

**DATE ISSUED:** April 21, 2005 **REPORT NO.** PC-05-116

**ATTENTION:** **Planning Commission, Agenda of April 28, 2005**

**SUBJECT:** SWIFT AVENUE TENTATIVE MAP – PROJECT NO. 36460  
PROCESS FOUR

**OWNER/** DANIEL DILLARO, OWNER  
**APPLICANT:** P&D CONSULTANTS, APPLICANT

**SUMMARY**

**Issue(s)** - Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4241 Swift Avenue in the RM- 3 Zone within the City Heights neighborhood of the Mid-City Communities Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 105119and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - On September 8, 2004, the City Heights Area Planning Committee voted 10-3-0 to recommend approval of the proposed project including a recommendation to require the undergrounding of existing overhead utilities (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 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 seven existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on August 31, 2004 and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.14-acre site is located at 4241 Swift Avenue in the RM-1-3 Zone of the Central Urbanized Planned District within the City Heights neighborhood of the Mid-City Communities Plan area (Attachment 3). The site is presently developed with a two-story structure consisting of 3 one-bedroom units; 3 two-bedroom units and 1 three-bedroom unit, with off-street parking spaces accommodating 11 vehicles. Two of the off-street parking spaces are in garages at the front of the property, accessed from Swift Avenue, while the remaining nine spaces are accessed from the alley at the rear. The site is bounded by multi-family residential development to the east, west, and south.

The seven-unit project was permitted for construction in 1989. At that time the underlying zone was MR-1000B. The 6,250 square foot lot would have accommodated only 6 units however seven units were constructed. The additional unit was approved as a part of an affordable housing density bonus agreement with the San Diego Housing Commission (See Density Bonus below). The development complied with all other 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 to the current density requirement of one unit per 2000 square feet in the RM-1-3 Zone, which would only allow three units to be constructed today. Although only 10 off-street parking spaces were required in 1989 when development occurred, current Land Development Code regulations specify the 11 existing off-street parking spaces cannot be reduced or eliminated. The 11 existing spaces comply with current off-street parking regulations.

## **DISCUSSION**

### **PROJECT DESCRIPTION:**

The project proposes a Tentative Map for the subdivision of a 0.14-acre site to convert seven existing dwelling units into condominiums on one existing lot (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 would not represent a logical extension to an underground facility and the conversion involves a short span of overhead facility (less than 600 feet in length). The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4f of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the alley right-of-way adjacent to the site. There is one existing power pole located at the northeast corner of the site in the alley. The utility lines to this pole extend to others located both north and south within the alley. Therefore, undergrounding existing utilities along the 50-foot frontage at the rear of the site would require the installation of an additional pole on the southeast corner of the property in order to maintain the overhead network serving multiple properties in the area. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-O, and the date for undergrounding has been established for the year 2023 (Attachment 10).

#### **COMMUNITY PLANNING GROUP AND NEIGHBORHOOD RECOMMENDATIONS:**

The City Heights Area Planning Committee voted 10-3-0 to recommend approval of the proposed project on September 8, 2004, with a standard recommendation that the request to waive the requirement to underground existing overhead utilities be denied (Attachment 7). Staff has reviewed the requested waiver and believes the project would be consistent with Council Policy 600-25 in that the underground effort would include only a fifty foot span and would require an additional pole to accomplish.

#### **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 on September 15, 2004 (Attachment 11).

#### Affordable Housing

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 16, 2004, 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.

### Density Bonus

The subject property located at 4241 Swift Avenue previously received a City of San Diego Density Bonus pursuant to Municipal Code. The Density Bonus allowed the development of seven units with the provision that one two-bedroom one-bath unit remain restricted as affordable at a rent level affordable to low income households for a term of 20 years pursuant to an Agreement Authorizing Affordable Housing Density Bonus and Imposing Covenants And Restrictions on Real Property recorded at the San Diego Recorder's Office on February 17, 1989, as document #89-085725. The Agreement Authorizing Affordable Housing Density Bonus will terminate on June 1, 2009.

The restricted density bonus unit is a two-bedroom unit identified as Unit #6. This unit must remain as a rental unit and may not be sold individually as a condominium during the remaining term of the "Agreement." Upon the termination of the "Agreement" the designated bonus unit is released from the terms of restrictions and may be individually sold as a condominium by the Subdivider.

### CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of seven 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. 105119with modifications.**
2. **Deny Tentative Map No. 105119if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Marcela Escobar-Eck**  
**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. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3Z
11. Copy of 60-Day Notice of Intent to Convert