

DATE ISSUED: February 16, 2006 **REPORT NO. PC-06-033**

ATTENTION: **Planning Commission, Agenda of February 23, 2006**

SUBJECT: 4053 CHEROKEE TENTATIVE MAP; PROJECT NO. 74487
PROCESS FOUR

OWNERS: Docs Plus LLC; Mark, Mary, Paul and Enass Rickards, members
(Attachment 8)

APPLICANT: Burkett & Wong Engineers

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of nine existing residential units to condominiums at 4053 Cherokee Avenue , within the City Heights Neighborhood of the Mid-City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 228710; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On December 5, 2005, the City Heights Community Planning Group voted 10-4-0 to recommend approval of the project with recommendations as described in this report (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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 12, 2005, and the opportunity to appeal that determination ended August 2, 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 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 June 24, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.16-acre site is located at 4053 Cherokee Avenue in the RM-1-2 Zone of the Central Urbanized Planned District within the City Heights Neighborhood of Mid City Communities Plan Area (Attachment 3). The site is presently developed with one, two-story structure containing three, two-bedroom units and six, one-bedroom units. Nine off-street parking spaces are provided on the site, four of which are located in the front yard setback along Cherokee Avenue and five which are accessed from the alley at the rear of the property. The site is bounded on the north, south, and east sides by multi-family residential uses and on the west by commercial.

The existing improvements were constructed in 1963. At that time, the site was zoned R-4 and would have allowed for 18 dwelling units on the subject site. The nine parking spaces provided complies with the requirement of one space per unit that was in effect in 1963. Utilizing current parking standards, 13 parking spaces would be required for this project. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

Utilizing the current site zoning of RM-1-2, three units could be built on the subject site. Although the project includes nine units where three would be allowed under current standards and provides nine parking spaces where 13 are required, 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 project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert nine existing dwelling units into condominiums on two existing lots (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*, because the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 15 of the draft Tentative Map resolution (Attachment 6). The applicant would also 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 is currently serviced by power poles and overhead utilities lines which are located in the alley right-of-way. The power poles and overhead utility lines which service this site also service other properties in the neighborhood. As indicated above, all onsite utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3A, which is scheduled to be undergrounded in the year 2024 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The City Heights Planning Committee voted 10-4-0 to recommend approval of the project on August 16, 2005, subject to the following recommendations (Attachment 7):

1. Disapproval of the waiver of the underground utility requirement. *City staff has reviewed the underground utility waiver request and has determined that it qualifies under City Council Policy 600-25.*
2. Provide motion sensitive alley lighting. *Although this item would not be required under the Municipal Code, the request has been forwarded to the applicant for their consideration.*

3. Provide street numbers on the rear of the building to facilitate fire and life services response times. *Although this item would not be required under the Municipal Code, the request has been forwarded to the applicant for their consideration.*
4. Urge the applicant to meet the spirit of the inclusionary housing requirement by providing low income unit on site. *As allowed by the Municipal Code, the applicant has elected to pay the in-lieu fee to satisfy their inclusionary housing requirement.*

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 November 18, 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 June 24, 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 nine 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. 228710, **with modifications.**
2. **Deny** Tentative Map No. 228710, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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and Information Division
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STROHMNGER/PBG

Attachments:

1. Aerial Photograph
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 3A
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations