

DATE ISSUED: April 14, 2006 **REPORT NO.** PC-06-139

ATTENTION: Planning Commission, Agenda of April 20, 2006

SUBJECT: 4475 49TH STREET TENTATIVE MAP- PROJECT NO. 87120
PROCESS FOUR

OWNERS: Thomas L. and Lila R. Behr (Attachment 8)

APPLICANT: San Diego Land Surveying and Engineering Inc., Engineer

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 12 existing residential units into condominiums at 4475 49th Street, within the Kensington-Talmadge Neighborhood of Mid City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 278338; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On February 8, 2006, the Kensington-Talmadge Planning Committee voted 10-0-0 to recommend approval of the proposed project, with their five standard conditions, discussed further in 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 1, 2005, and the opportunity to appeal that determination ended November 21, 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 12 existing apartments to condominiums, there would be a loss of 12 rental units and a gain of six 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 0.25 -acre site is located at 4475 49th Street (between El Cajon Boulevard and Monroe Avenue) in the RM-1-2 zone of the Central Urbanized Planned District and Transit Overlay Zone, within the Kensington Talmadge Neighborhood of Mid City Communities Plan Area (Attachment 3). The site is developed with a three story structure containing 12, 2-bedroom units. Twelve off-street parking spaces are provided on the site: 11 parking spaces are accessed from the alley at the rear and one is accessed via 49th Street. The site is bounded on the east, north, west, and south by multi-family residential uses.

The existing improvements were constructed in 1965. At that time the site was zoned R-4 and would have allowed for twenty-seven dwelling units. Twelve parking spaces were required at the time of construction. 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 to the current density requirement of one unit per 2,500 square feet in the RM-1-2 Zone, which would only allow five units to be constructed today. Under current criteria, twenty-seven 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 0.25 acre site into one (1) lot for a twelve unit residential condominium conversion on four 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 it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

The applicant will be required to underground all existing service to the site per Condition No. 13 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 in the alley right-of-way to the rear. 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 on the opposite side of the alley at the rear of the property. 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 has been established for the year 2005. The undergrounding plan for this block is currently in design and is tentatively scheduled for construction beginning Spring 07 (Attachment 12).

Community Planning Group and Neighborhood Recommendations:

On February 8, 2006, the Kensington-Talmadge Planning Committee voted 10-0-0 to approve the project with the following recommended standard conditions (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. If sidewalks are missing or need replacement, new sidewalks will be built to match scoring, coloring, texture and contractor or date stamps. *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. *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. Trash enclosure on this property (currently this property uses the trash enclosure at 4461 4th street. *The applicant has voluntarily agreed to incorporate this recommendation into their project.*
7. Foundation planting at rear. *The applicant has voluntarily agreed to incorporate this recommendation into their project.*
8. Provide recycling bins. *The applicant has voluntarily agreed to incorporate this recommendation into their project.*

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 October 17, 2005 (Attachment 13).

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, 2006, 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 the Inclusionary Affordable Housing In-Lieu Fee of \$32,700.00 (13,080 square feet x \$2.50) pursuant to the Affordable Housing Requirements of 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 twelve 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 has determined the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 278338, with modifications.**
2. **Deny Tentative Map No. 278338, 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

Derrick Johnson
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STROHMNGER/DNJ

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 Sample 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations