

DATE ISSUED: October 13, 2005 **REPORT NO. PC-05-299**

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

SUBJECT: **3820 45th STREET TENTATIVE MAP - PROJECT NO. 63804, PROCESS FOUR**

OWNER: Melody Nobel

APPLICANT: San Diego Land Surveying & Engineering, Robert Bateman

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of eighteen (18) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 3820 45th Street, in the CT-5-4 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. 190387; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: On August 1, 2005, the City Heights Community Planning Committee voted 10-3-0 to recommend approval of the project but deny the request to waive the requirement to underground existing overhead utilities (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 18 existing apartments to condominiums, there would be a loss of 18 rental units and a gain of 18 for-sale units. This condominium conversion project was deemed complete on March 3, 2005, 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 \$19,089 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 0.29-acre site is located at 3820 45th Street (Attachment 1), between Wightman Street and University Avenue, in the CT-5-4 Zone of the Central Urbanized Planned District, within the City Heights Neighborhood of the Mid-City Communities Plan (Attachment 3). The CT-5-4 Zone is intended to provide a transition area between commercial use areas and residential use areas and allows for both uses. The Mid-City Communities Plan designates the site for commercial uses. The site is presently developed with two, two-story multi-family structures which were constructed in 1971. The buildings contain 12 one-bedroom units and six two-bedroom units, for a total of 18 units. The project currently provides 18 parking spaces, consisting of six garage spaces and 12 surface parking spaces. The parking provided complies with the requirement of one space per unit that was in effect when the project was constructed in 1971. The project is surrounded by multi-family residential development on the north, south and west and single- and multi-family residential development to the east.

The site was incorporated into the CT-5-4 zone of the Central Urbanized Planned District in October 2000. The site was zoned R-4 when the project was constructed in 1971, which allowed the construction of the 18 units onsite. Under current development standards, eight units could be built on the subject property. Although the existing 18 units exceeds this amount, 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 there are no active Building or Zoning Code violations for the subject property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.29 -acre site to convert 18 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 power poles located on the opposite side of the alley right-of-way at the rear of the property. No power poles are located onsite and the existing poles and utility lines serve multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3M, which is scheduled for funding in fiscal year 2022 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION

On August 1, 2005, the City Heights Community Planning Committee voted 10 -3-0 to recommend approval of the project but deny of the proposed waiver of the requirement to underground existing overhead utilities (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 June 29, 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 March 3, 2005, 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 \$19089 based on a \$1.75 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 six 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. 190387, with modifications.**
2. **Deny Tentative Map No. 190387 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Customer Support and Information Division
Development Services Department

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STROHMINGER/PBG

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 3M
11. Copy of Tenant Notices