

DATE ISSUED: July 21, 2005 **REPORT NO.** PC-05-227

ATTENTION: Planning Commission, Agenda of July 28, 2005

SUBJECT: STATE STREET TENTATIVE MAP - PROJECT NO. 33530
PROCESS FIVE

**OWNER/
APPLICANT:** DAN FLOIT (50%), STATE 27, LLC (50%)(Attachment 8)
FLOIT PROPERTIES, INC.

SUMMARY

Issue(s) – Should the Planning Commission recommend to the City Council approval of an Easement Abandonment, a Right-of-Way Vacation, and a Tentative Map for the conversion of twenty-seven (27) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 3603, 3606 and 3613 State Street, within the Uptown Community Plan area?

Staff Recommendation:

1. **Recommend Approval** of Easement Abandonment No. 232831, Public Right-of-way Vacation No. 232833, and Tentative Map No. 92651; and
2. **Recommend Approval** of a waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On September 7, 2004, the Uptown Planning Committee considered the project and voted 14-0-0 on the consent agenda to recommend approval of the Easement Abandonment, Right-of-Way Vacation, and Tentative Map with recommendations, which are discussed in the report (Attachment 8).

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 27 existing apartments to condominiums, there would be a loss of 27 rental units and a gain of 27 for-sale units. This condominium conversion project was deemed complete on May 13, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The project proposes the subdivision of a 0.66-acre site into two lots for the condominium conversion of 27 existing residential units located at 3603, 3606, and 3613 State Street north of Walnut Avenue / Glenwood Drive in the MR-1500 Zone of the Mid-City Communities Planned District, and within the Uptown Community Plan Area (Attachment 3). The project also proposes the abandonment of an existing private sewer easement granted to the City and recorded on June 5, 1929, and the vacation of portions of the public rights-of-way along State Street and Walnut Avenue as shown on the Tentative Map Exhibit (Attachment 5). This is a City Council Process 5 decision because of the requests for sewer easement abandonment and rights-of-way vacation.

The project site consists of 3 buildings addressed as 3603, 3606, and 3613 State Street. The existing development at 3603 and 3613, located east of State Street consists of two 2-story buildings on a 0.43-acre site (proposed Lot 2) with 16 residential units in a combination of 4 one-bedroom and 12 two-bedroom residential units. Also provided is a storage/laundry building, and 16 parking spaces. The existing development at 3606 located west of State Street consists of a 2-story building on a 0.23-acre site (proposed Lot 1) with 11 residential units in a combination of 4 one-bedroom and 7 two-bedroom units and 13 parking spaces. The site is surrounded by a mix of single-unit and multi-unit residential development to the west, north, and east, and mix of multi-unit residential development and open space to the south.

The project site is currently zoned MR-1500 and is within the Mid-City Communities Planned District which was established over the area in May 1998. The site is also within the Transit Area Overlay Zone established in October 1992 and the Airport Approach Overlay Zone. The 27-unit combined residential development was constructed in 1970 subject to the R-4 Zone development regulations, which permitted up to a maximum of 25 units on Lot 1 and 47 units on Lot 2 based on the permitted density of 1 unit per 400 square feet of lot area. At the time, a total of 16 parking spaces were required for the 16-unit residential development on Lot 2, and a total of 11 parking spaces for the 11-unit residential development on Lot 1, based on the requirement of 1 parking space per dwelling unit in 1970. 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 meet 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 7 units on Lot 1 and a total of 12 units on Lot 2. Additionally, the project does not meet the current parking requirement of 26 spaces for the 16-unit development and 17 parking spaces for the 11-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 0.66-acre site to consolidate six existing lots into lots and for the conversion of 27 multi-family dwelling units (11 units on Lot 1 and 16 units on Lot 2) into condominiums (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived. During the review of the project, LDR-Engineering staff recommended that the existing private sewer easement over existing Lots 4, 5, and 6 of Block 163, granted to the City of San Diego and recorded June 5, 1929, to be abandoned. In addition, LDR-Engineering and LDR-Transportation reviewers recommended that excess right-of-way along State Street and Walnut Avenue, which is not necessary for public use, to be vacated. As recommended by these reviewers, the project was revised to include the subject sewer easement abandonment and right-of-way vacation.

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. Pursuant to Municipal Code Sections 125.0910 and 125.1010, a public right-of-way and an easement may be vacated by filing a Tentative Map if the decisionmaker makes the required findings. Staff has reviewed the proposed condominium conversion, right-of-way vacation, and easement abandonment and has 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 underground 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 7).

