

DATE ISSUED: October 14, 2005 **REPORT NO. PC-05-273**

ATTENTION: **Planning Commission, Agenda of October 20, 2005**

SUBJECT: VAN DYKE TENTATIVE MAP - PROJECT NO. 56676
PROCESS FOUR

OWNERS: LUCY NANNIZZI, TRUSTEE OF THE LUCY NANNIZZI TRUST
DATED OCTOBER 19, 1992

APPLICANT: SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of eight existing residential units into condominiums at 3659 Van Dyke Avenue, within the City Heights neighborhood of the Mid-City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 165610; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The City Heights Area Planning Committee voted 7-2-3 to recommend approval of the proposed project on July 6, 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 eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on December 8, 2004, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.161-acre site is located at 3659 Van Dyke 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 eight units. Five units have one bedroom and three units have two bedrooms. Eleven off-street parking spaces are provided on the site: five accessed from Van Dyke Avenue at the front and six 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 1979. At that time the site was zoned R-3A and would have allowed for 12 dwelling units. Parking requirements effective in 1979 required 11 parking spaces to be provided for the eight 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 two units to be constructed today. Under current criteria, 14 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 0.161-acre site to convert eight existing dwelling units into condominiums on two 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. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property is located within the alley right-of-way, adjacent to the property to the south of this site. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3M, and the date for undergrounding has been established for the year 2022 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The City Heights Area Planning Committee voted 7-2-3 to recommend approval of the proposed project on July 6, 2005, with a recommendation of disapproval of the request to waive the requirement to underground the 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 June 1, 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 December 8, 2004, 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 eight 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. 165610**with modification s.**
2. **Deny** Tentative Map No. 165610**if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

Michelle Sokolowski
Customer Support and
Information Division
Development Services Department

STROHMINGER/MAS

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