

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

DATE: February 9, 2006
TO: San Diego Planning Commission
FROM: John S. Fisher, DPM III
SUBJECT: PTS# 74689, Home Avenue Tentative Map

The above project was trailed on January 26, 2006 for lack of a deciding vote of 3:2:0 and continued at the request of the agent for the applicant on February 2, 2006.

The Report No. PC-06-030 is provided for your use in considering the item on February 16, 2006.

Thank you.

DATE ISSUED: January 19, 2006 **REPORT NO.** PC-06-030

ATTENTION: Planning Commission, Agenda of January 26, 2006

SUBJECT: 4641 HOME AVENUE TENTATIVE MAP - PROJECT NO. 74689.
PROCESS 4.

**OWNER/
APPLICANT:** SAN DIEGO RIDGE, LLC, Owner/Applicant (Attachment 8)

SUMMARY

Issue(s) - Should the Planning Commission approve Tentative Map No. 229452 and waive the requirement to underground existing utilities to convert 87 existing residential units to condominiums at 4641 Home Avenue in the City Heights Neighborhood of Mid City Communities Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 229452 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The City Heights Area Planning Committee, on September 7, 2005 voted 10:0:0 to recommend approval of the project and deny the request to waive the undergrounding requirement of existing utilities, the applicant provide the affordable inclusionary units on site, and the City not accept a fee in lieu of providing inclusionary units on site.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities." This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 2, 2005, and the opportunity to appeal that determination ended August 16, 2005. This Tentative Map

has no outstanding environmental appeals.

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 eighty-seven existing apartments to condominiums, there would be a loss of 87 rentals units and a gain of 87 for-sale units. This Tentative Map request was deemed complete subsequent to February 7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

BACKGROUND

The Land Use Element of the Mid City Communities Plan designates the site for Residential use at a density of eleven to fifteen dwelling units per acre and as Open Space (Attachment 1). Per the Mid City Communities Plan a maximum of sixty-five dwelling units would be allowed on the site today. The 4.38 acre site is located at 4641 Home Avenue in the RM-1-1 and OR-1-1 zone of the Central Urbanized Planned District within the City Heights Neighborhood of Mid City Communities Plan area between 46th. Street and Menlo Avenue (Attachment 2). The surrounding land uses are multi-family residential development. The site has been developed at an approximate density of 19 dwelling units per acre (Attachment 3). Within areas designated for attached housing, the Mid City Communities Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1990 at which time the site was zoned MCCPD-MR-3000 allowing one dwelling unit for every 3000 square feet of lot area. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a five buildings; one two-story and four three-story apartment buildings, a pool, spa, landscaping and surface parking. The buildings include 25 one-bedroom units with 748 square feet of living area each and 62 two bedroom units with 771 square feet of living area each. The original development provided 167 parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. 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 current application proposes a Tentative Map (Attachment 4) to convert the existing 87 residential units to condominiums. Except for eighteen of the 373.68 feet of property fronting on Home Avenue, all electrical, telephone and cable utilities are located above ground in the right-of-way of Home Avenue across the street from the site. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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. 5 of the draft Tentative Map resolution (Attachment 5). Further, the subdivider would be required to underground the existing service run from the building to the utility pole per Condition No. 6.

The neighborhood currently contains power poles and overhead utility lines within the right-of-way along Home Avenue. There is one power pole located at the western corner of the property along Home Avenue with lines adjacent to the property for a distance of eighteen feet before the lines cross Home Avenue. Undergrounding those services for only eighteen feet would not be consistent with Council Policy 600-25. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3J, and is proposed to be undergrounded in Fiscal Year 2032 (Attachment 6).

Community Planning Group Recommendation

The City Heights Area Planning Committee, on September 7, 2005 voted 10:0:0 to recommend approval of the project and deny the request to waive the undergrounding requirement of existing utilities, the applicant provide the affordable inclusionary units on site, and the City not accept a fee in lieu of providing inclusionary units on site. Staff's response to each recommendation

follows:

1) Recommend approval of the project

City staff agree with the planning group's recommendation to approve the project. The project as proposed is consistent with all applicable regulations and policies of the City which apply to the project.

2) Deny the request to waive the undergrounding requirement of existing utilities

City staff have determined the requested waiver from the requirement to underground the existing overhead utilities conforms with City Council Policy 600-25. As such, City staff cannot support this recommendation.

3) The applicant provide the affordable inclusionary units on site

City regulations regarding affordable housing allow the applicant to elect to provide affordable housing units within the existing building(s) or pay an in-lieu fee. Consistent with these regulations, the applicant has elected to pay the in-lieu fee. As this is allowed by the current regulations, City staff cannot support the recommendation of the planning group on this matter.

4) The City not accept a fee in lieu of providing inclusionary units on site

City regulations regarding affordable housing allow the applicant to elect to provide affordable housing units within the existing building(s) or pay an in-lieu fee. Consistent with these regulations, the applicant has elected to pay the in-lieu fee. As this is allowed by the current regulations, City staff cannot support the recommendation of the planning group on this matter.

CONDOMINIUM CONVERSION REGULATIONS

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 on March 28, 2005 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing 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, is subject to these regulations and has been conditioned to comply with the requirements. The applicant has elected to pay an in lieu fee in the amount of \$166,255.00 to meet these requirements.

CONCLUSION

Staff has reviewed the request for a Tentative Map for the conversion of 87 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 has provided draft findings to support approval of the tentative map and waiver of requirement to underground existing overhead utilities (Attachment 5) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 229452 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 229452 and the waiver of the requirement to underground existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeffrey D. Strohminger
Acting Deputy Director
Customer Support and
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Development Project Manager
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HALBERT/JSF

- Attachments:
1. Community Plan Land Use Map
 2. Aerial Photograph
 3. Project Location Map
 4. Tentative Map
 5. Draft Map Conditions and Subdivision Resolution
 6. Underground Project Schedule
 7. Community Planning Group Recommendation
 8. Ownership Disclosure Statement
 9. Government Code 66452.3; self-certification statement
 10. Project Chronology
 11. Project Data Sheet