

**DATE ISSUED:** January 7, 2005

**REPORT NO.** PC-05-023

**ATTENTION:** **Planning Commission, Agenda of January 13, 2005**

**SUBJECT:** 8<sup>TH</sup> AVENUE TENTATIVE MAP – PROJECT NO. 49448  
PROCESS FOUR

**OWNER/** HILCREST DEVELOPMENT PARTNERS, LLC

**APPLICANT:** STERLING LAND SERVICES, INC

**SUMMARY**

**Issue(s)** - Should the Planning Commission approve a Tentative Map for the conversion of nineteen (19) existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 4045-4047 8<sup>th</sup> Avenue within the Uptown Community Plan?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 141611; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - The Uptown Planners voted 13-0-0 to recommend approval of the proposed project on December 7, 2004, with conditions as discussed in the report and attached (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).

**Fiscal Impact** - 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 nineteen existing apartments to condominiums, there would be a loss of nineteen rental units and a gain of nineteen for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is therefore required to comply with the new regulations regarding inclusionary housing and tenant

relocation assistance, which have been included as conditions of the Tentative Map. The owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

## **BACKGROUND**

The 0.459-acre site is located north of Washington Street at 4045-4047 8<sup>th</sup> Avenue in the MR-800B Zone of the Mid-City Communities Planned District, the Transit and the Residential Tandem Parking Overlay Zones within the Uptown Community Plan area (Attachment 3). The community plan designates this site for high multi-family development (44-73 units/acre) and the existing residential complex is consistent with this designation. The site is presently developed with two, two-story structures containing eleven (11) one-bedroom apartment units, seven (7) two-bedroom units, and one (1) three-bedroom unit, with twenty-four (24) off-street parking spaces. Twelve (12) of the parking spaces are within garages or carports while twelve (12) are provided in six (6) tandem spaces. All parking is accessed from 8<sup>th</sup> Avenue. The site is surrounded by multi-family residences to the north and south, an office building to the west and State Route 163 to the east.

The proposed Tentative Map application is to convert 19 existing residential units to condominiums located on two lots addressed 4045 & 4047 8th Avenue. Both lots have a combined total of 20,000 square feet currently located in the MR-800B zone of the Mid-City Planned District. Prior to May 1989, the property was in the R-3A zone. The property is also within the Transit Area Overlay Zone and the Residential Tandem Parking Overlay Zone.

The property located at 4045 8th Avenue was constructed in 1969 and 4047 8th Avenue was constructed in 1956. As previously indicated that lot was zoned R-3A (1 unit per 600 square feet) and permitted a maximum of 17 units per lot. It is assumed, development met regulations in effect at the time. Under current parking criteria 33 spaces would be required. However, 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 0.459-acre site to convert nineteen existing dwelling units into condominiums on one proposed lot (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 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 and, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future. 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 neighborhood currently contains power poles and overhead utility lines at the front of the property along 8<sup>th</sup> Avenue. The closest pole location is one located adjacent to this development on the south corner of the development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3T and 3U, which is scheduled for undergrounding in 2011 and 2012 (Attachment 10).

### **COMMUNITY PLANNING GROUP RECOMMENDATION:**

The Uptown Planners recommended approval of the proposed project, with conditions, at their December 7, 2004, meeting by a vote of 13-0-0 (Attachment 7). The conditions and staff's response are as follows:

1. Deny request for waiver from state and local requirements that existing utility services be undergrounded. Pursuant to CP 600-25, undergrounding of all overhead utility services is a critical infrastructure need in our community and should be paid for by the developer.

**To underground in this instance would create additional poles as there is currently only one adjacent to the site and two would be needed if the site was undergrounded. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3T and 3U, which is scheduled for undergrounding in 2011 and 2012 (Attachment 10).**

2. Reduce the width of the driveway and provide tree planting with tree-grates or planter boxes within the Public Right-of-way between the driveway access to the center court and the spaces in front of the garages.

**The applicant has previously conforming rights to maintain the site as approved at the time of construction. No additional Engineering conditions were required by City Staff.**

3. Driveway should be colorized or textured to contrast with the sidewalk scoring in order to highlight the pedestrian path.

**The applicant has previously conforming rights to maintain the site as approved at the time of construction. No additional Engineering conditions were required by City Staff.**

4. 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-stripping and removal of underutilized curb cuts.

**The applicant has previously conforming rights to maintain the site as approved at the time of construction. No additional Engineering conditions were required by City Staff.**

5. Maximize Landscape opportunities while maintaining as much off-street parking spaces as feasible. **The applicant has previously conforming rights to maintain the site as approved at the time of construction. No additional Engineering or Landscape conditions were required by City Staff.**

6. Place all new utilities and backflow preventers outside of the public right of way and shielded from view.

**Condition No. 19 of the draft resolution addresses this concern which is standard City practice (Attachment 6).**

7. Provide a trash enclosure area and shield it from view.

**The applicant has previously conforming rights to maintain the site as approved at the time of construction.**

8. Provide façade improvements that are consistent and compatible with the historic and existing context of the street. High quality materials, including new windows, will do much to improve the street presence of the building.

**The applicant has previously conforming rights to maintain the site as approved at the time of construction. Conditions relating to the appearance of any potential improvements are not appropriate for this map resolution, as they would be unenforceable.**

#### **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 Condominium was provided to the tenants between July 1-28, 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 after that date and has indicated that they will pay the in-lieu fee for inclusionary housing. Additionally, the draft Tentative Map Conditions Nos. 11 and 12 specifically address the affordable housing and rent relocation requirements.

#### **CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of nineteen (19) 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. 141611, **with modifications.**
2. **Deny** Tentative Map No. 141611, **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**Jeannette Temple  
Development Project Manager  
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 3T-U
11. Copy of Tenant Notices