

**DATE ISSUED:** July 28, 2005 **REPORT NO. PC-05-242**

**ATTENTION:** **Planning Commission, Agenda of August 4, 2005**

**SUBJECT:** HIGHLAND AVENUE TENTATIVE MAP - PROJECT NO. 58412  
PROCESS FOUR

**OWNER:** SONG MA AND FANG XU and LI TANG AND ZHI GAO

**APPLICANT:** WESTONE MANAGEMENT CONSULTANTS

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 16 existing residential units into condominiums at 4095 Highland Avenue, within the City Heights neighborhood of the Mid-City Communities Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 171550; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The City Heights Area Planning Committee voted 13-5-0 to recommend approval of the proposed project on May 2, 2005, with specific recommendations detailed within this report (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 Statement:** 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 16 existing apartments to condominiums, there would be a loss of 16 rental units and a gain of 16 for-sale units. This condominium conversion project was deemed complete on January 24, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.287-acre site is located at 4095 Highland Avenue in the RM-1-1 Zone of the Central Urbanized Planned District within the City Heights neighborhood of the Mid City Communities Plan Area (Attachment 3). The site is presently developed with one two-story structure containing 16 units: 8 one-bedroom units and 8 two-bedroom units, with off-street parking spaces accommodating 16 vehicles. Six of the parking spaces are in the front of the property, access from Highland Avenue, while the remaining 10 spaces are accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1969. At that time the site was zoned R-4 and would have allowed for 31 dwelling units. Parking requirements effective in 1969 required 16 parking spaces to be provided for the 16 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 does not conform with the current density requirement of one unit per 3,000 square feet in the RM- 1 Zone, which would only allow four units to be constructed today. Under current criteria, 28 off-street parking spaces would be required. 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 0.287-acre site to convert 16 existing dwelling units into condominiums on four existing lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 of Existing Utilities

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 involves a short span of overhead facility (less than 600 feet in length). 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 utilities lines in the alley right-of-way and within the Polk Avenue right-of-way. The utility lines to these poles extend to other properties located north and south within the alley and to other properties located east and west along Polk Avenue. The two poles closest to this property are located within the alley right-of-way. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3M, and the date for undergrounding has been established for the year 2020 (Attachment 10).

#### **Community Planning Group and Neighborhood Recommendations:**

The City Heights Area Planning Committee voted 13-5-0 to recommend approval of the proposed project on May 2, 2005, with no additional conditions other than recommending against the request to waive the undergrounding requirement for existing overhead utilities. Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.

#### **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 Notices of Intent to Convert to Condominiums were provided to the tenants on August 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 January 24, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with 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 16 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 requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 171550, with modifications.**
2. **Deny Tentative Map No. 171550, 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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**Michelle Sokolowski**  
**Customer Support and**  
**Information Division**  
**Development Services Department**

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Attachments:

1. Aerial Photograph
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 3M
11. Copy of 60-Day Notice of Intent to Convert