

**DATE ISSUED:** October 5, 2006

**REPORT NO. PC-06-267**

**ATTENTION:** **Planning Commission, Agenda of October 12, 2006**

**SUBJECT:** 115 THORN STREET TENTATIVE MAP; PROJECT NO. 101453  
PROCESS FOUR

**OWNERS:** Acme Dwellings, LLC (Attachment 8)

**APPLICANT:** Christensen Engineering and Surveying

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the creation of six (6) residential condominiums (under construction) at 115 Thorn Street, in the MR-1000 zone of the Mid-City Communities Planned District, within the Uptown Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 333396 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On September 5, 2006, the Uptown Community Planning Committee voted 8-0-1 to approve this project with recommendations as detailed within this report (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on July 7, 2006.

**Fiscal Impact Statement:** 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 six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units.

## **BACKGROUND**

The 0.16-acre project site is located at 115 Thorn Street, in the MR-1000 zone of the Mid-City Communities Planned District, the Transit Area Overlay Zone, the Residential Parking Overlay Zone, and the Uptown Community Plan (Attachment 3). The project is surrounded by single- and multi-family development. Site Development Permit No. 235407 was issued on October 15, 2005 for the demolition of the existing structure and construction of six residential units with deviation to allow a 20% reduction in all the setbacks. Building Permit Nos. 173941, 179591, 179593, 179594, 179595 & 179596 were issued for the construction of the six new residential units on November 18, 2005, which are currently under construction. Under the current MR-1000 Zone, a total of seven units are permitted on the property. A total of twelve off-street parking spaces for the six units are required on the property, in accordance with current regulations. The entire project complies with current density, parking, and other development criteria.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert six under-construction dwelling units into condominiums on one existing lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 decision maker 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 of Existing Utilities**

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*, the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 15 of the draft Tentative Map resolution (Attachment 6). The applicant would also 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.

As indicated above, all onsite utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 2B, and the date for undergrounding will be determined by the City Council (Attachment 10).

### **Community Planning Group and Neighborhood Recommendations:**

On September 5, 2006, the Uptown Community Planning Committee voted 8-0-1 to approve this project with the following recommendations (Attachment 7). Each recommendation and staff's response is listed below:

1. No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted. Placing of all overhead utility services underground is a critical infrastructure need in our community, and is typically paid for by the developer. Exceptions may be made for alleyway above ground utilities, or any above ground utilities that are firmly scheduled to be placed underground in the next five years. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
2. The first right of refusal to purchase a unit be given to current tenants. *The project is under construction, therefore, there are no existing tenants.*
3. Historic sidewalk stamps and scoring of existing sidewalks be preserved, and any replacement or new sidewalks be constructed so that the scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp. *The preservation of historic sidewalk stamps and scoring is a requirement of the Land Development Code.*
4. Landscaping shall be brought into conformance with the current Land Development Code regulations for the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual. *The approved Site Development Permit which allowed the construction of the buildings included a full landscape review and approved landscape plans are included as part of the Site Development Permit requirements.*
5. Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. *The project is currently under construction and a two car garage will be provided for each unit, as required by the Municipal Code and the project's approved Site Development Permit.*

**Project-Related Issues:**

The requested conversion of these under-construction residential units to condominiums represents primarily a change in ownership. The applicant has elected to pay an in-lieu fee of to satisfy the Inclusionary Housing requirement, as allowed by the City’s Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). This fee was collected when the Building Permits required for construction were obtained.

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of six under-construction residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 333396with modifications.**
2. **Deny Tentative Map No. 333396if the findings required t o approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Mike Westlake**  
**Program Manager**  
**Development Services Department**

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**Paul Godwin**  
**Development Project Manager**  
**Development Services Department**

WESTLAKE/PBG  
Attachments:

1. Aerial Photograph
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 2B