

**DATE ISSUED:** January 19, 2006

**REPORT NO. PC-06-011**

**ATTENTION:** Planning Commission, Agenda of January 26, 2006

**SUBJECT:** 3684 ALEXIA PLACE MAP WAIVER AND EASEMENT VACATION  
PROJECT NO. 70573, PROCESS FIVE

**OWNER:** Lisa Gabhart

**APPLICANT:** Curtis Gabhart

**SUMMARY**

**Issue(s):** Should the Planning Commission recommend to the City Council approval of a Map Waiver for the conversion of four (4) existing residential units into condominiums, a waiver of the requirement to underground the existing overhead utilities and an Easement Vacation at 3684-3692 Alexia Place, in the RS-1-1, RS-1-7 and OR-1-1 zones within the Normal Heights Neighborhood of the Mid-City Communities Plan area?

**Staff Recommendation:**

1. Recommend **Approval** of Map Waiver No. 218127a nd
2. Recommend **Approval** of Easement Vacation No. 271225and
3. Recommend **Approval** of awaiver of the requirement to underground the existing overhead utilities.

**Community Planning Group Recommendation:** On June 7, 2005, the Normal Heights Community Planning Committee voted 7-2-1 to recommend approval of the project with no conditions (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). A valid appeal of the environmental determination has not been filed.

**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 four existing apartments to condominiums, there would be a loss of four rental units and a gain of four for-sale units. This condominium conversion project was deemed complete on May 5, 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 \$7,446 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 2.54-acre site is located at 3684-3692 Alexia Place (Attachment 1), on the eastern end of Alexia Place, just north of Collier Avenue, in the RS-1-1, RS-1-7 and OR-1-1 zones within the Normal Heights Neighborhood of the Mid-City Communities Plan area (Attachment 3). The RS-1-1 and RS-1-7 zones are intended to provide for single-family development. The majority of the site is within a canyon area zoned OR-1-1, which is an open space zone. The existing residential development is located in the southwest corner of the lot along Alexia Place and is zoned RS-1-1 and RS-1-7. The Mid-City Communities Plan designates the site for residential development at 1-6 dwelling units per acre.

The site is presently developed with three one- to two- story structures, including two single-family structures and one duplex structure, which were constructed in 1958, 1968 and 1980. The first single-family structure consists of 843 square feet with two bedrooms and the second single-family structure consists of 2,059 square feet with four bedrooms. The duplex structure consists of 1,352 square feet and has one, one-bedroom unit and one, two-bedroom unit. The site is currently developed with three garage parking spaces and one surface parking space, in addition to an approximately 80-foot long driveway, which provides the project's single point of access off of Alexia Place.

No parking spaces were required when the first two structures were built and two spaces were required for the construction of the third structure in 1980. Utilizing current development standards, eight parking spaces would be required. The project is surrounded by single- and multi-family residential development as well as Interstate 15 to the east.

The project was zoned R-2 when the existing four units were constructed. The R-2 zone allowed one dwelling unit for every 3,000 square-feet of lot area. The current zoning designation of RS-1-7 and RS-1-1 for the developed portion of the site was adopted in 1987 and 2000, respectively. Under current development standards, one unit could be built on the subject property. Although the existing four 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 Map Waiver for the subdivision of a 2.54-acre site to convert four 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.

The applicant is also requesting an easement vacation to vacate several unused and undeveloped sewer, water, drainage and public utility easements which exist on the property (Attachment 6). The requested easement vacation was required by the Wastewater section as one of the easements in question ran beneath the existing structures. This easement vacation request has been reviewed and approved by all relevant City departments. No facilities are located in or are planned for the easements proposed for vacation.

### **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 along the Alexia Place frontage. These power poles also serve other sites along Alexia Place. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3BB, which is scheduled for undergrounding in 2009 (Attachment 10).

## **COMMUNITY PLANNING GROUP RECOMMENDATION**

On June 7, 2005, the Normal Heights Community Planning Committee voted 7-2-1 to approve the project with no conditions (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 April 27, 2005 (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 May 5, 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 \$7,446 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 Map Waiver for the conversion of four 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 has also reviewed the request for an Easement Vacation and has not identified a need to retain these easements. All applicable City departments are supportive of the proposed Easement Vacation.

Staff believes the required findings can be supported and recommends the Planning Commission recommend approval the project as proposed.

## **ALTERNATIVES**

1. **Approve** Map Waiver No. 218127 and Easement Vacation No. 271225 **with modifications.**
2. **Deny** Map Waiver No. 218127 and Easement Vacation No. 271225 **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**Paul B. Godwin**  
**Development Project Manager,**  
**Customer Support and Information Division**  
**Development Services Department**

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Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Map Waiver Exhibit
6. Easement Vacation Exhibit
7. Draft Map Conditions and Subdivision Resolution
8. Draft Easement Vacation Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. City's Undergrounding Master Plan – Map 3BB
13. Copy of Tenant Notices