

DATE ISSUED: February 3, 2005

REPORT NO. PC-05-040

ATTENTION: **Planning Commission, Agenda of February 10, 2005**

SUBJECT: WABASH GARDENS TENTATIVE MAP - PROJECT NO. 45931.
PROCESS 4

OWNER: Briarhill Investments, LLC

APPLICANT: Larry Cole

SUMMARY

Issue(s): Should the Planning Commission approve an application for a tentative map to convert eight existing residential units into condominiums and waive the requirement to underground existing overhead utilities on a 0.16-acre site located at 4175 Wabash Avenue in the RM-1-1 Zone of the Central Urbanized Planned District within the City Heights Neighborhood Element of the Mid-City Communities Plan area?"

Staff Recommendations:

1. APPROVE Tentative Map No. 129723; and
2. WAIVE the requirement to underground existing overhead utility lines.

Community Planning Group Recommendation: The City Heights Area Planning Committee voted 8-7-0 on October 4, 2004, to recommend approval of the proposed tentative map and deny the request to underground the overhead utilities (Attachment 7). The community recommendation is discussed in greater detail within this report.

Environmental Review: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), Existing Facilities.

Fiscal Impact Statement: None. All of the cost of processing this application is paid for the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: With the proposed conversion of eight existing apartments to condominiums, there would be a net loss of eight rental units and a net gain of eight for-sale units. This condominium conversion project application was deemed complete on August 10, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance. This issue is discussed in greater detail within this report.

BACKGROUND

The project site is located at 4175 Wabash Avenue within the City Heights Neighborhood Element of the Mid-City Communities Plan (Attachment 3). The 0.16-acre site is designated for medium density residential development between 11 to 15 dwelling units per acre (Attachment 2). The property is in the RM-1-1 Zone and subject to the development regulations of the Central Urbanized Planned District Ordinance. Surrounding land uses within the neighborhood is primarily multi-family development and includes a range of different sized units and architectural styles (Attachment 4).

Project Description:

The existing 8 unit residential project was permitted for construction in 1963, when the site was zoned R-4 and permitted up to 17 units. The current RM-1-1 Zone would allow only two units to be developed based on the size of the lot. The project deviates from the current density and parking requirements however, the structure and the density have previously conforming rights pursuant to Chapter 12, Article 7, Division 1, of the Land Development Code.

The two-story, 8-unit building includes two 1-bedroom units and six 2-bedroom units. The project includes eight off-street surface parking spaces. Three spaces are located within the street yard and accessed directly from Wabash Avenue. The remaining five spaces are accessed from the alley at the rear of the site.

DISCUSSION

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert eight existing dwelling units into condominiums on one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

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 on May 4, 2004 (Attachment 9).

Condominium Conversions

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 regulations.

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. 5 of the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines at the rear of the site within the right-of-way of the adjacent alley. There are no overhead lines along the project frontage on Wabash Avenue. There are two existing poles within the alley which are located approximately at the northeast and southwest corners of the property. Staff has determined that the poles would be required to remain in their current locations to support the overhead utilities servicing adjacent properties and only a very short span (50 feet) of undergrounding would be accomplished in the alley. The Citywide Underground Conversion Program Master Plan indicates that the project site is located in Residential District 3-O and tentatively scheduled for comprehensive undergrounding in 2023 (Attachment 10).

Affordable Housing

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This application was Deemed Complete on August 10, 2004, and is therefore subject to these regulations. The property owner has opted to pay the in-lieu fee established by the Inclusionary Housing Ordinance rather than providing affordable units on site. Based on the date that the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$0.875 per square-foot of gross floor area (excluding garages) which totals approximately \$4,621.00. Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map and prior to the recordation of the final map. Both the in-lieu fee and the relocation assistance are conditions of the Tentative Map Resolution (Attachment 6).

Community Planning Group Recommendation

The City Heights Area Planning Committee (CHAPC) recommended approval of the proposed project at their October 4, 2004, meeting by a vote of 8-7-0 (Attachment 7). The motion to approve the Tentative Map includes recommendations to deny the underground waiver request.

Staff has reviewed the Planning Committee's recommendation, and as previously discussed, determined that the proposed waiver is consistent with City Council Policy 600-25.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of eight 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 including the Inclusionary Housing Regulations and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The project is exempt from further CEQA review and has the conditioned support of the City Heights Area Planning Committee. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as conditioned.

ALTERNATIVES:

1. Approve Tentative Map No. 129723, with modifications.
2. Deny Tentative Map No. 129723, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department**

**Patrick Hooper, Project Manager
Customer Support and Information Division
Development Services Department**

ESCOBAR-ECK/JPHS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft Subdivision Resolution with Findings and Map Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. 60-Day Notice (Sample)
10. Undergrounding Master Plan – Neighborhood 3-O
11. Project Chronology