

**DATE ISSUED:** May 19, 2005

**REPORT NO.** PC-05-164

**ATTENTION:** Planning Commission, Agenda of May 26, 2005

**SUBJECT:** ORANGE BLOSSOM PARK TENTATIVE MAP - PROJECT NO. 60555. PROCESS 4

**OWNER/  
APPLICANT:** CCDJ, LLC (Attachment 9)

### **SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 179255 to convert twenty residential units to condominiums and to waive the requirement to underground the existing above ground utilities on a 0.359 acre site at 4204 45th Street in the Central Urbanized Planned District within the City Heights neighborhood of Mid-City Communities Plan area?

#### Staff Recommendation -

1. APPROVE Tentative Map No. 179255
2. APPROVE the undergrounding waiver.

Community Planning Group Recommendation - The City Heights Planning Area Committee, on April 4, 2005, voted 8:3:0 to recommend approval of the Tentative Map No. 179255 and 8:3:0 to recommend denial of the waiver of undergrounding existing utilities, without conditions.

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

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 twenty existing apartments to condominiums, there would be a loss of twenty rentals units and a gain of twenty for-sale units. This Tentative Map request was deemed complete subsequent to February 7,

2004, and therefore is required to comply with the inclusionary affordable housing requirements.

## **BACKGROUND**

The 0.359 acre site at 4204 45<sup>th</sup> Street is located in the RM-1-1 Zone of the Central Urbanized Planned District within the City Heights neighborhood of Mid-City Communities Plan area on the corner of Orange Avenue and 45<sup>th</sup> Street (Attachment 1). The surrounding land uses are predominantly multi-family residential with some single family residential. The Mid-City Communities Plan Land Use Map designates the site for residential development at the density developed on the property.

The Mid-City Communities Plan designates the project site for residential development at a density of 11-15 dwelling units per acre (Attachment 2). The site has been developed at the density of approximately 55 dwelling units per acre. Within areas designated for attached housing, the Mid-City Communities Plan does not address the issue of single versus fractional ownership. The existing development was first constructed in 1985.

## **DISCUSSION**

### **Project Description**

The current application proposes a Tentative Map to convert the existing twenty residential units to condominiums and a request to waive the under grounding of existing overhead utilities at 4204 45<sup>th</sup> Street (Attachment 3). No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land (Attachment 4). According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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 5).

The neighborhood currently contains power poles and overhead utility lines within the alley. The utilities are located at the rear of the property along the property line of properties across the alley and along Orange Avenue. One power pole is located across the alley from the subject property at approximately the middle of the building and two poles along Orange Avenue. One of these two poles is at the northwest corner of Orange Avenue and 45<sup>th</sup> Street, the second is along Orange Avenue at the alley. The adjacent sites across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines while the lines along Orange Avenue serve properties in other blocks. Undergrounding these services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3M and 3V and is proposed to be undergrounded in Fiscal Year 2019 and 2020, respectively (Attachment 6).

#### 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 July 9<sup>th</sup> of 2004 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on October 25, 2004, is subject to these regulations and has been conditioned to comply with the requirements.

#### CONCLUSION

Staff has reviewed the request for a Tentative Map for the conversion of twenty residential units into condominiums and to waive the requirements for undergrounding existing utilities. Staff has determined the project conforms with the applicable sections of the San Diego Municipal Code regulating Tentative Maps, the Subdivision Map Act and the Council Policy 600-25 guiding the waiver of undergrounding utilities. Staff has provided draft findings to support approval of the tentative map and recommends the Planning Commission approve the project as proposed.

#### ALTERNATIVES

1. Approve Tentative Map No. 179255 and the waiver of undergrounding existing utilities ,

with modifications.

2. Deny Tentative Map No. 179255 and the waiver of undergrounding existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Tentative Map
5. Draft Map Conditions and Subdivision Resolution
6. Residential Undergrounding Schedule
7. Government Code 66452.3; self-certification statement
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronolgy