

**DATE ISSUED:** October 27, 2006 **REPORT NO:** PC-278

**ATTENTION:** **Planning Commission, Agenda of November 2, 2006**

**SUBJECT:** 4045 33<sup>RD</sup> STREET TENTATIVE MAP; PROJECT NO. 93050  
PROCESS FOUR

**OWNERS:** Jeffrey Lindner Lewis and Marsha Jean Lewis, Trustees of the Jeffrey and Marsha Lewis 2002 Trust, dated July 19, 2002 (Attachment 8)

**APPLICANT:** Burkett & Wong, Engineers

**SUMMARY**

**Issue:** Should the Planning Commission approve a Vesting Tentative Map for the conversion of 10 existing residential units to condominiums 4045 33<sup>rd</sup> Street within the City Heights neighborhood of the Mid-City Communities Plan Area.?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 299576 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The City Heights Area Planning Committee voted 7-3-1 to recommend approval of the proposed project on July 3, 2006 with recommendations as detailed in this report (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on January 27, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

**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 10 existing apartments to condominiums, there would be a loss of 10 rental units and a gain of 10 for-sale units. This condominium conversion project was deemed complete on January 19, 2006, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 0.227 acre project site is located at 4045 33<sup>rd</sup> Street in the RM-1-1 Zone of the Central Urbanized Planned District, the Transit Overlay Zone and the City Heights Redevelopment Project Area, within the City Heights neighborhood of the Mid-City Communities Plan Area (Attachment 3). The site is presently developed with one, 2 story structure containing two 1-bedroom units and eight 2 bedroom units. Ten off-street parking spaces are provided on the site: five spaces are accessed from 33<sup>rd</sup> Street at the front and five are accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1969. At the time the site was constructed it was zoned R-4 and would have allowed for 25 units, or 1 unit for every 400 square feet of lot area. Current density requirements in the RM-1-1 Zone allow for 1 unit for every 3,000 square feet, which would permit three units. Current parking regulations in the RM-1-1 Zone and the Transit Area Overlay Zone require 17 parking spaces and there are 10 parking spaces provided on site. The 10 parking spaces provided complied with the parking requirements in effect at the time of construction. 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.

The project does not conform with the current maximum density of three units and provides 10 parking spaces where 17 are currently required. The project also 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 0227 acre site to convert 10 existing dwelling units into condominiums on several 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 decision maker 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*, the conversion involves a short span of overhead facility (less than 600 feet in length) 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 will be required to underground all existing service to the site per Condition No. 13 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 currently contains power poles and overhead utilities lines in the alley. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located at the southeast corner within the rear alley right-of-way. As indicated above, all 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 30, and the date for undergrounding has been established for the year 2025 (Attachment 10).

### **Community Planning Group and Neighborhood Recommendations:**

On July 3, 2006, the City Heights Area Planning Committee voted 7-3-1 to recommend approval of the project with the following recommendations (Attachment 7):

1. That large street numbers be placed on the rear of the building. *The applicant has voluntarily agreed to this recommendation.*
2. That motion-sensitive lighting be added to the alley. *The applicant has voluntarily agreed to this recommendation.*
3. The group recommended against the approval of the waiver of undergrounding unless utilities onsite will accommodate future undergrounding. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request. Conditions have been placed in the resolution requiring onsite undergrounding of existing utilities.*

### **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 February 4, 2006 (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 October 25, 2005. 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.

The applicant has elected to conform with the City's Inclusionary Housing Ordinance by setting aside 10% of the units (one unit) to be affordable to targeted ownership households, in accordance with Chapter 14, Article 2, Division 13 of the Land Development Code.

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of 10 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. 299576, **with modifications.**
2. **Deny** Tentative Map No. 299576 **if t he findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Mike Westlake**  
**Program Manager**  
**Development Services Department**

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**Michelle Sokolowski**  
**Development Project Manager**  
**Development Services Department**

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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 30
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations