

DATE ISSUED: March 3, 2005 **REPORT NO. PC-05-044**

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

SUBJECT: HOME AVENUE TENTATIVE MAP - PROJECT NO. 40626.
PROCESS 4

OWNER: The Mirage on Home, LLC

APPLICANT: Lintvedt, McColl and Associates

SUMMARY

Issue(s): Should the Planning Commission approve an application for a Tentative Map to convert 42 existing residential units into condominiums on a 3.09 acre site located at 4455 Home Avenue in the RM-1-1 and OR-1-1 Zones of the Central Urbanized Planned District within the City Heights Neighborhood Element of the Mid-City Communities Plan area?"

Staff Recommendations:

1. APPROVE Tentative Map No. 115132; and
2. WAIVE the requirement to underground existing overhead utility lines.

Community Planning Group Recommendation: On November 1, 2004, the City Heights Area Planning Committee voted 14-2-0, conditionally approving a recommendation to approve the proposed Tentative Map (Attachment 7). The community recommendation is discussed in greater detail within this report.

Environmental Review: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), Existing Facilities.

Fiscal Impact Statement: None. All of the cost of processing this application is paid for the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: With the proposed conversion of 42 existing apartments to condominiums, there would be a net loss of 42 rental units and a net gain of 42 for-sale units. This condominium conversion project was deemed complete on July 15, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance. This issue is discussed in greater detail within this report.

BACKGROUND

The project site is located at 4455 Home Avenue within the City Heights Neighborhood Element of the Mid-City Communities Plan (Attachment 3). The 3.09-acre site is designated for medium density residential development between 11 to 15 dwelling units per acre (Attachment 2). The property is in the RM-1-1 and OR-1-1 Zones and subject to the development regulations of the Central Urbanized Planned District Ordinance. Surrounding land uses within the area include several large multi-family complexes and commercial development including retail and commercial services. The property is also adjacent to designated Open Space and single-family development (Attachment 4). The project is not a part of the City Heights Redevelopment Area.

Project Description:

The 3.09-acre lot is located at 4455 Home Avenue just east of Fairmount Avenue and includes two separate underlying zones. The developed portion of the site is in the RM-1-1 zone, and the undeveloped hillside at the rear of the property is zoned OR-1-1. These zone designations were applied to the site in October 2000. The site is also within the Central Urbanized Planned District. Previous zoning was MR-3000 of the Mid City Communities Planned District for the developed portion of the site and R1-40000/ HR (Hillside Review) for the undeveloped hillside established in 1986. Prior zoning for the entire site was R-3000 established in December 1975, (Attachment 5). The 42 unit project was built in 1985, when the site was zoned R-2 and allowed up to 45 units. Under current criteria density would be calculated only on that portion of the site in the RM-1-1 zone. Approximately 31 units would currently be allowed. The existing 42 unit project provides 73 off-street parking spaces where 84 spaces would be required by current zoning standards. Although the project deviates from current density and parking, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

The project consists of six detached two-story structures containing a total of 42 two-bedroom dwelling units. The associated 73 off-street parking spaces are located within the street yard between Home Avenue and the buildings. Access to the parking area is via a driveway from Home Avenue.

DISCUSSION

The project proposes a Tentative Map for the subdivision of a 3.09-acre site to convert 42 existing dwelling units into condominiums on one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

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 9).

Condominium Conversions

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 regulations.

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. 5 of the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines both within the right-of-way on Home Avenue and within an easement across the site and through the Open Space adjacent to the property. Overhead Utility lines serving the project were placed underground as part of the original construction however, power poles and overhead wires are located on the site

as part of the overall network. Staff has determined that the existing poles located within the right-of-way and on the property would be required to remain in their current locations to support the overhead utilities servicing the other properties in the general vicinity. The Citywide Underground Conversion Program Master Plan indicates that the project site is located in Residential District 4-J and tentatively scheduled for comprehensive undergrounding in 2020 (Attachment 10).

Affordable Housing

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This application was Deemed Complete on July 15, 2004, and is therefore subject to these regulations. The property owner has opted to pay the in-lieu fee established by the Inclusionary Housing Ordinance rather than providing affordable units on site. Based on the date that the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$1.00 per square-foot of gross floor area (excluding garages) which totals approximately \$37,190. Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map and prior to the recordation of the final map. Both the in-lieu fee and the relocation assistance are conditions of the Tentative Map Resolution (Attachment 6).

Community Planning Group recommendation

The City Heights Area Planning Committee recommended approval of the proposed project at their November 1, 2004, meeting by a vote of 14-2-0 (Attachment 7). The motion to approve the Tentative Map includes recommendations to deny the request to waive undergrounding requirements and comply with the Inclusionary Housing Ordinance.

As discussed above, the applicant has elected to pay an In-Lieu fee of approximately \$37,000 and staff has determined that the project complies with the criteria within Council Policy 600-25 and recommends approval of the underground waiver. Therefore, the Planning Committee recommendations have been satisfied as a part of this action.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 42 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 including the Inclusionary Housing Regulations and Council Policy 600-25 regulating the undergrounding of existing overhead utilities. The project is exempt from further CEQA review and has the conditional support of the City Heights Area Planning Committee. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as conditioned.

ALTERNATIVES:

1. Approve Tentative Map No. 115132, with modifications.
2. Deny Tentative Map No. 115132, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department**

**Patrick Hooper, Project Manager
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ESCOBAR-ECK/JPHS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft Subdivision Resolution with Findings and Map Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. 60-Day Notice (Sample)
10. Undergrounding Master Plan – Neighborhood 4-J
11. Project Chronology