

DATE ISSUED: September 9, 2004 **REPORT NO.** PC-04-148

ATTENTION: **Planning Commission, Agenda of September 16, 2004**

SUBJECT: HIGHLAND AVENUE TENTATIVE MAP – PROJECT NO. 19175
PROCESS FOUR

**OWNER/
APPLICANT:** PACIFIC COAST HOLDINGS, LLC, OWNER
SAN DIEGO LAND SURVEYING, INC., APPLICANT

SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of six (6) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 3565 Highland Avenue, within the City Heights neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 45875; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - The City Heights Area Planning Committee voted 11-2-2 to recommend approval of the proposed project on January 5, 2004, with recommendations discussed 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 - 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 six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium conversion project was deemed complete prior to February 7, 2004, and is therefore exempt from the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.144-acre site is located between Dwight Street and Myrtle Avenue at 3565 Highland Avenue and is described as Lots 8 and 9, Block 7, City Heights, Map No. 1028, 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 also within the Transit Overlay Zone, allowing for a reduced parking requirement. The site is presently developed with one, two-story structure containing three one-bedroom apartment units and three two-bedroom units, with 11 off-street parking spaces. Two of the parking spaces are in a garage and are accessed from Highland Avenue at the front, while the remaining spaces are accessed from the alley at the rear of the site. The site is surrounded by both single-family and multi-family residential development to the north, east, west, and south.

The site was incorporated into the Central Urbanized Planned District in October 2000. The existing improvements were constructed in 1985 when the site was within the R-3 Zone. The zone at the time permitted one unit per 1,000 square feet of lot area, which resulted in six units on this 6,250-square-foot site. The 11 parking spaces provided comply with the 1985 requirements. 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 meet the current density requirement of one unit per 3,000 square feet of lot area of the RM-1-1 Zone. The current zone would only allow two units to be developed on the site. However, 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 0.144-acre site to convert six existing dwelling units into condominiums on one existing lot (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 neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There are no power poles located adjacent to the subject property. The closest pole is within the alley adjacent to the property to the north. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3M, and is proposed to be undergrounded in Fiscal Year 2020 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The City Heights Area Planning Committee recommended approval of the proposed project at their January 5, 2004, meeting by a vote of 11-2-2 (Attachment 7). The Committee has indicated their recommendation of approval was based on the applicant's agreement to follow the City's current requirements regarding the provision of relocation benefits to existing tenants, as well as their recommendation to require the undergrounding of existing utilities or the payment of an in-lieu fee for this item.

As indicated above, the project is not subject to the regulations regarding inclusionary housing and tenant relocation benefits. Accordingly, staff cannot require the applicant conform with the provision of tenant relocation benefits as recommended by the City Heights Area Planning Committee. Any agreement by the applicant regarding this issue would be outside the scope of this Tentative Map. Based on the preceding information regarding the undergrounding of 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 Notice of Intent to Convert to Condominium was provided to the tenants on May 25, 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 November 3, 2003, and is therefore not subject to these new regulations.

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. 45875, with modifications.**
2. **Deny Tentative Map No. 45875, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department**

**Michelle Sokolowski, Project Manager
Development Project Manager
Development Services Department**

ESCOBAR-ECK/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 Tenant Notices