

**DATE ISSUED:** March 3, 2005      **REPORT NO.** PC-05-062

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

**SUBJECT:** THIRD AVENUE TENTATIVE MAP - PROJECT NO. 31784  
PROCESS FOUR

**OWNER/  
APPLICANT:** DAN FLOIT (Attachment 8)  
FLOIT PROPERTIES, INC.

**SUMMARY**

**Issue(s)** – Should the Planning Commission approve a Tentative Map for the conversion of six (6) existing residential units and one (1) existing commercial unit to condominiums and waive the requirement to underground existing overhead utilities at 3852 Third Avenue, within the Uptown Community Plan area?

**Staff Recommendation:**

1.     **Approve** Tentative Map No. 87424; and
2.     **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - On August 3, 2004, the Uptown Planning Committee considered the project and voted 10-2-1-1 recommending denial of the project on the basis that the conversion would make redevelopment difficult to occur and nonconformity with the objectives listed on pages 93-97 of the Uptown Community Plan, which are discussed in 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 on April 28, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.11-acre site is located at 3852 Third Avenue between Robinson Avenue and University Avenue in the CN-1A and MR-800B Zones of the Mid-City Communities Planned District within the Uptown Community Plan area (Attachment 3). The site is presently developed with a 2-story building consisting of six 2-bedroom residential units and one commercial unit. A total of seven off-street parking spaces are provided. Four off-street parking spaces are accessed from Third Avenue and the remaining three are located in the rear of the property with access provided from the alley. Surrounding land use consists of commercial development to the north, a mix of commercial and multi-unit residential development to the east, and multi-unit residential development to the south and west.

The site is currently zoned CN-1A and MR-800B and is within the Mid-City Communities Planned District established in May 1989. The majority of the site is within the CN-1A Zone. Prior zoning of the site included the R-3A (R-600) Zone applied to a portion of the site in March 1976, and the R-4 (R-400) Zone and C Zone established in October 1930. The property is also within the Transit Area Overlay Zone applied over the area in October 1992. The mixed-use development consisting of six residential units and one commercial unit was constructed in 1967. At the time, the site was zoned R-4 and C and permitted mixed use development with a maximum of 12 residential units on the approximately 4,800-square-foot site and required one off-street parking space per unit or a total of six off-street parking spaces. No parking spaces were required for the commercial area. 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 in compliance with the current density requirement of the CN-1A Zone, which allows 1 unit per 600 square feet of lot area or a total of 8 units, and the MR-800B Zone, which allows 1 unit per 800 square feet of lot area or a total of 6 units. There is no limit on the number of commercial units allowed. The project does not meet the current parking requirement of 13 parking spaces required for the mixed use 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 0.11-acre site to consolidate 3 lots into one lot and for the conversion of six multi-family dwelling units and one commercial unit 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 alley right of way. Service to the site is provided via an overhead utility line connected to a power pole located on the west side of the alley across from 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 August 3, 2004 and voted 10-2-1 with one recusal recommending denial of the project based on the following: "once converted to condominiums, redevelopment is very difficult to occur and that the project does not conform to the objectives of the items listed on pages 93-97 of the Uptown Community Plan." Although the project site is not within a designated redevelopment area, redevelopment may occur at any time. Converting the property to condominiums would not place any restrictions on the subject site or nearby properties from being redeveloped in the future. With respect to the objectives and recommendations outlined on pages 93 thru 97 of the Uptown Community Plan (Attachment 12), the majority apply to new construction or redevelopment. The project proposes to convert existing residential/commercial units to condominiums and does not propose any physical change to the existing development. There are two objectives that are applicable to the subject project including: "Preserve and enhance the pedestrian scale and human orientation within the Hillcrest area; and Preserve and promote the alleys in the Hillcrest area to be used as service pick-up locations in addition to their other uses." The existing development is a two story structure, which will remain

a low profile development. The project would not affect the existing alley servicing. Staff does not believe that the proposed condominium conversion project is in nonconformity with, or would adversely impact, the Uptown Community Plan.

**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 April 28, 2004, and is therefore subject to these new regulations. The applicant has selected to pay an in-lieu fee. Based on the in-lieu fee of \$0.50 per square foot in effect at the time the subject tentative map application was deemed complete, the subdivider would be required to pay an estimated \$3,046.30. The project has been conditioned to require the subdivider to comply with 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 six residential units and one commercial unit 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. 87424, with modifications.**
2. **Deny Tentative Map No. 87424, if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

---

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

---

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

ESCOBAR-ECK/FZT

**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 3-T
11. Copy of Sample Notice to Tenants
12. Uptown Community Plan Pages 93-97

3/08/04wct