

**DATE ISSUED:** December 8, 2005 **REPORT NO. PC-05-331**

**ATTENTION:** **Planning Commission, Agenda of December 15, 2005**

**SUBJECT:** 4679 CHEROKEE TENTATIVE MAP - PROJECT NO. 66919  
PROCESS FOUR

**OWNERS:** 4679 Cherokee, LLP

**APPLICANT:** Algert Engineering, Inc.

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of eight existing residential units into condominiums and waive the requirement to underground existing overhead utilities on a 0.14 acre site located at 4679 Cherokee Avenue in the Normal Heights Neighborhood Element of the Mid-City Communities Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 201489 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On May 3, 2005, the Normal Heights Planning Committee voted 7-0-1 (Attachment 7) to approve the proposed project and the underground utility waiver. No additional comments or conditions were provided to the staff.

**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). This project is not pending an appeal of the environmental determination.

The environmental exemption determination for this project was made on May 20, 2005, and the opportunity to appeal that determination ended on June, 13, 2005.

**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 eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on April 11, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.14-acre site is located at 4679 Cherokee Avenue in the CT-3-3 Zone of the Central Urbanized Planned District Ordinance within the Normal Heights neighborhood of the Mid-City Communities Plan Area (Attachment 3). The CT-3-3 Zone is intended to provide a transition between commercial uses of the adjacent CU-3-3 Zone and abutting residential zones. The site is developed with a two story building with three one-bedroom units and five two-bedroom units. There are a total of eight off-street parking spaces serving the property. Five surface spaces are accessed from the alley at the rear of the property and three surface spaces within the front yard are accessed directly from Cherokee Avenue. The project is located one block south of Adams Avenue and surrounded by multi-family development. Other land uses in the neighborhood include the commercial activity along Adams Avenue and a primarily single-family neighborhood two blocks south of the site.

The existing building was constructed in 1968 when the property was zoned R-4 and would have permitted a maximum of 16 units based on the lot size. Parking requirements in effect in 1968 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 CT-3-3 was enacted on October 2, 2000 as part of the Central Urbanized Planned District Ordinance. Current land use recommendations and development regulations would allow only four units on the 6,228 square - foot lot however the existing eight units would require a minimum of 13 off-street parking spaces. The existing property, including the density and parking configuration, has previously conforming rights pursuant to Section 127.0102 of the Land Development Code.

## **DISCUSSION**

### **Project Description**

The project proposes a Tentative Map for the subdivision of a 0.14-acre site to convert eight existing dwelling units into condominiums and to consolidate two 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 current 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 all onsite utilities and any new service run to any new or proposed structures within the subdivision per Condition Nos. 4 and 5 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains three power poles and overhead utilities lines in the alley rights-of-ways to the north and east of the property. The utility lines to these poles extend to other properties located both north and south and east and west within the alleys. In order to facilitate the undergrounding requirement, existing poles would have to be relocated to the corners of the property and an additional pole may be required to support the remaining lines to the east and west. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3-II, and the date for undergrounding has been established for the year 2019 (Attachment 10).

### Community Planning Group and Neighborhood Recommendations

The Normal Heights Planning Committee voted 70- 1 to recommend approval of the proposed project on May 3, 2005. The applicant presented exterior and interior upgrades proposed for the project and parkway landscaping improvements in the right of-way along Cherokee Avenue.

### 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 May 24, 2005 (Attachment 9).

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 11, 2005, 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 eight 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. 201489**with modificati ons.**
2. **Deny** Tentative Map No. 201489**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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**Patrick Hooper**  
**Customer Support and**  
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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 3R
9. Copy of 60-Day Notice of Intent to Convert
10. Project Chronology
11. Ownership Disclosure Statement