

DATE ISSUED: May 5, 2005

REPORT NO. PC-05-144

ATTENTION: Planning Commission, Agenda of May 12, 2005

SUBJECT: 46th STREET TENTATIVE MAP - PROJECT NO. 46300, PROCESS FOUR

OWNER/ Tony Struyk, Owner

APPLICANT: David Yeh, Landmark Consulting, Applicant

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of six (6) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 4224 46th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the City Heights neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 130886; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: On January 3, 2005, the City Heights Community Planning Committee voted to approve the project but deny the underground utility waiver by a vote of 7-5-1. (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 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 September 1, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The applicant has indicated that they would restrict the sale of one of the units at a price affordable to a household earning no more than 100% of the area median income (AMI), pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

BACKGROUND

The 0.14-acre site is located at 4224 46th Street (Attachment 1), between El Cajon Boulevard and Orange Avenue, in the RM-1-1 Zone of the Central Urbanized Planned District, within the City Heights neighborhood of the Mid-City Communities Plan (Attachment 3). The site is presently developed with a two story, 6-unit apartment structure, containing five, three-bedroom units and one, one-bedroom unit. Ten garage parking spaces are provided onsite, with two spaces accessed from the front of the property on 46th Street and eight spaces accessed from the rear of the property along the alley right-of-way. Nine parking spaces were required when the project was built in 1988. The project is surrounded by multi-family development to the north, south and west and single- and multi-family development to the east.

The site was incorporated into the RM-1-1 Zone of the Central Urbanized Planned District in October 2000. The site was zoned MR-1000B when the structure was built 1988. Under current standards, two units could be built on the subject property. 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 0.14-acre site to convert six 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 site is served by existing overhead utility lines which are connected to a power pole located on the opposite side of the alley right-of-way at the rear of the property. This power pole serves multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3V, which is proposed to be undergrounded in Fiscal Year 2019 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION

On January 3, 2005, the City Heights Community Planning Committee voted to approve the project but deny the underground utility waiver by a vote of 7-5-1 (Attachment 7).

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 August 25, 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 September 1, 2004, and is therefore subject to these new regulations.

With their application submittal, the applicant has indicated their decision to restrict the sale of one of the units at a price affordable to a household earning no more than 100% AMI, to satisfy these requirements as allowed by these regulations. The project has been conditioned to enter into an agreement with the San Diego Housing Commission to ensure that the unit is priced and sold accordingly, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map. The project must also 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 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. 130886, **with modifications.**
2. **Deny** Tentative Map No. 130886, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeffrey D. Strohminger
Assistant Deputy Director,
Customer Support and Information Division
Development Services Department

Paul B. Godwin
Development Project Manager,
Customer Support and Information Division
Development Services Department

STROHMINGER/PBG

Attachments:

1. Aerial Photo
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 3V
11. Copy of Tenant Notices

