

**DATE ISSUED:** May 19, 2005

**REPORT NO. PC-05-166**

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

**SUBJECT:** 52<sup>nd</sup> STREET TENTATIVE MAP - PROJECT NO. 42586, PROCESS FOUR

**OWNER/** 4227 43<sup>rd</sup> Street, LLC, Owner/

**APPLICANT:** Herman Bateman, San Diego Land Surveying and Engineering

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of thirty-one (31) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 4230-4250 52<sup>nd</sup> Street, in the RM-1-3 zone of the Central Urbanized Planned District, within the City Heights neighborhood of the Mid-City Communities Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 124108; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

**Community Planning Group Recommendation:** On November 1, 2004, the City Heights Community Planning Committee approved the project but denied the underground utility waiver request, by a vote of 11-2-1, with no 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 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 31 existing apartments to condominiums, there would be a loss of 31 rental units and a gain of 31 for-sale units. This condominium conversion project was deemed complete on July 9, 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 \$33,098, based on a \$1.75 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

## **BACKGROUND**

The 0.753 acre site is located at 4230-4450 52<sup>nd</sup> Street (Attachment 1), between Orange Avenue and Trojan Avenue, in the RM-1-3 Zone of the Central Urbanized Planned District, within the City Heights neighborhood of the Mid-City Communities Plan (Attachment 3). The site is presently developed with three, three-story structures, containing a total of 14 one-bedroom units and 17 two bedroom units. 45 surface parking spaces are provided onsite, which complies with the parking requirements that were in effect when the project was approved in 1986. The project is surrounded by multi-family development on all sides

The site was incorporated into the RM-1-3 zone of the Central Urbanized Planned District in October 2000. The site was zoned MR-1000B when the structures were built between 1986 and 1989. Under current standards, 16 units could be built on the subject property. 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 0.753 acre site to convert 31 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 existing overhead utility lines which are connected to a power pole located on the opposite side of the alley right-of-way at the rear of the property. This power pole serves multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 7B, which has not yet been assigned a date for undergrounding (Attachment 10).

### **COMMUNITY PLANNING GROUP RECOMMENDATION**

On November 1, 2004, the City Heights Community Planning Committee voted 11-2-1 to approve the project but deny the underground utility waiver request, with no conditions (Attachment 7).

### **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 April 6, 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 July 9, 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 \$33,098, based on a \$0.87 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 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 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. 124108, **with modifications.**
2. **Deny** Tentative Map No. 124108, **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director,**  
**Customer Support and Information Division**  
**Development Services Department**

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**Paul B. Godwin**  
**Development Project Manager,**  
**Customer Support and Information Division**  
**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 7B
11. Copy of Tenant Notices

