

**DATE ISSUED:** November 25, 2005

**REPORT NO. PC-05-313**

**ATTENTION:** **Planning Commission, Agenda of December 1, 2005**

**SUBJECT:** **4567 HAWLEY TENTATIVE MAP - PROJECT NO. 77262, PROCESS FOUR**

**OWNER:** Phillip D. Sokol

**APPLICANT:** San Diego Land Surveying and Engineering

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of nine (9) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 4567 Hawley Boulevard, in the RM-1-2 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. 239283; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

**Community Planning Group Recommendation:** On October 4, 2005, the Normal Heights Community Planning Committee voted 7-1-1 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 nine existing apartments to condominiums, there would be a loss of nine rental units and a gain of nine for-sale units. This condominium conversion project was deemed complete on July 28, 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 \$11,988 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 0.17-acre site is located at 4567 Hawley Boulevard (Attachment 1), between Madison Avenue and Monroe Avenue, in the RM-1-2 zone of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan (Attachment 3). The RM-1-2 zone is intended to provide for multi-family development at a rate of one dwelling unit for every 2,500 square feet of lot area, or three units allowed on this lot. The Mid-City Communities Plan designates the site for multi-family development at a density of 18-20 dwelling units per acre or three units allowed on this site. The site is presently developed with a two-story multi-family structure which was constructed in 1969. The buildings contain four, one-bedroom units and five, two-bedroom units, for a total of nine units. The site is currently developed with nine parking spaces, consisting of three garage and six surface parking spaces. The parking provided complies with the requirement of one space per unit that was in effect when the project was constructed in 1969. Utilizing current development standards, 16 parking spaces would be required. The project is surrounded by multi-family residential development on all sides.

The site was incorporated into the RM-1-2 zone of the Central Urbanized Planned District in October 2000. The site was zoned R-4 when the project was constructed in 1969, which allowed the construction of the nine units onsite. Under current development standards, three units could be built on the subject property. Although the nine existing 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 0.17-acre site to convert nine 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). Per Condition No. 17 of the draft Tentative Map resolution (Attachment 6), the subdivider is required to underground the onsite overhead utility connections to the main utility lines.

The site is served by existing overhead utility lines which are connected to power poles located along 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). Per Condition No. of the draft Tentative Map resolution (Attachment 6), the subdivider is required to underground the onsite overhead utility connections to the main utility lines.

#### **COMMUNITY PLANNING GROUP RECOMMENDATION**

On October 4, 2005, the Normal Heights Community Planning Committee voted 7-1-1 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 in February 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 July 28, 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 \$11,988, 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 nine 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. 239283, **with modifications.**
2. **Deny** Tentative Map No. 239283, **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**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. Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Plan – Map 3Z
11. Copy of Tenant Notices

