

**DATE ISSUED:** December 9, 2004                      **REPORT NO.** PC-04-217

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

**SUBJECT:** 3<sup>rd</sup> AVENUE TENTATIVE MAP - PROJECT NO. 41736  
PROCESS FOUR

**OWNER/  
APPLICANT:** 3815 THIRD AVENUE, LLC (Attachment 8)  
Malcolm Davies

**SUMMARY**

**Issue(s)** – Should the Planning Commission approve a Tentative Map for the conversion of eighteen (18) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 3815 3<sup>rd</sup> Avenue, within the Uptown Community Plan area?

**Staff Recommendation:**

1.     **Approve** Tentative Map No. 119133; and
2.     **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - On October 5, 2004, the Uptown Planning Committee considered the project and voted 12-0-1 in favor of the project with a recommendation that at least two proposed trees be planted closer to the street and between parking spaces (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 eighteen existing apartments to condominiums, there would be a loss of eighteen rental units and a gain of eighteen for-sale units. This condominium conversion project was deemed complete on July 2, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.271-acre site is located at 3815 3<sup>rd</sup> Avenue between Robinson Avenue and University Avenue in the MR-800B Zone of the Mid-City Communities Planned District within the Uptown Community Plan area (Attachment 3). The site is presently developed with a 3-story building consisting of 7 one-bedroom and 11 two-bedroom residential units. The development also provides a total of 18 off-street parking spaces. Nine parking spaces are located along the rear of the property with access provided from the alley. The remaining nine parking spaces are located within the front yard with access provided from 3<sup>rd</sup> Avenue. The site is bounded by a single-family residence to the north, multi-unit development to the south, a mix of commercial and multi-unit development to the east, and a mix of single-unit and multi-unit development to the west.

The site is currently zoned MR-800B and is within the Mid-City Communities Planned District established in May 1989. Prior zoning of the site included the R-3A Zone applied in March 1976, and the R-4 Zone established in October 1930. The property is also within the Transit Area Overlay Zone applied over the area in October 1992. The eighteen-unit residential complex was constructed in 1969. At the time, the site was zoned R-4 and permitted up to 30 units on the approximately 11,800-square-foot site, and required one parking space per dwelling unit. 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 is not in compliance with the current density requirement of the MR-800B Zone, which allows one unit per 800 square feet of lot area or a total of 15 units on the subject site. Additionally, the project does not meet the current parking requirement of 28 parking spaces for the eighteen-unit development. 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 0.271-acre site to consolidate 4 lots into one lot and for the conversion of eighteen multi-family 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 a) the conversion involves a short span of overhead facility (less than 600 feet in length), and b) the conversion is a requirement of a condominium conversion of an existing development 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 west portion of the alley right-of-way. Service to the site is provided via an overhead utility line connected to a power pole in the alley adjacent to the southeast corner of the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-T, which is proposed to be undergrounded in Fiscal Year 2012 (Attachment 10).

#### **COMMUNITY PLANNING GROUP RECOMMENDATION:**

The Uptown Planning Committee considered the project on October 5, 2004 and voted 12-0-1 to recommend approval of the project with a condition requiring at least two trees to be planted closer to the street and between parking spaces. The project proposes to convert existing residential units to condominiums with no physical change to the existing development. The applicant is not required to provide any additional landscaping in accordance with San Diego Municipal Code regulations. The applicant has considered the Planning Group's recommendation and has determined that planting of trees as suggested by the Uptown Planning Committee would impact the size and access to the existing parking spaces. The applicant plans to install a 24 inch-box tree near the southwest corner of the building, and provide additional landscaping along the existing path leading to the building entrance.

#### **PROJECT RELATED ISSUES:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

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 July 2, 2004, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$26,743.50 based on \$1.75 per square footage fee, 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 eighteen 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. 119133, with modifications.**
2. **Deny Tentative Map No. 119133, if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**Firouzeh Tirandazi  
Development Project Manager  
Development Services Department**

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**Attachments:**

1. Aerial Photograph of Project Site
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-3T
11. Copy of Sample Notice to Tenants

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