

DATE ISSUED: April 14, 2005

REPORT NO. PC-05-0109

ATTENTION: Planning Commission, Agenda of April 21, 2005

SUBJECT: CHEROKEE AVENUE TENTATIVE MAP - PROJECT NO. 48122
PROCESS FOUR

**OWNER/
APPLICANT:** Paul Meschler

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of 16 residential units into condominiums and waive the requirement to underground existing overhead utilities at 4440 Cherokee Avenue, in the RM-1-1 Zone of the Central Urbanized Planned District, within the Normal Heights Neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 136840 and
2. **Approve** the waiver for the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On December 7, 2004, the Normal Heights Community Planning Committee approved this project on their consent agenda, with no conditions, by a vote of 12-0-1 (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 associated with this action. All costs associated with the processing of this project are paid by the applicant

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of 16 existing apartments to condominiums, there would be a loss of 16 rental units and a gain of 16 for-sale units. This condominium conversion project was deemed complete on October 25, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$18,707.50, based on a \$1.75 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

BACKGROUND

The 0.28-acre site is located at 4440 Cherokee Avenue (Attachment 1), between Monroe Avenue and Meade Avenue, in the RM-1-1 Zone of the Central Urbanized Planned District, within the Normal Heights Neighborhood of the Mid-City Communities Plan (Attachment 2). The Normal Heights neighborhood Element designates the property for residential land use with a density range of 11 to 15 dwelling units per acre. The site is presently developed with two, two-story structures each containing eight units, for a total of 16 units. The project includes eight one-bedroom units and eight two bedroom units. There are 23 off-street parking spaces provided onsite, including two, two-car garages, four tandem spaces and eight surface spots. The parking provided conforms with the requirement for 23 spaces that was in effect when the project was constructed in 1985. The surrounding neighborhood is predominately multi-family development but does include some older single family homes.

The site was incorporated into the RM-1-1 Zone in October 2000. The site was zoned R-3A when the structure was built in 1985. Under current standards, four units could be built on the subject property. While the existing 16-unit project exceeds the current density standard of one unit per 3,000 square feet of lot area, the project has previously conforming rights, to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The development complies 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.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 028- acre site to convert 16 existing 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 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. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the right-of-way of the adjacent alley at the rear of the site. There are no overhead lines along the project frontage on Cherokee Avenue. One pole is currently located within the right-of-way across the alley. Overhead utilities servicing the property attach mid-span and cross over the right-of-way. Staff has determined that the pole would be required to remain in the current location to support the overhead utilities servicing adjacent properties and only a very short span (approximately 100 feet) of undergrounding would be accomplished in the alley. 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).

COMMUNITY PLANNING GROUP RECOMMENDATION

On December 7, 2004, the Normal Heights Community Planning Committee voted to approve the project on their consent agenda, by a vote of 12-0-1, with no comments or conditions.

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 Condominiums was provided to the tenants on June 15, 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 on October 25, 2004, and is therefore subject to these new regulations. With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$18,707.50, based on a \$1.75

fee per residential square footage, 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 16 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. 136840 with modifications.**
2. **Deny Tentative Map No. 136840 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

**Patrick Hooper
Development Project Manager
Development Services Department**

ESCOBAR-ECK/JPH

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photo
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 3AA
11. Copy of Tenant Notices (Sample)

