

DATE ISSUED: March 10, 2005 **REPORT NO.** PC-05-077

ATTENTION: Planning Commission, Agenda of March 17, 2005

SUBJECT: W. LEWIS STREET TENTATIVE MAP - PROJECT NO. 44043
PROCESS FOUR

**OWNER/
APPLICANT:** RCP Properties, LLC (Attachment 8)
Brian Bradway (Burkette & Wong Engineers)

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the conversion of sixteen (16) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 720 W. Lewis Street, within the Uptown Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 128977 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 12-0-1 in favor of the project with several 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 sixteen existing apartments to condominiums, there would be a loss of sixteen rental units and a gain of sixteen for-sale units. This condominium conversion project was deemed complete on July 23, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.23-acre site is located at 720 W. Lewis Street at the northeast corner of W. Lewis Street and Falcon Street in the MR-3000 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 sixteen 1 bedroom residential units. The development also provides 16 off-street parking spaces consisting of 8 tandem spaces with access off Falcon Street. Surrounding land use consists of multi-unit residential development to the north and south, single-unit residential development to the east, and open space to the west across Falcon Street.

The site is currently zoned MR-3000 and is within the Mid-City Communities Planned District established in May 1989. Prior zoning of the site included the R-3 (R-1000) Zone applied to the area in March 1976, and the R-4(R -400) Zone established in October 1930. The sixteen-unit residential complex was constructed in 1960. At the time, the site was zoned R-4 and permitted up to a maximum of 25 units on the approximately 10,000-square-foot site. At the time of construction, no off street parking spaces were required as parking requirements were adopted late 1960. 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-3000 Zone, which allows 1 unit per 3,000 square feet of lot area or a total of 3 units on the subject site. Additionally, the project does not meet the current parking requirement of 24 parking spaces for the sixteen-unit development. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division of the Land Development Code.

DISCUSSION

PROJECT DESCRIPTION:

The project proposes a Tentative Map for the subdivision of a 0.23-acre site to consolidate 4 lots into one lot and for the conversion of 16 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 right-of-ways of Falcon Street and W. Lewis Street. There is one power pole on Falcon Street adjacent to the site, which provides service to adjacent properties. Service to the site is provided via an overhead utility line connected to a power pole located on the south side of W. Lewis Street. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2-D. This area has not been scheduled for undergrounding at this time and is to be determined in the future by the District 2 Council Office (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Uptown Planning Committee considered the project on November 2, 2004 and voted 12-0-1 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; soften Falcon Street frontage and driveway with landscape or hardscape improvements; provide an additional street tree on W. Lewis Street; consider balconies on Falcon Street elevation to add interest and residential amenities to the building; and include landscape treatments in the corner of W. Lewis and Falcon Streets. 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.

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 to 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 July 23, 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 \$16,800.00 based on \$1.75 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 sixteen 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. 128977 with modifications.**
2. **Deny Tentative Map No. 128977 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department**

**Firouzeh Tirandazi
Development Project Manager
Development Services Department**

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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 2-D
11. Copy of Sample Notice to Tenants

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