

DATE ISSUED: November 10, 2005 **REPORT NO. PC-05-314**

ATTENTION: **Planning Commission, Agenda of November 17, 2005**

SUBJECT: **2175 WIGHTMAN TENTATIVE MAP - PROJECT NO. 72161,
PROCESS FOUR**

OWNER: Albert and Bonnie Brooks

APPLICANT: Sterling Land Services

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 2175 Wightman Street, in the MR-3000 zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 22009 and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation: On August 16, 2005, the Greater North Park Community Planning Committee voted 13-0-0 to recommend approval of the project with their five standard conditions (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 associated with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on June 13, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$11,165 based on a \$1.75 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

BACKGROUND

The 0.15-acre site is located at 2175 Wightman Street (Attachment 1), at the southwest corner of Wightman Street and Mississippi Street, in the MR-3000 zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan (Attachment 3). The MR-3000 zone is intended to provide for multi-family development compatible with the development pattern of the existing neighborhood. The Greater North Park Community Plan designates the site for low medium density residential development at 10-15 dwelling units per acre. The site is presently developed with a two story multi-family structure which was constructed in 1971 and contains eight two-bedroom units. The site is currently developed with six surface parking spaces and two covered parking spaces, for a total of eight spaces. The parking provided complies with the requirement of one space per unit that was in effect when the project was constructed in 1971. Utilizing current development standards, 14 parking spaces would be required. The project is surrounded by a mix of single- and multi-family residential development on all sides, with commercial uses to the northeast.

The site was incorporated into the MR-3000 zone of the Mid-City Communities Planned District in November 1987. The site was zoned R-4 when the project was constructed in 1971, which allowed the construction of the eight units onsite. Under current development standards, two units could be built on the subject property. Although the existing eight units exceeds this amount, the project has previously conforming rights, to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The development complies with the zoning and development regulations in effect at the time of construction and there are no active Building or Zoning Code violations for the subject property.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.15-acre site to convert eight existing 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 the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length 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 site is served by existing overhead utility lines which are connected to power poles located along the alley right-of-way at the rear of the property. There are two power poles onsite located at opposite ends of the Wightman Street frontage, both of which serve multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3R, which is scheduled for funding in fiscal year 2016 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION

On August 16, 2005, the Greater North Park Community Planning Committee voted 13-0-0 to approve the project with five conditions, which are listed below (Attachment 7).

1. *Provide New and Appropriate Landscaping as Needed:* There is no construction proposed with this project, therefore no additional landscaping is required. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. While no additional landscaping would be required as a part of the Tentative Map process, this request has been forwarded to the applicant for their consideration.
2. *Maximize On-Site Parking:* The existing project provides eight parking spaces, which complies with the requirement of one space per unit that was in effect when the project was constructed in 1971. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code
3. *Right of First Refusal to purchase a unit be given to current tenants:* This is a requirement of the State Map Act and is a standard condominium conversion Tentative Map condition. Please see Condition No. 8 of the Resolution (Attachment 6).

4. *Save Historic sidewalk stamps and scoring:* The Land Development Code requires the preservation of historic sidewalk markers and has been included as part of Condition No. 14 of the Resolution (Attachment 6).
5. *Deny request to waive undergrounding of utilities:* The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by Engineering staff, who determined that the waiver request meets the requirements of City Council Policy 600-25.

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 April 28, 2005 (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 March 15, 2004. This proposed project was Deemed Complete on June 13, 2005, 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 \$11,165, based on a \$1.75 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 six 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. 22009↓with modifications.**
2. **Deny Tentative Map No. 22009↓if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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STROHMINGER/PBG

Attachments:

1. Aerial Photo
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 3R
11. Copy of Tenant Notices