

DATE ISSUED: February 3, 2005 **REPORT NO.** PC-05-036

ATTENTION: Planning Commission, Agenda of February 10, 2005

SUBJECT: PARK BOULEVARD TENTATIVE MAP - PROJECT NO. 37221
PROCESS FOUR

**OWNER/
APPLICANT:** Avalon Development Propertyt, Inc (Attachment 8)
Archstone Management Consultants

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the conversion of eleven (11) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 3620 Park Boulevard, within the Uptown Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 106784; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On November 2, 2004, the Uptown Planning Committee considered the project and voted 14-0-1 in favor of the project with six recommendations, which are discussed in the 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).

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 eleven existing apartments to condominiums, there would be a loss of eleven rental units and a gain of eleven for-sale units. This condominium conversion project was deemed complete on May 27, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.19-acre site is located at 3620 Park Boulevard between Brookes Avenue and Cypress Avenue in the MR-1500 Zone of the Mid-City Communities Planned District within the Uptown Community Plan area (Attachment 3). The site is presently developed with a 2-story building consisting of nine 1-bedroom and two 2-bedroom residential units. The development also provides five garage parking spaces located along the west property line with access from the alley. Surrounding land use consists of multi-unit residential development.

The site is currently zoned MR-1500 and is within the Mid-City Communities Planned District established in May 1989. Prior zoning of the site included the R-3A (R-600) Zone applied to the area in March 1976, and the R-4 (R-400) Zone established in October 1930. The property is also within the Transit Area Overlay Zone applied over the area in October 1992. The eleven-unit residential complex was constructed in May 1939. At the time, the site was zoned R-4 and permitted up to a maximum of 20 units on the approximately 8,276-square-foot site. At the time of construction, no off street parking spaces were required. 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 is not in compliance with the current density requirement of the MR-1500 Zone, which allows 1 unit per 1,500 square feet of lot area or a total of 6 units on the subject site. Additionally, the project does not meet the current parking requirement of 15 parking spaces for the eleven-unit development. However, 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 0.19-acre site to consolidate 2 lots into one lot and for the conversion of 11 multi-family dwelling units into condominiums (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 a) the conversion involves a short span of overhead facility (less than 600 feet in length), and b) the conversion is a requirement of a condominium conversion of an existing development 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. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the alley right-of-way. Service to the site is provided via an overhead utility line connected to a power pole located in the alley at the northwest corner of the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-S, which is proposed to be undergrounded in Fiscal Year 2013 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Uptown Planning Committee considered the project on November 2, 2004 and voted 14-0-1 in favor of the project with the following recommendations: not grant undergrounding waiver unless the above ground utilities are within alleyway or planned for undergrounding pursuant to local council district office; preserve historic sidewalk stamps and scoring and require new construction match existing; require existing landscaping comply with current requirements; place new utilities and backflow preventers outside of public right of way and shielded from view; replace adjacent sidewalk, curb, and gutter; provide a street tree, and repair drainage problems; and conduct a historical resource evaluation report for possible designation. Based on the preceding information, staff continues to support the undergrounding waiver request. The project proposes to convert existing residential units to condominiums with no physical change to the existing development. The development has previously conforming rights, and therefore the applicant is not required to provide any additional landscaping in conformance with current San Diego Municipal Code regulations. The project has been conditioned to require certain public improvements including the replacement of the curb with City standard curb and gutter along project frontage on Park Boulevard, and replacement of the asphalt alley with full width City standard concrete alley adjacent to the project site. With respect to the historical evaluation, due to the age of the structure, any future development on the site or proposed alteration to the existing development would be subject to review under the Historical Resources Regulations as outlined in Chapter 14,

Article 3, Division 2 of the Municipal Code and a historical evaluation may be required at that time.

PROJECT RELATED ISSUES:

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

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 May 27, 2004, and is therefore subject to these new regulations. The applicant has selected to pay an in-lieu fee. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$6,816.00 based on \$1.00 per square footage fee, pursuant to the Affordable Housing Requirements of 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 eleven 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. 106784, with modifications.**
2. **Deny Tentative Map No. 106784, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Marcela Escobar-Eck
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Development Services Department

Firouzeh Tirandazi
Development Project Manager
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ESCOBAR-ECK/FZT

Attachments:

1. Aerial Photograph of Project Site
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 3-S
11. Copy of Sample Notice to Tenants

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