Uptown Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 268398 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Uptown Planners voted 7-0-1 on April 2, 2006 to recommend approval of the proposal 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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 2, 2005 and the opportunity to appeal that determination ended November 25, 2005. An appeal of the environmental determination was made and subsequently withdrawn by

Briggs Law Corporation. As a result, this project can proceed through this mapping 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 8 existing apartments to condominiums, there would be a loss of 8 rental units and a gain of 8 for-sale units. This condominium conversion project was deemed complete on October 27, 2005 and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.17-acre site is located at 4093 First Avenue in the MR-800B Zone of the Mid-City Communities Planned District within the Transit Area Overlay Zone and the Uptown Community Plan (Attachment 3). The site is presently developed with one, two-story structure containing 8, two bedroom units. Eight off-street parking spaces are provided on the site: all spaces are accessed from Lewis Street. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1967. At the time the site was zoned R-4 and would have allowed for 19 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 MR-800B Zone of the Mid-City Communities Planned District, which would allow nine units to be constructed on the subject site (1 unit per 800 sq/ft of lot area). Utilizing current parking standards, 14 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.

Although the project does not conform with the current maximum density of nine units and provides eight parking spaces where fourteen are currently 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 0.17-acre site to convert eight 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. 23 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 within 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 5 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 3U and the date for undergrounding has been established for the year 2013 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Uptown Planning Committee voted 7-0-1 on April 2, 2006 to recommend approval of the proposal 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 placed underground be granted. Placing of all overhead utility services underground is a critical infrastructure need in our community, and is typically paid for by the developer. Exceptions may be made for alleyway above ground utilities, or any above ground utilities that are firmly scheduled to be placed underground in the next five years. *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. Landscaping shall be brought into conformance with the current Land Develop Code regulations for the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual. *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. Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. 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. The design presented to the Committee be substantially incorporated for project approval by the City. *The applicant has vountarily consented to this recommendation.*

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 September 22, 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 27, 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 \$8,550.00 (6,840 square 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. 268398 with modifications.**
2. **Deny Tentative Map No. 268398 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

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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 3U
11. A sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations