

DATE ISSUED: July 7, 2006

REPORT NO. PC-06-164

ATTENTION: **Planning Commission, Agenda of July 13, 2006**

SUBJECT: 4555 VANDEVER TENTATIVE MAP; PROJECT NO. 78951.
PROCESS NUMBER 4.

OWNERS/ Mission Arbor Apartments, L.P. (Attachment 10).

APPLICANT: Westone Management Consultants

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of forty-seven existing residential units to condominiums at 4555 Vandever Avenue within the Navajo Community Plan Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 245781; and
2. **APPROVE** a waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: As of May 16, 2006, the Navajo Community Planning Group has not made a recommendation on the application. If a recommendation is provided it will be reported to the Planning Commission during the hearing.

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 19, 2005, and the opportunity to appeal that determination ended October 4, 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 forty-seven existing apartments to condominiums, there would be a loss of 47 rental units and a gain of 47 for-sale units. This condominium conversion project was deemed complete on September 12, 2005, and is subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The Land Use Element of the Navajo Community Plan designates the site for Multi-Family Residential use at a medium-high density of 30-43 dwelling units per acre (Attachment 1). Per the Navajo Community Plan a maximum of 52 dwelling units would be allowed on the site today. The 1.19-acre site is located at 4555 Vandever Avenue in the RM-3-7 Zone of the Navajo Community Plan Area between Twain and Vandever Avenues (Attachment 2). The surrounding land uses are commercial to the west; multi-family residential to the north; active open space, Grantville Park, to the east; and a school, The Sam and Rose Stein Education Center, to the south. The site has been developed at an approximate density of 37 dwelling units per acre (Attachment 3). Within areas designated for attached housing, the Navajo Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1968 at which time the site was zoned R-1000, allowing one dwelling unit for every 1,000 square-feet of lot area. At the time the property was developed the approved construction met all current regulations. The site is presently improved with four, detached, two-story buildings, a pool, spa, landscaping and surface parking. The buildings include four, one-bedroom units with 800 square-feet of living area each and 43, two bedroom units with 900 square-feet of living area each. The original development provided fifty off-street parking spaces, including 26 surface spaces and 24 beneath carports. Access to all of the off-street parking spaces is provided from Decena Drive.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. 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 current application proposes a Tentative Map (Attachment 4) to convert the existing 47 residential units to condominiums. The applicant is also requesting the requirement for the undergrounding of existing overhead utilities be waived. All electrical, telephone and cable utilities are located above ground in the right-of-way located along Decena Drive and Vandever

Avenue. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires 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 descisionmaker finds 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 it complies with 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 ensure that all onsite utilities serving the subdivision are placed underground, per Condition 19 of the draft Tentative Map resolution (Attachment 5).

The neighborhood is currently served by overhead utility lines located along the frontage adjacent to Vandever Avenue and across Decena Drive to the east. The overhead utility lines which serve this site also serve other properties in the neighborhood. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 7P, which does not have a projected date for undergrounding (Attachment 6).

Condominium Conversion Regulations:

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 Covert to Condominiums were provided to the tenants on May 10, 2005 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to 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 September 12, 2005, and is subject to these new regulations. The project has been conditioned to require the Subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 12, Article 4, 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) prior to recording the Final Map. In order to meet the inclusionary housing requirements the

applicant has elected to provide on-site affordable housing, selling at least ten percent of the units to those households earning no more than 100% of the Average Median Income (Attachment 5, Condition 9).

CONCLUSION

Staff has reviewed the request for a Tentative Map to convert 47 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, adopted Council policies and the State Map Act. Staff has provided draft findings to support approval of the tentative map and waiver of the requirement to underground existing overhead utilities (Attachment 5) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 245781 with modifications.**
2. **Deny Tentative Map No. 245781 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Program Manager
Development Services Department

William C. Tripp
Development Project Manager
Development Services Department

WESTLAKE/WCT

Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Tentative Map
5. Draft Map Conditions and Subdivision Resolution
6. Underground Project Schedule
7. Government Code 66452.3; self-certification statement
8. Ownership Disclosure Statement
9. Project Chronology
10. Project Data Sheet