

DATE ISSUED: April 21, 2005 **REPORT NO.** PC-05-106

ATTENTION: Planning Commission, Agenda of April 28, 2005

SUBJECT: REX AVENUE TENTATIVE MAP - PROJECT NO. 46928
PROCESS FOUR

**OWNER/
APPLICANT:** RIVIERA, LLC (Attachment 8)
ROBERT BATEMAN

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 5310 Rex Avenue, within the City Heights Neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 137357; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On November 1, 2004, the City Heights Area Planning Committee considered the project and voted 10-5-1 to recommend approval of the project, with the exception of the undergrounding waiver request (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 eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on August 19, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.152 acre site is located at 5310 Rex Avenue between Shiloh Road and 54th Street in the RM-1-2 Zone, within the Central Urbanized Planned District and City Heights neighborhood of the Mid-City Communities Plan area (Attachment 3). The site is presently developed with a 2-story building consisting of three 1 bedroom and five 2 bedroom residential units. The development also provides 8 off-street parking spaces. Surrounding land use consists of multi-unit residential development to the west, a mix of single-unit and multi-unit residential development to south and east, and an unoccupied commercial structure and unimproved property to the north.

The site is currently zoned RM-1-2 and is within the Central Urbanized Planned District applied to the area in October 2000. Prior zoning of the site included the MR-1500B Zone of the Mid-City Communities Planned District applied to the area in January 1986, the R-3 (R-1000) Zone established in May 1975, and the R-4 Zone applied in March 1933. The site is also within the Transit Area Overlay Zone applied to the area in October 1992. The eight-unit residential complex was constructed in 1965. At the time, the site was zoned R-4 and permitted up to a maximum of 17 units on the 6,600 square-foot site, and required one parking space per dwelling unit or a total of 8 parking spaces. 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 the RM-1-2 Zone, which allows 1 unit per 2,500 square feet of lot area or a total of 3 units on the subject site. The project does not meet the current parking requirement of 13 parking spaces for the eight-unit 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 0.152 acre site to consolidate 2 lots into one lot and for the conversion of eight multi-family dwelling units 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 south side of the alley right of way. The closest power poles are located approximately 30 feet south and 50 feet north of the project site. Service to the site is provided via an overhead utility line connected to the overhead line within the alley right-of-way that runs parallel to the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 7A, which is scheduled for undergrounding in Fiscal Year 2006 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The City Heights Area Planning Committee considered the project on November 1, 2004 and voted 10-5-1 to recommend approval of the Tentative Map, but not the request to waive the requirement to underground overhead utilities. Based on the preceding information, 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.

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 August 19, 2004, and is therefore subject to these new regulations. The applicant has selected

to pay an in-lieu fee. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$5,297.25 based on \$0.875 per square footage fee, pursuant to 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 eight 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. 137357 with modifications.**
2. **Deny Tentative Map No. 137357, 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 7A
11. Copy of Sample Notice to Tenants

3/08/04wct