

**DATE ISSUED:** January 26, 2005

**REPORT NO. PC-05-029**

**ATTENTION:** Planning Commission, Agenda of February 3, 2005

**SUBJECT:** ARNOLD AVENUE TENTATIVE MAP - PROJECT NO. 41295  
PROCESS FOUR

**OWNER/  
APPLICANT:** Chris Ghio, Robert Vallera and Holly Vallera, Owners  
David Parot, Ingenuity, Applicant

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of six (6) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 3736 Arnold Avenue, in the MR-1750 zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 116852; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

**Community Planning Group Recommendation:** The Greater North Park Community Planning Committee voted 13-0-0 on November 16, 2004 to recommend approval of the project with five recommendations (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 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 six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium conversion project was deemed complete on June 23, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$2,475, based on \$0.50 fee per residential square footage, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

## **BACKGROUND**

The 0.23-acre site is located at 3736 Arnold Avenue (Attachment 1), between Wightman Street and Landis Street in the MR-1750 Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan (Attachment 3). The site is presently developed with one, two-story structure containing six, two-bedroom apartment units. There are seven garage parking spaces, with a single, uncovered tandem parking space located behind each garage. Three of the garages are accessed from Arnold Avenue and four of the garage spaces are accessed from the alley at the rear of the property. The parking provided conforms with the requirement for ten spaces which was in effect when the project was constructed in 1984. The project is surrounded by multi-family development to the north, east and south and single- and multi-family development to the west.

The site was incorporated into the MR-3000 Zone of the Mid City Communities Planned District in November 1989. The site was zoned R-3 when the structure was built in 1984. The project does not exceed the current maximum density allowance of one unit per 1,750 square feet of lot area in the MR-1750 Zone, which would allow six units to be developed on the site. The project has previously conforming rights, to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The development complies 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.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.23-acre site to consolidate two lots into one lot and to convert six existing dwelling units into condominiums (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 an existing power pole and overhead utility lines. The pole is located at the rear of the property in the alley right-of-way. The power pole serves multiple properties along the alley right-of-way. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3S, which is proposed to be undergrounded in Fiscal Year 2025 (Attachment 10).

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

On November 16, 2004, the Greater North Park Community Planning Committee voted 13-0-0 to approve the project, with five recommendations. These recommendations included the preservation of historic sidewalk stamps and scoring patterns, which is already required by City code and grant right of first refusal to current residents, which is a standard condominium conversion map project condition. The Planning Committee also recommended, additional landscape improvements and maximization of off-street parking, however landscape improvements would not be required of a tentative map and all required off-street parking has been provided. Please see the meeting minutes listed on Attachment 7 for more information.

#### **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 4, 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 June 23, 2004, and is therefore subject to these new regulations. With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an

Inclusionary Affordable Housing In-Lieu Fee of \$2,475 based on \$0.50 fee per residential square footage, pursuant to the Affordable Housing Requirements of 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 six 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. 16852, with modifications.**
2. **Deny Tentative Map No. 116852, 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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**Paul Godwin**  
**Development Project Manager**  
**Development Services Department**

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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 Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3Q
11. Copy of Tenant Notices

