

DATE ISSUED: September 8, 2005

REPORT NO. PC-05-257

ATTENTION: **Planning Commission, Agenda of September 15, 2005**

SUBJECT: 4168 44TH STREET TENTATIVE MAP – PROJECT NO. 74335
PROCESS FOUR

**OWNER/
APPLICANT:** 44th Street Consulting, LLC, Owner/Applicant (Attachment 13)

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of twelve (12) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities for an Affordable/In-Fill Housing Expedite project located at 4168 44th Street in the Central Urbanized Planned District within the City Heights neighborhood of the Mid-City Communities Plan?

Staff Recommendation:

1. **Approve** Tentative Map No. 228104; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation: On August 1, 2005, the City Heights Area Planning Committee voted 9-4-0 to recommend approval of the proposed project with one condition (Attachment 8).

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 12 existing apartments to condominiums, there would be a loss of 12 rental units and a gain of 12 for-sale units. As a component of the application, the proposed project will conform to the Inclusionary Housing Ordinance Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent of the total for-sale dwelling units on-site for households with an income at or below 100 percent Area Median Income (AMI), currently \$63,400 for a family of four. Furthermore, the proposed project is subject to the Tenant Relocation Assistance Regulations.

BACKGROUND

The 0.28-acre site is located at 4168 44th Street, south of Orange Avenue in the City Heights neighborhood of the Mid-City Communities Plan, and falls within the RM-1-1 zone of the Central Urbanized Planned District (Attachment 2). The site is designated within the Mid-City Communities Plan for Residential use, 11-15 dwelling units per acre (Attachment 3). The site is presently developed with a two story, 12-unit apartment building. The building consists of 12 two bedroom apartment units, as well as 15 off-street parking spaces.

The 12-unit apartment building was built in 1967 when the zone was R-4, a multi-family residential zone, which permitted one unit per 400 square feet and would have allowed 31 units on the property. The site was incorporated into the RM-1-1 zone of the Central Urbanized Planned District in October of 2000, which permits one unit per 3,000 square feet and currently would allow four units on the property. At the time of the building permit, the parking regulations required one parking space per residential unit. The project provides 15 off-street parking spaces where current regulations require 24 for the project site. The project deviates from current landscape, parking, and may deviate from other development criteria. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the San Diego Municipal Code (SDMC).

The existing development is bounded on the north and east by a mixture of single family and multi-family residential development; and a two story, multi-family residential development to the south. The property to the west, across the alley from the subject property, consists of commercial mixed-use and multi-family residential development. The immediate area is surrounded by sites with similar zoning and land use designation. The Mid-City Communities Plan encourages the provision of market rate housing in a variety of types, sizes and costs to meet the needs of residents in all socioeconomic brackets and also recommends the rehabilitation of existing housing and the fostering of residential ownership in Mid-City.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.28-acre site to convert 12 existing residential apartment units into condominiums and to consolidate four existing parcels

into one lot (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 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 SDMC. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the SDMC.

Undergrounding Waiver Request:

The project site is located on the west side of 44th Street, south of Orange Avenue and north of Polk Avenue, within Council District Three. There are two utility poles located within the alley right-of-way and are currently supplying utility service to the surrounding community (Attachment 6). The request is to waive the requirement of undergrounding these utility poles. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3M and is proposed to be undergrounded in Fiscal Year 2020 (Attachment 7).

SDMC 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. 6 of the draft Tentative Map resolution (Attachment 8).

Community Planning Group Recommendation:

The City Heights Area Planning Committee considered the project on August 1, 2005, and voted 9-4-0 to recommend approval with the condition that the utilities to the premises be placed underground (Attachment 9). As stated above, staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, 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.

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 20, 2005, and the list of names/addresses of persons receiving the notice (Attachment 10). Copies of the notices are on file in the Development Services Department. A sample of the "Information for Tenants" letter, the 60-day Notice, Statement Pursuant to SDMC Section 125.0431(b), and the 180 Day Notice of Intention to Convert (both in English and Spanish) that was provided by the applicant is also attached (Attachment 11).

The proposed project complies the Inclusionary Housing Ordinance Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent of the total for-sale dwelling units on-site for households with an income at or below 100 percent Area Median Income, currently \$63,400 for a family of four. The project was deemed complete on June 2, 2005; therefore, the project is subject to the Tenant Relocation Assistance Regulations.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 12 residential apartment units into condominiums and the request to waive the requirement to undergrounding the existing overhead utilities, and has found the project to be in conformance with the applicable sections of the SDMC regulating Tentative Maps and Council Policy 600-25 regulating the undergrounding of existing overhead utilities. Staff has determined that the development is consistent with the land use designation of the Mid-City Communities Plan and believes the required findings can be supported (Attachment 8). Therefore, staff recommends that the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

ALTERNATIVES:

1. **Approve** Tentative Map No. 228104 and the waiver to the requirement for the undergrounding of the existing overhead utilities, with modifications.
2. **Deny** Tentative Map No. 228104 and the 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,

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

Jeffrey A. Peterson
Development Project Manager
Development Services Department

STROHMINGER/JAP

Attachments:

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Existing Overhead Utilities Photo
7. City's Undergrounding Master Plan – Block 3M
8. Draft Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Certification of Tenant Notice and Tenant List
11. Sample of “Information for Tenants” letter and Tenant Notices
12. Environmental Exemption
13. Ownership Disclosure
14. Project Chronology