

DATE ISSUED: April 14, 2005 **REPORT NO.** PC-05-175

ATTENTION: **Planning Commission, Agenda of April 21, 2005**

SUBJECT: 52ND STREET TENTATIVE MAP – PROJECT NO. 49223
PROCESS FOUR

OWNER/ 4346 52ND STREET, LLC
APPLICANT: TERRA SURVEYING CONSULTANTS

SUMMARY

Issue(s) - Should the Planning Commission approve a Tentative Map for the conversion of sixteen (16) existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 4346 52nd Street within the Mid-City Communities Plan?

Staff Recommendation:

1. **Approve** Tentative Map No. 140808 and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - The City Heights Area Planning Committee voted 9-2-1 to recommend approval of the Tentative Map without the undergrounding waiver on December 6, 2004 (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 sixteen existing apartments to condominiums, there would be a loss of sixteen rental units and a gain of sixteen for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is therefore required to comply with the new regulations regarding inclusionary housing and tenant

relocation assistance, which have been included as conditions of the Tentative Map. The owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

BACKGROUND

The 0.27-acre site is located south of El Cajon Boulevard at 4346 52nd Street in the RM-1-3 Zone of the Central Urbanized Planned District within the City Heights Neighborhood of the Mid-City Communities Plan area (Attachment 3). The community plan designates this site for Commercial/Residential Transition Zone, and the existing residential complex is consistent with this designation. The site is presently developed with one, four-story structure, containing eight (8) one-bedroom apartment units, and eight (8) two-bedroom units, with sixteen (16) off-street parking spaces. Six (6) of the parking spaces are covered under the building in the front area while ten (10) are provided uncovered at the rear of the site. The site is surrounded by a multi-family development.

The proposed Tentative Map application is to convert a sixteen unit apartment complex to a sixteen unit residential condominium complex. The 0.27 acre site is currently zoned RM-1-3 in the Central Urbanized Planned District. Prior to 10/2/2000, the site was zoned RM-1000B in the Mid-City Planned District. Prior to that, the project was zoned R-4. The apartment complex was constructed in October 1969 at which time the site was zoned R-4 which allowed 1 unit/400 sf. The six garage parking spaces and ten open parking spaces are consistent with the parking regulations when the development was constructed. 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 0.27-acre site to convert sixteen existing dwelling units into condominiums on one proposed lot (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 involves a short span of overhead facility (less than 600 feet in length). 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 at the rear of the property in the North-South alley. The closest pole locations are two located adjacent to this development on the north and south corners of the development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 7B, which has not been scheduled for undergrounding by the City Council (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The City Heights Area Planning Committee, recommended approval of the proposed project, without the undergrounding waiver, at their December 4, 2004, meeting by a vote of 9-2-1 (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 Condominium was provided to the tenants between August 11, 2004 and October 29, 2004, for prospective tenants (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 after that date and has indicated that they will pay the in-lieu fee for inclusionary housing. Additionally, the draft Tentative Map Conditions Nos. 11 and 12 specifically address the affordable housing and rent relocation requirements.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of sixteen (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. 140808 with modifications.**

2. **Deny Tentative Map No. 140808 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**

**William C. Tripp
Development Project Manager
Development Services Department**

ESCOBAR-ECK/JT

Attachments:

1. Aerial Photograph
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 7B
11. Copy of Tenant Notices