

DATE ISSUED: January 6, 2005 **REPORT NO.** PC-05-001
ATTENTION: **Planning Commission, Agenda of January 13, 2005**
SUBJECT: CITY HEIGHTS PARK TENTATIVE MAP – PROJECT NO. 44106
PROCESS FOUR

OWNER/ KTCC, LLC, OWNER
APPLICANT: LANDMARK ENGINEERING CORPORATION, APPLICANT

SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of twelve (12) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4127 38th Street, within the City Heights neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 128996; 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 10-2-0 to recommend approval of the proposed project on September 8, 2004, with a recommendation to require the undergrounding of existing utilities, as 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 12 existing apartments to condominiums, there would be a loss of 12 rental units and a gain of 12 for-sale units. This

condominium conversion project was deemed complete on July 20, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.241-acre site is located between Orange and Polk Avenues at 4127 38th Street, in the RM-2-5 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 eight two-bedroom units and four one-bedroom units, with off-street parking spaces accommodating 12 vehicles. Five off-street parking spaces are accessed from 38th Street at the front of the property, while the remaining seven spaces are accessed from the alley at the rear. The site is surrounded by multi-family residential development to the north, east, west, and south.

The site was incorporated into RM-2-5 Zone in October 2000. Previous zoning included the MR-1500B Zone of the Mid-City Communities Planned District applied in January 1986, the R-3A zone established in April 1975, and the R-4 zone applied in October 1930. The project was constructed in 1968 when the site was zoned R-4 and permitted as many as 26 units. The 12 off-street parking spaces provided comply with the 1968 requirements, which only required 12 parking spaces for the 12 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 meet the current density requirement of one unit per 1,500 square feet in the RM-2-5 Zone, which would allow seven units. In 1968 when the project was constructed, only one on-site space was required per unit, and parking in the front setback was allowed. Under current criteria, 19 spaces would be required. 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 0.241-acre site to convert 12 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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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 is one power pole located within the alley at the northeast corner adjacent to the subject property, with the next closest pole located within the alley adjacent to the southeastern corner of the property to the south. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3A, and is proposed to be undergrounded in Fiscal Year 2022 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The City Heights Area Planning Committee recommended approval of the proposed project at their September 8, 2004, meeting by a vote of 10-2-0, with the recommendation that the undergrounding of existing utilities be required (Attachment 7). Based on the preceding information regarding the undergrounding of the 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 April 22, 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 July 20, 2004, 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 12 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. 128996, with modifications.**
2. **Deny Tentative Map No. 128996, 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 3A
11. Copy of Tenant Notices