

**DATE ISSUED:** January 27, 2006

**REPORT NO. PC-06-023**

**ATTENTION:** **Planning Commission, Agenda of February 2, 2006**

**SUBJECT:** 4560 NORTH AVENUE TENTATIVE MAP - PROJECT NO. 69080  
PROCESS FOUR

**OWNERS:** The Ginsburg Family Partnership LP (Attachment 10)

**APPLICANT:** Algert Engineering, Inc., Engineer

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 18 existing residential units into condominiums at 4560 North Avenue, within the Uptown Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 209453 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Uptown Planners voted 8-2-1 to recommend denial of the proposed project on November 1, 2005, after reviewing the project on previous occasions, as 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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 2, 2005, and the opportunity to appeal that determination ended September 26, 2005.

**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 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 May 4, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.33-acre site is located at 4560 North Avenue in the MR-1500 Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Uptown Community Plan Area (Attachment 3). The site is presently developed with two, two-story structures containing 10, two-bedroom units and 8 one-bedroom units. Eighteen off-street parking spaces are provided on the site: nine accessed from North Avenue at the front and nine 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 1971. At that time the site was zoned R-4 and would have allowed for 36 dwelling units. Parking requirements effective in 1971 required 18 parking spaces to be provided for the 18 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 1,500 square feet in the MR-1500 Zone, which would only allow 10 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 0.33-acre site to convert 18 existing dwelling units into condominiums on six 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) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 12 of the draft Tentative Map resolution (Attachment 6). The applicant would also 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 to the rear. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located on the opposite side of the alley at the rear of the property. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3W, and the date for undergrounding has been established for the year 2012 (Attachment 12).

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

The Uptown Planners voted 8-2-1 to recommend denial of the proposed project on November 1, 2005(Attachment 7). The minutes from this November 1, 2005, meeting indicate the project had been presented to the group on prior occasions, and state their reason for denial was based upon concerns over the elevation and design, but recognized that the landscaping was improved.

The applicant has elected to proceed through the hearing process and has composed a letter dated November 2, 2005, that illustrates their reasons for so choosing (Attachment 8). The applicant indicates the project was presented to Uptown Planners on four occasions. The meetings on May 16, 2005 and June 20, 2005, were apparently subcommittee meetings and staff does not have

copies of those minutes. However, minutes from the July 5, 2005 meeting are also included with this report (Attachment 9).

**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 February 3, 2005 (Attachment 13).

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 4, 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 18 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. 209453with modifications.**
2. **Deny Tentative Map No. 209453if 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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**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. November 1, 2005 Community Planning Group Recommendation
8. November 2, 2005 Applicant Request to Proceed
9. July 5, 2005 Community Planning Group Minutes
10. Ownership Disclosure Statement
11. Project Chronology
12. City's Undergrounding Master Plan – Map 3W
13. Copy of Sample 60-Day Notice of Intent to Convert
14. Photos of Existing Front and Rear Elevations