

DATE ISSUED: May 12, 2006

REPORT NO. PC-06-142

ATTENTION: **Planning Commission, Agenda of May 18, 2006**

SUBJECT: 4658 E. MOUNTAIN VIEW TENTATIVE MAP – PROJECT NO. 78317
PROCESS FOUR

OWNERS: David Stebbins, Trustee of the David Stebbins Trust and Paul L. Louchis
(Attachment 8)

APPLICANT: Sterling Land Services, Inc.

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 10 existing residential units to condominiums at 4658 East Mountain View Drive, within the Normal Heights neighborhood of the Mid-City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 243230 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Normal Heights Community Planning Group voted 6-0-1 to recommend approval of the project on January 3, 2006, with no recommended conditions (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 August 17, 2005, and the opportunity to appeal that determination ended September 8, 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 10 existing apartments to condominiums, there would be a loss of 10 rental units and a gain of 10 for-sale units. This condominium conversion project was deemed complete on August 8, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.192 acre site is located at 4658 East Mountain View Drive in the RM-1-1 and CT-3-3 Zones of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan area (Attachment 3). The site is presently developed with one, two-story structure containing 4, two-bedroom units and 6, one-bedroom units. Ten off-street parking spaces are provided on the site: four are accessed from the alley at the rear and six are accessed from the street at the front. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1969. At the time the site was zoned R-4 and would have allowed for 21 dwelling units. Parking requirements effective in 1969 required 10 parking spaces to be provided for the 10 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-1-1 and CT-3-3 Zones which would allow for 3 units to be constructed today. Under current criteria, 15 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 0.192 acre site to convert 10 existing dwelling units into condominiums on one existing lot (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 a full block 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. 17 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. The pole closest to this property, which carries the line serving this site, is at the northwest corner of the property within the alley. 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 3II, and the date for undergrounding has been established for the year 2019 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The Normal Heights Community Planning Group voted 6-0-1 to recommend approval of the project on January 3, 2006, with no recommended conditions (Attachment 7). Their minutes do contain a suggestion that the applicant consider the installation of awnings.

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 April 29, 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 August 8, 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 meet these requirements by selling at least 10% of the units to, and at prices affordable to, households earning no more than 100% AMI, 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 10 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. 243230 with modifications.**
2. **Deny Tentative Map No. 243230, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Michelle Sokolowski
Development Project Manager
Development Services Department

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