

**DATE ISSUED:** September 16, 2005 **REPORT NO. PC-05-276**

**ATTENTION:** **Planning Commission, Agenda of September 22, 2005**

**SUBJECT:** 1617 BROOKES TENTATIVE MAP - PROJECT NO. 70964  
PROCESS FOUR

**OWNERS:** DWIGHT A. FRERICHS & THOMAS A. FRERICHS

**APPLICANT:** ANTHONY-TAYLOR CONSULTANTS

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of seven existing residential units into condominiums at 1617 Brookes Avenue, within the Uptown Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 215786; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Uptown Planners voted 12-0-0 to recommend approval of the proposed project on September 6, 2005, with their standard five recommended conditions, as discussed further within this 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 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 seven existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on May 16, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.17-acre site is located at 1617 Brookes Avenue in the RSI-7 Zone within the Uptown Community Plan Area (Attachment 3). The site is developed with a two-story structure containing seven units, including three one-bedroom units, three two-bedroom units and one three-bedroom unit. There are a total of eight off-street parking spaces serving the property, four of which are accessed from Brookes Avenue and the remaining four from the rear alley. The project is located in one of the city's older neighborhoods just north of the San Diego Zoo and Balboa Park which includes a mix of single and multi-family development.

The existing seven unit building was constructed in 1969 when the property was zoned R-3 and permitted a maximum of eight units on the site. Parking requirements in effect in 1969 required a minimum of one space for each dwelling unit. The development complied with the zoning and development regulations at the time of construction and no Building or Zoning code violations have been recorded against the property. The property and the surrounding neighborhood were rezoned to a single-family (R-1-5000) Zone in 1989. Current land use recommendations and development regulations would allow one unit on the lot.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.17-acre site to convert seven existing dwelling units into condominiums on an 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 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 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 facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total under-grounding within a specific street or area, and 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 6).

The neighborhood currently contains power poles and overhead utilities lines in the alley right-of-way. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property is located within the alley right-of-way, adjacent to the property on the opposite side of the alley from this site. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3Q, and the date for undergrounding has been established for the year 2027 (Attachment 10).

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

The Uptown Planning Committee voted 12-0-0 to recommend approval of the proposed project on September 6, 2005, with the following recommendations:

1. *Deny the request to waive the requirement to underground existing overhead utilities.* As previously stated, staff determined that the request to waive the requirement to underground existing overhead utilities is consistent with Council Policy 600-25 and continues to support the undergrounding waiver request.
2. *The first right of refusal to purchase a unit be given to current tenants.* The Map Waiver 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. *Preserve historic sidewalk stamps and existing scoring of sidewalks.* The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.
4. *Provide new and appropriate landscaping as needed.* There is no construction proposed with this project, therefore no additional landscaping is required. 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.

5. *Maximize on-site parking.* There is no construction proposed with this project, therefore no additional parking is required. 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.

### **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 Notices of Intent to Convert to Condominiums were provided to the tenants on June 16, 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 May 16, 2005, and is therefore subject to these new 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.

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of seven 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. 215786 with modifications.**
2. **Deny Tentative Map No. 215786, if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director, Customer Support**  
**and Information Division**  
**Development Services Department**

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**Patrick Hooper**  
**Customer Support and**  
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Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. City's Undergrounding Master Plan – Map 3Q
9. Copy of 60-Day Notice of Intent to Convert
10. Project Chronology
11. Ownership Disclosure Statement