The neighborhood currently contains power poles within the State Street right-of-way, and within the unimproved portion of Glenwood Drive right-of-way. Service to the site is provided via overhead lines connected to three power poles, which are also used to serve other development in the area. The closest pole is located at the northwest corner of Lot 2, which is used to serve the building at 3613 State Street. The other two poles used to serve the buildings at 3606 and 3603 State Street is located across from the project site within the rights-of-way of State Street and Glenwood Drive, and noncontiguous to the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2-C. Allocation of funding for undergrounding in this area has not been scheduled at this time (Attachment 11).

COMMUNITY PLAN CONSISTENCY:

The Land Use Element of the Plan designates both the 0.4- acre and 0.2- acre parcels for Medium Density Residential at 15-29 dwelling units per acre. If new development were proposed, the 0.4-acre parcel could accommodate between 6 and 12 residential dwelling units and the 0.23-acre parcel could be developed with 3 to 7 dwelling units.

According to the Uptown Community Plan, unimproved street right-of-ways should be vacated only when it is determined that the right-of-way will not be needed in the future for public access to individual parcels or to public open space, to provide public parking, to provide open space for public use, or to maintain views of open space from the public right-of-way. LDR-Engineering and Transportation reviewers have determined that the proposed area to be vacated will not be needed in the future for public access or uses and therefore the vacation will not adversely affect the Community Plan.

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Uptown Planning Committee considered the project on September 7, 2004 and voted 14-0-0 on the consent agenda to recommend approval of the proposed Tentative Map, easement abandonment, and right-of-way vacation with the following recommendations:

- 1. No waiver or exemption from State and Local jurisdictional requirements that existing utility services for the property be undergrounded. Under-grounding of all overhead utility services is a critical infrastructure need in our community and is typically paid for by the development. Exceptions may include alleyway above ground utilities or any utility planned and programmed to be under grounded verified by the local council district office. The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by the Engineering staff, who determined that the waiver request met the requirements of City Council Policy 600-25.*
- 2. Historic sidewalk stamps and scoring of existing sidewalks be preserved. If sidewalks are missing or need replacement, new sidewalks will be built to match scoring, coloring,*

texture and contractor or date stamps. This is an existing requirement of the Municipal Code.

3. *If existing or previously constructed landscaping does not meet the current land development code landscape requirements, the project will be brought into compliance as part of this permit. The sidewalk and parkway planter configuration will be brought into general compliance with the City of San Diego Street Design Manual including streetscape-planting requirements.* The applicant would maintain the existing landscaping. The subject Tentative Map application is not subject to current landscape requirements. The applicant and City staff did investigate alternatives for improving the sidewalk, reducing the existing curb cuts, and modifying the on site parking areas. However, it was realized that these improvements would result in displacing a number of existing off-street parking spaces due to the existing site layout and access, and therefore is not being required.
4. *Place all new utilities and backflow preventers outside of public right-of-way and shielded from view.* Location of such facilities is subject to review by and approval by Engineering staff.
5. *Replace all adjacent sidewalk, curb, and gutter pursuant to above and provide a street tree pursuant to current streetscape standards. Repair drainage problem while reducing curb cuts.* The project has been required to vacate portions of the right-of-way, dedicate a portion along State Street, and provide a 10-foot curb to property line distance. All existing landscaping and improvements will be maintained. The project has been conditioned to require the removal of building signs, trash enclosures, and one parking space from the public right-of-way. Reduction of the existing curb cuts has been considered by the applicant and City staff and is not being required as explained above.
6. *Locate trash containers outside of public ROW.* Condition number 18 of the Tentative Map resolution requires the removal of the existing trash enclosure from the State Street right-of-way.

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 13, 2004, and is therefore subject to these new regulations. With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$20,381.00, based on a \$1.00 fee per residential square footage, 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 27 residential units into condominiums, abandonment of an existing private sewer easement granted to the City, the vacating of portions of the right-of-way along State Street and Walnut Avenue, 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, easement abandonment, right-of-way vacations and Council Policy 600 25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission to recommend to City Council to approve the project as proposed.

ALTERNATIVES

1. **Recommend** the City Council **Approve** Tentative Map No. 92651, Easement Abandonment No. 232831, and Right-of-Way Vacation No. 232833 **with modifications.**
2. **Recommend** the City Council **Deny** Tentative Map No. 92651, Easement Abandonment No. 232831, and Right-of-Way Vacation No.232833 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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STROHMINGER/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 Planning Commission Resolution
7. Draft Map Conditions and City Council Subdivision Resolution
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. City's Undergrounding Master Plan – Map 2-C
12. Copy of Sample Notice to Tenants