

**DATE ISSUED:** February 24, 2005

**REPORT NO. PC-05-095**

**ATTENTION:** **Planning Commission, Agenda of March 3, 2005**

**SUBJECT:** MONROE AVENUE TENTATIVE MAP - PROJECT NO. 49591.  
PROCESS 4

**OWNER:** Dan Floit, Floit Homes

**APPLICANT:** Keith Mullin

**SUMMARY**

**Issue(s):** Should the Planning Commission approve an application for a Tentative Map to convert twenty existing residential units into condominiums and waive the requirement to underground existing overhead utilities on a 0.36-acre site located at 3909 Monroe Avenue within the Normal Heights Neighborhood Element of the Mid-City Communities Plan area?

**Staff Recommendations:**

1. APPROVE Tentative Map No. 147052; and
2. WAIVE the requirement to underground existing overhead utility lines.

**Community Planning Group Recommendation:** On November 2, 2004, the Normal Heights Community Planning Committee voted 12-0-0, 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 twenty existing apartments to condominiums, there would be a net loss of twenty rental units and a net gain of twenty for-sale units. This condominium conversion project was deemed complete on September 24, 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 3909 Monroe Avenue within the Normal Heights Neighborhood Element of the Mid-City Communities Plan (Attachment 3). The property includes both the RS-1-7 Zone and the RM-1-1 Zone and subject to the development regulations of the Central Urbanized Planned District Ordinance and City Wide Zoning Regulations. The 0.36-acre site is designated for low to medium density residential development between 6 to 10 dwelling units per acre in the single-family zone and 11 to 15 dwelling units per acre in the multi-family zone (Attachment 2). The project is located one block west of the I-15 freeway. Surrounding land use within the older neighborhood is predominantly multi-family development with a vestige of single-family homes in the area. The Interstate-15 freeway is located one block east of the property and the Adams Avenue commercial corridor is two blocks north of the site.

### **Project Description:**

The site is located on the corner of 39<sup>TH</sup> Street and Monroe Avenue and developed with two two-story structures each containing ten 2-bedroom units for a total of twenty units. 32 off-street parking spaces are provided on the site either in individual garages accessed from an adjacent alley or below the units in a partially subterranean structure accessed via a curb cut on Monroe Avenue between the two buildings.

The existing twenty unit residential development was permitted for construction in October of 1984, when the site was zoned R-3A and permitted up to 26 units on the site. The property is currently split zoned and includes both RS-1-7 and RM-1-1 Zoning. The combined allowable density by current zoning standards would yield a total of five units based on the lot size. The project was developed with 32 off-street parking spaces in 1984. Current parking requirements for twenty 2-bedroom dwelling units would be 35 spaces. The project deviates from the current density and parking requirements however, the structure and the density have previously conforming rights pursuant to Chapter 12, Article 7, Division 1, of the Land Development Code.

## **DISCUSSION**

The project proposes a Tentative Map for the subdivision of a 0.32-acre site to convert eighteen 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 building is currently vacant due to an inordinate amount of criminal activity on the premises and therefore, the 60-day Notice of Intent to Convert to Condominiums is not applicable to this project. The issue of vacancy and how it affects relocation benefits is discussed in the Affordable Housing section of this report.

### **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 within the right-of-way on both sides of Monroe Avenue and also within the adjacent alley at the side property line. There are currently four power poles supporting the overhead utilities which are located adjacent to the property lines. Overhead Utility lines serving the project attach mid-span and cross over Monroe Avenue and connect to a power pole before entering the building. Staff has determined

that the existing poles located in adjacent right-of-ways would be required to remain in their current locations or be relocated 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 3-AA and tentatively scheduled for comprehensive undergrounding in 2017 (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 September 24, 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 \$1.75 per square-foot of gross floor area (excluding garages) which totals approximately \$28, 854.00.

Tenant relocation benefits are not applicable to this condominium conversion project because all of the existing units are vacant. The previous tenants were evicted due to an inordinate amount of criminal activity on the property and numerous complaints from local residents (Attachment 9). A collaborative effort involving the Safe Neighborhood organization and Council District Three resulted in the property owner voluntarily evicting the tenants for cause with the appropriate thirty-day notice. Additionally, the premises was determined to be unsafe based on the deteriorated condition of the access stairs. The San Diego Housing Commission has certified that the building owner/applicant has no obligation under the tenant relocation benefit ordinance.

### Community Planning Group recommendation

The Normal Heights Community Planning Committee recommended approval of the proposed project at their November 2, 2004, meeting by a vote of 12-0-0 (Attachment 7). The Committee's recommendation includes standard conditions applicable to all proposed condominium conversions in the Normal Heights neighborhood. The motion to approve the Tentative Map includes recommendations to provide existing tenants with the right of first refusal to purchase their units, maintain or increase off-street parking, upgrade existing landscape to conform to current regulations and preserve historical sidewalk scoring patterns.

Staff has reviewed the Planning Committee's recommendations and conditioned the draft Tentative Map Resolution accordingly. The draft Resolution for Tentative Map No. 147052 includes specific conditions that would require the subdivider to provide existing tenants with the right of first refusal and to preserve historical sidewalk scoring patterns and contractor date stamps. However, as indicated within this report, the property has previously conforming rights pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code relative to the existing landscape and off-street parking. The Community Group did not include the underground waiver as a part of the motion however, staff has determined that the proposed

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of twenty 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 City 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 Normal Heights Community 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. 147052, with modifications.
2. Deny Tentative Map No. 147052, 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  
Customer Support and Information Division  
Development Services Department**

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. Police Service Calls
10. Undergrounding Master Plan – Neighborhood 3-AA
11. Project Chronology