

DATE ISSUED: March 4, 2005 **REPORT NO.** PC-05-061

ATTENTION: **Planning Commission, Agenda of March 10, 2005**

SUBJECT: DECENA DRIVE TENTATIVE MAP – PROJECT NO. 50576
PROCESS FOUR

OWNER/ DECENA APARTMENTS, LLC

APPLICANT: THE KEITH COMPANIES

SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of twenty-eight (28) existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 6120 Decena Drive within the Navajo Community Plan?

Staff Recommendation:

1. **Approve** Tentative Map No. 150622; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - The Navajo Community Planners, Inc., voted 16-0-0 to recommend approval of the proposed project on December 7, 2004, with no conditions, but with concerns as noted in the 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 twenty-eight existing apartments to condominiums, there would be a loss of twenty-eight rental units and a gain of twenty-eight for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is therefore required to comply with the new regulations regarding inclusionary

housing and tenant relocation assistance, which have been included as conditions of the Tentative Map. The owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

BACKGROUND

The 0.64-acre site is located north of Twain Avenue at 6120 Decena Drive in the RM-3-7 Zone within the Navajo Community Plan area (Attachment 3). The community plan designates this site for multi-family residential development, and the existing residential complex is consistent with this designation. The site is presently developed with one, two-story structures with a basement exposed at the rear, containing twenty-five (25) one-bedroom apartment units, and three (3) two-bedroom units, with thirty-six (36) off-street parking spaces. Eight (8) of the parking spaces are covered under the building in the exposed basement area while twenty-eight (28) are provided uncovered at the rear of the site. All parking is accessed from Decena Drive. The site is surrounded by a single-family residence to the north, multi-family residences to the north and south, commercial uses on Mission Gorge Drive to the west and an education center (former elementary school) to the east.

The proposed Tentative Map application is to convert 28 existing residential units to condominiums located on one lot addressed as 6120 Decena Drive. The project was constructed in 1969 with 20 units. At that time the site was zoned R-3 and permitted 24 units on the site. Eight additional units were constructed in 1990. At that time the site was zoned R-1000 and would have permitted an additional four units in addition to the existing 20 units. The 33 parking spaces existing would not meet current standards based on bedroom count. The one-bedroom units require 1.5 spaces each, two-bedroom requires 2.0 spaces each. 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 0.64-acre site to convert twenty-eight existing dwelling units into condominiums on one proposed 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 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 and, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future. 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 at the front of the property along Decena Drive. The utilities for this development are already undergrounded. The closest pole locations are two located adjacent to this development on the north and south corners of the development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 7P, which has not been scheduled for undergrounding by the City Council (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Navajo Community Planners, Inc., recommended approval of the proposed project, with no conditions, at their January 24, 2005, meeting by a vote of 16-0-0 (Attachment 7). The Planners did have concerns including the parking space versus unit count and the noticing of tenants. As stated in the background section of this report, the applicant has previously conforming rights to the twenty-eight units that were permitted at their times of construction, and the tenants have been noticed properly and with additional information on contacting the Housing Commission (Attachment 11).

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 between November 10 and December 9, 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 after that date and has indicated that they will pay the in-lieu fee for inclusionary housing. Additionally, the draft Tentative Map Conditions Nos. 11 and 12 specifically address the affordable housing and rent relocation requirements.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of twenty-eight (28) 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. 150622, with modifications.**
2. **Deny Tentative Map No. 150622, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

**Jeannette Temple
Development Project Manager
Development Services Department**

ESCOBAR-ECK/JT

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 7P
11. Copy of Tenant Notices