

**DATE ISSUED:** February 3, 2005 **REPORT NO. PC-05-041**

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

**SUBJECT:** NORTH AVENUE TENTATIVE MAP-PROJECT NO. 48837  
PROCESS FOUR

**OWNER/** Three Bears Partners Limited Partnership (Attachment 8)

**APPLICANT:** **Lindsay Erickson, Archstone Management Consultants**

### **SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of nine (9) existing residential units to condominiums and a waiver to underground existing utilities on a 0.161 acre site at 4533 North Avenue in the Uptown Neighborhood of the Mid City Communities Planned District?

#### **Staff Recommendation:**

1. **Approve** Tentative Map No. 45970.
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation:** On December 7, 2004, the Uptown Planners voted 13-0-1 to recommend approval of the Tentative Map application with conditions. (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 the nine (9) existing

apartments to condominiums, there would be a loss of nine (9) rental units and a gain of nine (9) for-sale units. This condominium conversion project is required to comply with the Inclusionary Affordable Housing Ordinance and tenant relocation assistance which have been included as a condition of the Tentative Map. The subdivider has elected to pay the In-Lieu Fee to satisfy the Inclusionary Affordable Housing Ordinance.

## **BACKGROUND**

The 0.161 acre site is located at 4533 North Avenue between Madison and Monroe in the MR-1500 zone, within the Uptown Neighborhood of the Mid City Communities Planned District, which designates the site for Medium Density 15-29 dwelling units per acre. (Attachment 2). The site is presently developed with one, two story structure containing six (6)-one bedroom and three (3)-two bedroom apartment units. The site provides a total of nine (9) off-street parking spaces for the nine (9) residential units.

The existing improvements were constructed in 1968 when the site was zoned R-4. The R-4 zone allowed one unit per 400 square feet of lot area and permitted the nine units on this 7,006 square foot site. All development is assumed to have complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations have been recorded against the property.

The site is within an area developed with primarily multiple family development. No physical changes to the buildings or site are being proposed with this condominium conversion.

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 nine existing dwelling units into condominiums on one lot (Attachment 5).

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 under-grounding 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 neighborhood currently contains power poles and overhead utility lines only at the rear of the properties in the alley. The closest pole location to this project is one located at the rear of the adjacent property south of this development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3W, scheduled for undergrounding in 2010 (Attachment 10).

### **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 March 19, 2004(Attachment 11).

This project was Deemed Complete on September 27, 2004. All condominium conversion projects Deemed Complete after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. 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 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. The gross floor area for this project is 5,864 square feet. The in-lieu fee will be \$5,131.00. 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.

### **Community Group Recommendation:**

On December 7, 2004, the Uptown Planners voted to approve the project with eight conditions. The motion to approve the Tentative Map passed 13-0-1. City Staff responses are in bold.

1. Replace the curb with City standard curb and gutter adjacent to the site on North Ave. Reconstruct the curb ramp to current City standards and reduce the width of the driveway. **Condition No. 13 of the Resolution requires the curb and gutter be replaced pursuant to City Standard guidelines. The width of the existing driveway is required to access the four, previously conforming, off street parking spaces. Reducing the width of the driveway would diminish the accessibility of the off street parking spaces or render them inaccessible.**
2. Replace the sidewalks on North Avenue maintaining the historic scoring pattern. Driveway should be colorized or textured to contrast with the sidewalk scoring in order to highlight the pedestrian path. **The sidewalk has been inspected by a City Engineer and appears to be in good condition posing no hazard to public safety. Replacement has not been requested by the City Engineering.**
3. Historic sidewalk stamps and scoring of existing sidewalks should be preserved. If sidewalks are missing or need repair, new sidewalks to be constructed to match historic scoring, coloring, texture and contractor or date stamps. **Land Development Code Section 142.0506(j)(5) requires that driveway entrances crossing a sidewalk maintain the scoring pattern and color used in the adjacent sidewalk areas. As a part of any permit, when applicable, Engineering and Permit Planning would require historic sidewalk stamps and scoring of existing sidewalks be preserved.**
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-striping and removal of underutilized curb cuts. **The applicant has previously conforming rights to maintain the site as approved at the time of construction.**
5. To the extent possible, the project should be brought into compliance with the current Land Development Code Landscape requirements. The sidewalk and parkway planter configuration should be brought into general compliance with the City's Street Design Manual including streetscape planting requirements. 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 regarding this issue 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. 21 of the draft resolution addresses this concern which is standard City practice (Attachment 6).**
7. Provide a trash enclosure area located off the alley 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 or any potential improvements are not appropriate for this map resolution, as they would be unenforceable.**

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of nine (9) 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 required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve** Tentative Map No. 45970 and waiver to the requirement for the undergrounding of the existing overhead utilities, with modifications.
2. **Deny** Tentative Map No. 45970 and waiver to the requirement for the undergrounding of the existing overhead utilities, **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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**Helene Deisher  
Development Project Manager  
Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation and Minutes
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan –Map 3W
11. Copy Of Tenant Notice and Certification