

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: December 2, 2005

TO: Members of the Planning Commission

FROM: Paul Godwin Development Project Manager

SUBJECT: PROJECT NO. 68098 – 4352 SWIFT TENTATIVE MAP

The above referenced project, the 4352 Swift Tentative Map, was originally scheduled for a public hearing before the Planning Commission on November 10, 2005.

This item was continued indefinitely after the City Attorney's opinion regarding use of categorical exemptions from CEQA for condominium conversions was provided during the course of the Planning Commission Meeting.

At the November 17, 2005, hearing, after a discussion and public testimony, the Planning Commissioners indicated their agreement that requests for Tentative Maps for condominium conversions which were not pending appeal of the environmental determination could proceed through the Planning Commission hearing process.

Based on the above information, the 4352 Swift Tentative Map project has been rescheduled for the December 8, 2005, Planning Commission hearing. Accordingly, a Revised Notice of Public Hearing was distributed as required on November 23, 2005.

There has been no appeal of the environmental determination filed for this project. The environmental exemption determination for this project was made on April 29, 2005, and the opportunity to appeal that determination ended May 13, 2005.

Paul Godwin
Development Project Manager
Development Services Department

DATE ISSUED: November 3, 2005 **REPORT NO. PC-05-297**

ATTENTION: **Planning Commission, Agenda of November 10, 2005**

SUBJECT: **4352 SWIFT TENTATIVE MAP - PROJECT NO. 68098, PROCESS FOUR**

OWNER: Thomas A. Munson Family Trust, Miles Munson, Trustee

APPLICANT: Terra Surveying Consultants

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of twelve (12) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 4352-58 Swift Avenue, in the RM-2-5 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. 205930 and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: On May 3, 2005, the Normal Heights Community Planning Committee voted 7-0-1 to recommend approval of the project with no conditions (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 12 existing apartments to condominiums, there would be a loss of 12 rental units and a gain of 12 for-sale units. This condominium conversion project was deemed complete on April 15, 2005, 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 \$18,424 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 0.24-acre site is located at 4352-58 Swift Avenue (Attachment 1), between Meade Avenue and El Cajon Boulevard, in the RM-2-5 zone of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan (Attachment 3). The RM-2-5 zone is intended to provide for multi-family development at a rate of one dwelling unit for every 1,500 square feet of lot area, or seven units allowed on this lot. The Mid-City Communities Plan designates the site for multi-family development at a density of 26-30 dwelling units per acre or six to seven units allowed on this site. The site is presently developed with two, two story multi-family structures which were constructed between 1984 and 1985. The buildings contain two one-bedroom units and ten, two bedroom units, for a total of 12 units. The site is currently developed with eight garage parking spaces and nine surface parking spaces, for a total of 17 spaces. The parking provided complies with the requirement of one space per one-bedroom unit and 1.5 spaces per two-bedroom unit (17 spaces total) that was in effect when the project was constructed between 1984 and 1985. Utilizing current development standards, 25 parking spaces would be required. The project is surrounded by multi-family residential development on the north, south and east and commercial and residential development to the west.

The site was incorporated into the RM-2-5 zone of the Central Urbanized Planned District in October 2000. The site was zoned R-3A when the project was constructed between 1984 and 1985, which allowed the construction of the 12 units onsite. Under current development standards, seven units could be built on the subject property. Although the existing 12 units exceeds this amount, 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 there are no active Building or Zoning Code violations for the subject property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.24 -acre site to convert 12 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 power poles located along the opposite side of the alley right-of-way at the rear of the property. No power poles are located on the subject site and the power poles which serve this site also serve other properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3Z, which is scheduled for funding in fiscal year 2018 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION

On May 3, 2005, the Normal Heights Community Planning Committee voted 7-0-1 to approve the project with no conditions (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 April 15, 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 April 15, 2005, 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 \$18,424 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 12 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. 205930 with modifications.**
2. **Deny Tentative Map No. 205930 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 3Z
11. Copy of Tenant Notices