

DATE ISSUED: September 30, 2004 **REPORT NO. PC-04-162**

ATTENTION: **Planning Commission, Agenda of October 7, 2004**

SUBJECT: **VILLA ANDORRA - PROJECT NO. 15732**
PROCESS FOUR

**OWNER/
APPLICANT:** Meade and 35th, LLC, Matthew Maisel and Robert Presley, Owners
Burkett and Wong Engineers, Applicant

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of seventy (70) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 3522-3532 Meade Avenue and 4451 35th Street, in the RS-1-7 and RM-1-1 zones, within the Normal Heights neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 62785; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: The Normal Heights Community Planning Committee voted 7-6 on June 1, 2004 to not support the project (Attachment 7).

Other Recommendations: The 37th Street and Friends Block Association provided a letter of support with forty signatures for the proposed project (Attachment 12).

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).

Fiscal Impact: None associated with this action. All costs associated with the processing of this project are paid by the applicant

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of 70 existing apartments to condominiums, there would be a loss of 70 rental units and a gain of 70 for-sale units. This condominium project was deemed complete prior to February 7, 2004, and is therefore exempt from the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 1.62-acre “L” shaped site fronts on both the north side of Meade Avenue and the east side of 35th Street and is addressed as 3522-3532 Meade Avenue and 4451 35th Street. The project site is located in both the RS-1-7 and RM-1-1 zones. The site is presently developed with three two-story and one single-story apartment buildings. The buildings consist of 47 one-bedroom and 23 two-bedroom apartment units. The buildings were constructed in phases between 1965 and 1974. There are 79 parking spaces provided, which includes 42 uncovered and 37 covered parking spaces. The 79 parking spaces provided conforms with the requirement for 63 spaces that was in effect at the time of construction. Current parking regulations would require 100 spaces, however the project has previously conforming rights as described below. The site is bordered by single-family development to the south, multi-family development to the east and south and single- and multi-family development to the west.

The majority of the site is currently zoned RM-1-1, which was established in October 2000. The RM-1-1 zone allows for multi-family development at a density of one residential unit per 3,000 square feet of lot area. The portion of the project fronting on 35th Street is zoned RS-1-7, which was established in December 1987. The RS-1-7 zone allows for single-family development at a density of one residential unit per lot. Prior zoning included the MR-2500 zone of the Mid-City Communities Planned District, which was applied to the property fronting Meade Avenue in December 1987. Prior to that, the entire site was zoned R-4 in October 1930, R-3A in April 1975 and MR-1500B in January 1986, all of which allowed for multi-family development. The development complied with the zoning and development regulations in effect at the time of construction and no open Building or Zoning Code violations are recorded against the property.

The project exceeds the maximum density allowance of 22 dwelling units that would be allowed under the current RM-1-1 and RS-1-7 zones. However, the project has previously conforming rights, to be maintained as outlined in Chapter 12, Article, 7, of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 1.62-acre site to convert 70 existing dwelling units into condominiums on four existing, contiguous lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the 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 Waiver Request

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 is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would 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 site is served by two existing power poles and overhead utility lines on the east side of the property in the alley right-of-way and one power pole with overhead utility lines internal to the project, toward the northern end of the property. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3AA, and is proposed to be undergrounded in Fiscal Year 2017 (Attachment 10).

Community Plan Analysis:

On June 1, 2004, the Normal Heights Community Planning Committee voted 7-6 to not support the project. Please see the meeting minutes listed on Attachment 7. Prior to this vote, there were two failed motions, one recommending to table the issue until the next month to ensure all tenants could be noticed of the Community Planning Group meeting, (failed, 2-9) and one recommending the approval of the project, contingent on the property owner providing more notice to tenants and providing extra assistance to elderly residents (failed, 6-7). No recommendations or specific reason for denial were provided by the Normal Heights Community Planning Committee.

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 Notice of Intent to Convert to Condominiums was provided to the tenants on May 26, 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 November 12, 2003, and is therefore not subject to these new regulations.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 70 residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities, and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 62785, with modifications.**
2. **Deny Tentative Map No. 62785, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department

Paul Godwin
Development Project Manager
Development Services Department

ESCOBAR-ECK/PBG

Attachments:

1. Aerial Photo
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
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3AA
11. Copy of Tenant Notices
12. 37th Street and Friends Block Association Support Letter

