

**DATE ISSUED:** April 21, 2005      **REPORT NO.** PC-05-110

**ATTENTION:** Planning Commission, Agenda of April 28, 2005

**SUBJECT:** INDIA STREET LOFTS TENTATIVE MAP - PROJECT NO. 53122  
PROCESS FOUR

**OWNER/  
APPLICANT:** 3033 Hammond, LLC (Attachment 8)  
Bl Lilien (P & D Consultants)

**SUMMARY**

**Issue(s)** – Should the Planning Commission approve a Tentative Map for the creation of ten (10) residential condominium units currently under construction and waive the requirement to underground existing overhead utilities at 3033 India Street, within the Uptown Community Plan area?

**Staff Recommendation:**

1.     **Approve** Tentative Map No. 161596 and
2.     **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - On February 1, 2005, the Uptown Planning Committee considered the project and voted 16-0-0 on the consent agenda to recommend approval 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** – A building permit was granted on September 22, 2004 to allow the conversion of an existing commercial building into a 10-unit residential complex at 3033 India Street. The applicant has submitted an application for a Tentative Map to convert the 10 units under construction into condominiums, resulting in a gain of 10 for-sale units. No affordable units are proposed. The project was required to pay in-lieu fees at the time that the building permit was issued in accordance with the requirements of the Inclusionary Housing Ordinance, Chapter 14, Article 2, Division 13 of the Municipal Code.

## **BACKGROUND**

The 0.34-acre site is located between W. Quince and W. Redwood Streets at 3033 India Street within the Uptown Community Plan area (Attachment 3). The Community Plan designates the site for commercial/residential development with a residential density of 15-29 dwelling units per acre. The site is surrounded by an office building to the north, multi-unit residential development to the east, a single family home to the south, and Interstate-5 to the west.

The project site is located in the CL-6 Zone of the Mid-City Communities Planned District established in May 1989. The property is also within the Transit Area Overlay Zone, the Airport Approach Overlay Zone, the Airport Environs Overlay Zone, and the North Bay Redevelopment Area. A building permit allowing the conversion of a 2-story commercial building into a 3-story 10-unit residential development was issued on September 22, 2004. Due to the location of the project within the Airport Environs Overlay Zone and 65dB CNEL, and as required pursuant to Municipal Code Section 132.0309, an Avigation Easement was granted by the San Diego Regional Airport Authority to the applicant on December 28, 2004. The project is currently under construction and consists of a three-story building containing a total of ten residential units in a combination of eight residential lofts and two 2-bedroom units. The project also provides a total of 16 off-street parking spaces in a combination of 14 garage spaces and 2 carport spaces.

The 10-unit development on the approximately 14,810-square-foot site is in compliance with the maximum density of 1 unit per 1,500-square-foot allowed in the CL-6 Zone. The 16 off-street parking spaces provided exceeds the 14 spaces required based on the requirement of 1.25 spaces per residential loft and 1.75 spaces per 2-bedroom unit. The project has been designed in compliance with the current applicable development regulations.

## **DISCUSSION**

### **PROJECT DESCRIPTION:**

The project proposes a Tentative Map for the subdivision of a 0.34-acre site to consolidate 4 lots into one lot and for the creation of ten residential condominiums currently under construction (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. The creation of a condominium is considered a subdivision and the approval process is the same as for any subdivision. According to SDMC Section 125.0440, *Findings for Tentative Maps*, the decisionmaker may approve a Tentative Map if the decisionmaker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed Tentative Map 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 involves a short span of overhead facility (less than 600 feet in length). 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-way of India Street abutting the project site. There is one pole that fronts the project site approximately 25 feet south of the north property line. The second pole is located approximately a couple of feet south of the project site. An existing overhead line is connected from this pole to the southwest corner of the building, which the applicant proposes to underground to provide service to the development. The poles and the existing overhead line within the India Street public right-of-way will remain as they serve other developments in the neighborhood. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2-B. 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 February 1, 2005 and voted 16-0-0 on the consent agenda to recommend approval of the project with the following recommendations: replace the curb with City standard curb and gutter adjacent to the site; replace or repair sidewalks as needed, maintaining the Historic sidewalk contractors' stamps and traditional scoring, coloring, and texture; preserve on-street parking in its current quantity and every effort should be made to increase on-street and off-street parking where possible including restriping and removal of underutilized curb cuts; to the extent possible, the project should be brought into compliance with the current LDC landscape requirements; the sidewalk and parkway planter configuration should be brought into general compliance with the City's Street Design Manual including streetscape planting requirements; provide a trash enclosure area and screen from view of the public right-of-way; place new backflow prevention device or other utility equipment outside of the public right-of-way and within a planting area, if appropriate, or otherwise screen from view of the public right-

of-way; undergrounding waiver should only be granted for overhead utilities within an alleyway or planned for undergrounding in the next five years as identified and verified by the council district office; remove previously conforming commercial sign on India Street.

Based on the preceding information, staff continues to support the undergrounding waiver request. The project has been conditioned to require the replacement of the curb with City standard curb and gutter, and to replace the damaged portions of sidewalk while maintaining the existing scoring pattern and any contractor's stamp adjacent to the site on India Street. Furthermore, any utility equipment is required to be screened and the commercial sign will be removed. The development was issued a building permit in September 2004 and is in compliance with current development regulations, including current requirements for landscaping and parking per the Municipal Code.

**PROJECT RELATED ISSUES:**

The project proposes the creation of 10 residential condominium units that are currently under construction. The project was required and has paid an inclusionary housing in-lieu fee at the time the building permit was issued.

**CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the subdivision of the 0.34-acre parcel to consolidate 4 lots into 1 to create ten residential condominium units currently under construction 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. 161596 with modifications.**
2. **Deny Tentative Map No. 161596 if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**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-B

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