

**CITY OF SAN DIEGO  
M E M O R A N D U M**

DATE: January 6, 2006

TO: Members of the Planning Commission

FROM: Michelle Sokolowski, Development Project Manager

SUBJECT: PROJECT NO. 50795 – 4430 NORTH AVENUE TENTATIVE MAP

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The above referenced project is scheduled for a public hearing before the Planning Commission on January 12, 2006.

Staff will be requesting a continuance until January 19, 2006, due to a noticing error. While the Notice of Public Hearing was posted within the San Diego Daily Transcript and on the City's web site, the mailed notice was not issued as required. Accordingly, a continuance must be requested.

However, the project has been docketed for the January 19, 2006, Planning Commission hearing and a revised Notice of Public Hearing has already been mailed and posted as required on January 4, 2006.

The Planning Commission Report dated January 6, 2006, will not be distributed at this time. That report will be distributed on January 13, 2006, for the Planning Commission hearing of the 19<sup>th</sup>, but is dated January 6, 2006, since it has already been printed and no other modifications are required. The dates in the draft Tentative Map Resolution will be modified by staff to reflect the actual decision date, should one be made.

Michelle Sokolowski  
Development Project Manager  
Development Services Department

**DATE ISSUED:** January 6, 2006 **REPORT NO. PC-06-021**

**ATTENTION:** **Planning Commission, Agenda of January 12, 2006**

**SUBJECT:** 4430 NORTH AVENUE TENTATIVE MAP - PROJECT NO. 50795  
PROCESS FOUR

**OWNERS:** Mary Louise Castagnola Trust dated May 19, 1992 (Attachment 8)

**APPLICANT:** San Diego Land Surveying, Inc., Engineer

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 10 existing residential units into condominiums at 4430 North Avenue, within the Uptown Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 146197and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Uptown Planners voted 10-0-1 to recommendapproval of the proposed project on September 6, 2005, subject to their standard recommended conditions, 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 16, 2004, and the opportunity to appeal that determination ended December 2, 2004.

**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 October 20, 2004, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.161-acre site is located at 4430 North Avenue in the MR-1500 Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Uptown Community Plan Area (Attachment 3). The site is presently developed with one, two-story structure containing 10, one-bedroom, residential units. Ten off-street parking spaces are provided on the site: five accessed from North Avenue at the front and five 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 1972. At that time the site was zoned R-4 and would have allowed for 10 dwelling units. Parking requirements effective in 1972 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. A 10-foot-wide alley exists along the southerly side yard of the property.

The project does not conform with the current density requirement of one unit per 1,500 square feet in the MR-150 Zone, which would only allow five units to be constructed today. Under current criteria, 13 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 0.161-acre site to convert 10 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*, 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. 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 in the alley rights-of-way to the rear and south side. The utility lines to these poles extend to other properties located north and south, as well as east and west within the alleys. The pole closest to this property, which carries the line serving this site, is located within the rear alley right-of-way, adjacent to the property to the 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 3W, and the date for undergrounding has been established for the year 2012 (Attachment 10).

#### **Community Planning Group and Neighborhood Recommendations:**

The Uptown Planners voted 10-0-1 to recommend approval of the proposed project on September 6, 2005, subject to their following standard recommendations (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.*

### **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 between May 10, 2004, and May 24, 2004 (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 20, 2004, 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.

### **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. 146197with modifications.**
2. **Deny Tentative Map No. 146197if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**Michelle Sokolowski**  
**Customer Support and**  
**Information Division**  
**Development Services Department**

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