

DATE ISSUED: September 16, 2005 **REPORT NO. PC-05-280**

ATTENTION: **Planning Commission, Agenda of September 22, 2005**

SUBJECT: 4161 37TH STREET TENTATIVE MAP - PROJECT NO. 57761
PROCESS FOUR

OWNERS: LUCY NANNIZZI

APPLICANT: SAN DIEGO LAND SURVEYING & ENGINEERING, INC.

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 18 existing residential units into condominiums located at 4161 37th Street in the Central Urbanized Planned District within the City Heights neighborhood of the Mid City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 169306 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On June 6, 2005, the City Heights Area Planning Committee voted 11-3-1 to approve the proposed condominium conversion with the recommendation that the request to waive the requirement to underground the existing overhead utilities be denied.

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 Statement: 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 18 existing apartments to condominiums, there would be a loss of 18 rental units and a gain of 18 for-sale units. This condominium conversion project was deemed complete on December 28, 2004, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.32-acre site is located at 4161 37th Street in the RM-2-5 Zone of the Central Urbanized Planned District Ordinance within the City Heights Neighborhood of the Mid-City Communities Plan Area (Attachment 3). The site is developed with a two story U-shaped structure containing a total of eighteen units around a central courtyard. The existing development includes twelve one-bedroom units and six two-bedroom units. There are a total of eighteen off-street parking spaces serving the property. Ten surface spaces are accessed directly from a large single curb cut on 37th Street, and a combination of three surface spaces and five garage spaces are accessed from the alley at the rear of the site. The project is located in the heart of the Mid-City Community and surrounded by multi-family development. Other land uses in neighborhood include the University Avenue commercial corridor two blocks south of the site and the Wilson Academy Middle School one block north of the project.

The existing eighteen unit building was constructed in 1967 when the property was zoned R-4 and would have permitted a maximum of 35 units on the site. Parking requirements in effect in 1967 required a minimum of one space for each dwelling unit. The development complied with the zoning and development regulations at the time of construction and no Building or Zoning code violations have been recorded against the property. The property and the surrounding neighborhood were rezoned several times over the years and the current RM-2-5 was enacted on October 2, 2000. Current land use recommendations and development regulations would allow a maximum of nine units on the 14,026 square-foot lot.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.32-acre site to convert eighteen existing dwelling units into condominiums and to consolidate four existing parcels into one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 of Existing Utilities

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), it has been determined that such conversion is not a part of a continuing effort to accomplish a total under-grounding within a specific street or area, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground 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 utilities lines in the alley right-of-way. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property is located within the alley right-of-way, adjacent to the property on the same side of the alley as the building. The existing pole is located near the center of the project boundary. In order to facilitate the undergrounding requirement, the existing pole would have to be relocated to the corner of the property and an additional pole would have to be installed at the opposite corner to complete the 100 linear feet of undergrounding associated with this development. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3A, and the date for undergrounding has been established for the year 2024 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The City Heights Area Planning Committee voted 11-3-1 (chair not voting) to recommend approval of the proposed project on June 62005, with the following recommendation:

1. *Deny the request to waive the requirement to underground existing overhead utilities.* As previously stated staff determined that the request to waive the requirement to underground existing overhead utilities is consistent with Council Policy 600-25 and 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. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on June 9, 2005 (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 December 28, 2004, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with 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 eighteen residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 169306with modifications.**
2. **Deny Tentative Map No. 169306if 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

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STROHMNGER/JPH

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. City's Undergrounding Master Plan – Map 3A
9. Copy of 60-Day Notice of Intent to Convert
10. Project Chronology
11. Ownership Disclosure Statement