

DATE ISSUED: July 7, 2005

REPORT NO. PC-05-213

ATTENTION: Planning Commission, Agenda of July 14, 2005

SUBJECT: 4244 CHEROKEE TENTATIVE MAP-PTS 55421

**OWNER/
APPLICANT:** Daniel Dillard

SUMMARY

Issue(s) - Should the Planning Commission approve Tentative Map No. 67677 to convert seven existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

Staff Recommendation

1. **APPROVE** Tentative Map No. 67677; and
2. **APPROVE** waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation - On April 4, 2005 the City Heights Community Planning Committee voted 8 in favor, 2 opposed, and 1 abstention to approve the project, with a recommendation that utilities be placed underground.

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 conversion of seven existing apartments to condominiums, there would be a loss of seven rentals units and a gain of seven for-sale units. This Tentative Map request was deemed complete after February, 2004, and

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

BACKGROUND

The 0.14 acre site is located at 4244 Cherokee Avenue in the Central Urbanized Planned District within the City Heights neighborhood of the Mid-City Community Plan (Attachment 1). The subject property is surrounded by multi- and single-family development (Attachment 2). The Mid-City Community Plan currently designates the project site for residential development at a density of 21 to 25 dwelling units per acre (Attachment 3). The site is zoned RM-1-3 by the Central Urbanized Planned District Ordinance. The site was incorporated into the RM-1-3 zone October 2, 2000 by ordinance number O-18855. The project was constructed in 1988.

The site is presently improved with a two-story, seven-unit apartment building. The building includes three one bedroom units with 525 square feet of living area and four two bedroom units ranging from 735 square feet and 818 square feet of living area. The project was constructed in 1988 when the site was zoned MR-100B and permitted seven units. Twelve parking spaces were required by the zoning ordinance at the time the apartments were constructed, which is consistent with today's parking requirements for newly constructed projects of the same number of dwelling units.

The development complied 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. 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 to allow the conversion of seven existing multi-family dwelling units into seven condominiums and a request to waive the requirement to place existing overhead utilities underground. No physical changes to the developed site are proposed or will occur should the project be approved (Attachment 4).

Section 125.0410 of the San Diego Municipal Code requires a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker 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 it complies with both the Subdivision Map Act and the 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, 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.6 of the draft Tentative Map resolution (Attachment 5).

The neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There is one power pole located within the alley at the northeast corner adjacent to the subject property, with the next closest pole located within the alley adjacent to the southeastern corner of the property to the south. Furthermore, sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site to be within block 3A and is proposed to be undergrounded in Fiscal Year 2022 (Attachment 6).

Condominium Conversion Regulations

The requested conversion of these residential units to condominiums represents 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 February 10, 2005 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. The project was deemed complete on November 18, 2004, and is subject to all Inclusionary Affordable Housing Regulations.

Community Group Recommendation

The City Heights Area Planning Committee voted in favor of the project with a condition that utilities be placed underground. It is a general practice of this Board to request utilities be placed underground with every Tentative Map or Map Waiver as way of reaching the City's goal of eventually having all utilities placed underground. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25. Staff does not support requiring the undergrounding as a condition or approval (Attachment 8).

CONCLUSION

Staff has reviewed the request for a Tentative Map to convert seven residential units into seven condominiums and to waive the requirements of the undergrounding of existing overhead utilities. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps, the State Map Act and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff has determined the required findings can be supported and staff recommends the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 67677 and waive the requirement to underground existing overhead utilities, with modifications.
2. Deny Tentative Map No. 67677 and deny a waiver of the requirement to underground existing overhead utilities if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Deputy Director, Customer Support and
Information Division
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Attachments:

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Tentative Map Exhibit
5. Tentative Map resolution
6. City's Undergrounding Master Plan for Fiscal Year 2005
7. 60 Day Notice of Filing Tentative Map for Conversion
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Project Data Sheet

Job Order No. 42-3630