



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** March 6, 2008 **REPORT NO.** PC-08-038

**ATTENTION:** Planning Commission, Agenda of March 13, 2008

**SUBJECT:** 1610 UPAS STREET MAP WAIVER - PROJECT NO. 128321  
PROCESS FOUR

**OWNER:** UPAS, LLC. (Attachment 8)

**APPLICANT:** San Diego Land Surveying & Engineering, Inc.

### SUMMARY

**Issue:** Should the Planning Commission approve a request to waive the requirements for a tentative map for the conversion of four (4) existing residential units into condominiums and approve a request for a Site Development Permit to maintain three off-street parking spaces where four are required at 1610-14 Upas Street, within the Uptown Community Plan Area?

**Staff Recommendation:** Approve Site Development Permit No. 525219 and Map Waiver No. 441538, including the request to waive the requirements to underground existing overhead utilities.

**Community Planning Group Recommendation:** On August 7, 2007, the Uptown Planners voted 12-0-0 to recommend approval of the proposed project with their five standard recommendations, detailed within this report (Attachment 7).

**Environmental Review:** This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 17, 2007, and the opportunity to appeal that determination ended January 11, 2008.

**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 four existing apartments to condominiums, there would be a loss of four rental units and a gain of four for-sale units. This condominium conversion project was deemed complete on May 11, 2007, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

This Map Waiver project is subject to the condominium conversion regulations in effect June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a Building conditions report, onsite inclusionary housing, noticing, and parking. Based on the adopted language and project timing, all of these new regulations apply to this project. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The 0.22-acre project is located at 1610-1614 Upas Street (Attachment 1), on the north side of Upas Street between Herbert Street and Park Boulevard, in the RS-1-7 Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone, within the Uptown Community Plan Area (Attachment 3). The site is presently developed with four single-family units and a detached two-car garage. Three off-street parking spaces are provided on the site; all three are accessed at the rear through the alley. The site is bounded on all sides by multi-family residential uses.

The project site contains four single-family dwelling units. Two of these units were constructed in 1922 when the site was not zoned. A third unit was added in 1935 and the fourth unit in 1945 when the site was zoned R-2, which permitted two units per lot. The existing four residential units do not conform to current density requirements, which allow one unit on this site. Current parking regulations require four off-street parking spaces and only three off-street parking spaces will be provided. 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 conform with the current maximum density of one unit; however, the project has previously conforming rights to be maintained as outlined in chapter 2, Article 7, Division 1 of the Land Development Code.

## **DISCUSSION**

### **Project Description:**

The project is requesting a Site Development Permit and a Map Waiver to waive the requirements of a Tentative Map for the subdivision of a 0.22-acre site into one lot for a four-unit residential condominium development and to maintain three off-street parking spaces where the San Diego Municipal Code (SDMC) requires four off-street parking spaces. Section 125.0120 of the San SDMC requires that a Tentative Map Waiver be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Map Waivers and for*

*Condominium Conversions*, the decision maker may approve a Map Waiver 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 SDMC. The Subdivider may request a waiver of the requirement to file a tentative map and parcel map for a condominium conversion project creating four or fewer condominium units. Since the subject property meets these requirements, the project is eligible for a Process Three Map Waiver. However, a Process 4 Site Development Permit is required to allow the project to maintain three off-street parking spaces, where four off-street parking spaces are required. Pursuant to Municipal Code Section 112.0103, all discretionary actions must be consolidated and processed concurrently. Therefore, the project is a Process 4 hearing and the Planning Commission must decide to approve, conditionally approve, or deny the project.

Staff has determined the proposed waiver conforms to the applicable requirements of the State's Subdivision Map Act and the SDMC. A condition of the Map Waiver requires the applicant to process a Lot Consolidation Parcel Map to consolidate the existing lots into one lot and the map shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration date.

#### **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*, in that the conversion involves a short span of overhead facilities 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 Map Waiver 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. 14 of the draft Map Waiver resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines in the alley. The power poles serve adjacent properties and are located within the alley right-of-way at the rear of the property. As indicated above, all 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 Program designates the site within Block 3S1, and the date for undergrounding has been established for the year 2022 (Attachment 9).

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

On August 7, 2007, the Uptown Planners voted 12-0-0 to approve this project with the following five standard recommendations:

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 Tentative Map Resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.*
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 Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*
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 Landscape Section of the Development Services Department has reviewed the proposed landscaping and determined that the new landscape plan is consistent with the Land Development Code.*
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. *There is no construction proposed with this project, the applicant agrees that no additional curb cuts should be required. The applicant is requesting a deviation from the parking requirements.*

#### **Project-Related Issues:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to existing tenants on August 16, 2007 (Attachment 10).

All Condominium Conversion projected deemed completed on or after February 7, 2004, must conform with regulations regarding inclusionary housing adopted by the City Council on March 15, 2004. This project was deemed complete on May 11, 2007 and is therefore subject to these regulations.

The project has been conditioned to require the subdivider conform with 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.

The applicant has elected to pay an in-lieu fee of \$10,512.00 (2,880 square feet x \$3.65) 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).

### **Site Development Permit**

A Site Development Permit is required to allow the project to maintain three off-street parking spaces, where four off-street parking spaces are required. The dwelling units were constructed in 1922, 1935, and 1945 prior to the requirements for off-street parking. The Condominium Conversion Ordinance requires 3.5 off-street parking spaces for the 2, two-bedroom units and 2, one-bedroom units. The project currently provides three off-street parking spaces. Therefore, the site is deficient 0.5 space. The project site is comprised of four cottage style multi-family houses, which are important elements to the community character. Staff has determined that requiring the additional parking space could necessitate the demolition of one of the cottages, installation of a new curb cut, the reduction of on-street parking, and the reduction of the pedestrian friendly streetscape. In addition, due to the constraints of the project site, the additional off-street parking space would require the demolition of a popular community "Historic Fig Tree" located within the front yard of the site. However, with approval of the parking deviation, the negative impacts to the community would be avoided. The project is also located in the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone and is in close proximity to major transportation corridors and bus routes. Therefore, staff has determined that the project's lot size creates a constraint to provide adequate parking to meet the requirements of the Condominium Conversion Ordinance and staff supports the parking deviation.

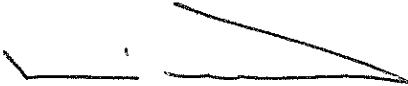
### **CONCLUSION:**

Staff has reviewed the request for a Map Waiver and Site Development Permit for the conversion of four existing residential units with deficient parking into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers, with the exception of the parking deviation. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. **Approve Site Development Permit No. 525219 and Map Waiver No. 441538, with modifications.**
2. **Deny Site Development Permit No. 525219 and Map Waiver No. 441538, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

  
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**Derrick Johnson**  
**Development Project Manager**  
**Development Services Department**

## WESTLAKE/DJ

### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Map Waiver Exhibit & Landscape Concept Plan
6. Draft Map Conditions and Subdivision Resolution
7. Draft Site Development Permit Resolution and Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Undergrounding Master Plan 3S1
11. Sample 60-Day Notice
12. Site Photos (Front & Rear)
13. Draft Site Development Permit