

DATE ISSUED: December 8, 2005 **REPORT NO.** PC-05-344

ATTENTION: Planning Commission, Agenda of December 15, 2005

SUBJECT: PARK WEST CONDOMINIUM CONVERSION - PROJECT NO. 76771.
PROCESS 4.

**OWNER/
APPLICANT:** San Diego Land Surveying & Engineering, Inc., Applicant/
Park West, a General Partnership, Owners (Attachment 8)

SUMMARY

Issue(s) - Should the Planning Commission approve Vesting Tentative Map No. 237281 to convert 56 existing residential units to condominiums and waive the requirement to underground existing utilities on a 0.87 acre site at 111 W. Pennsylvania Avenue in the Uptown Community Plan area?

Staff Recommendation -

1. APPROVE Vesting Tentative Map No. 237281 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The Uptown Planners, on August 15, 2005 voted 11:0:1 to recommend approval of the Vesting Tentative Map and deny the request to waive the undergrounding requirement of existing utilities, with conditions. The recommended conditions are discussed further in this report.

Environmental Review - The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities." This Tentative Map has no outstanding environmental appeals.

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 - With the proposed conversion of fifty-six existing apartments to condominiums, there would be a loss of 56 rentals units and a gain of 56 for-sale units. This Vesting Tentative Map request was deemed complete subsequent to February 7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

BACKGROUND

The Land Use Element of the Uptown Community Plan designates the site for Low Density Residential at 5 to 10 dwelling units per acre (Attachment 1). Per the Uptown Community Plan a maximum of four to nine dwelling units would be allowed on the site. The site has two zones applied to the property. The 0.87 acre site is located at 111 W. Pennsylvania Avenue in the MR-800B zone within the Mid-Cities Communities Planned District and the base zone RM-1 between Front Street and First Avenue in the Uptown Community Plan area (Attachment 2). The surrounding land uses are multi-family residential development to the east and north, open space to the south and west. The 0.87 acre site has been developed at an approximate density of 63 dwelling units per acre (Attachment 3). Within areas designated for attached housing, the Uptown Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1968 at which time the site was zoned R4 allowing one dwelling unit for every 400 square feet of lot area. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a four-story, fifty-six unit apartment building, swimming pool, parking and landscaping. The four story building includes 44 one bedroom units with 586 square feet of living area each, ten two bedroom units of 896 square feet each and two studio units with 454 square feet of living area. The original development provided 75 parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description

The current application proposes a Vesting Tentative Map (Attachment 4) to convert the existing 56 residential units to condominiums. Electrical, telephone and cable utilities are located above ground in the right-of-way of W. Pennsylvania Avenue adjacent to the site. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Vesting Tentative Map be processed for the subdivision of land. According to SDMC §125.0440 and § 125.0444, Findings for Tentative Maps and for Condominium Conversions, the decisionmaker may approve a Vesting Tentative Map for the purposes of the conversion of residential property into a condominium project if the decisionmaker finds 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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. 5 of the draft Vesting Tentative Map resolution (Attachment 5). Further, the subdivider would be required to underground the existing service run from the building to the utility pole per Condition No. 6.

The neighborhood currently contains power poles and overhead utility lines within the right-of-way of W. Pennsylvania Avenue. There are power poles located near each property corner on the northern side of the site. The next closest pole is located on the corner of First Street and Pennsylvania Avenue approximately 130 feet east of the site. Neighboring sites adjacent and across the street from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3T, and is proposed to be undergrounded in Fiscal Year 2014 (Attachment 6).

Uptown Planners Recommendation

The Uptown Planners, on August 15, 2005 voted 11:0:1 to recommend approval of the Vesting Tentative Map and deny the request to waive the undergrounding requirement of existing utilities, with conditions (Attachment 9). The five conditions are as follows:

1. No waiver or exemption from state and local requirements that existing utility services for this property be put underground.

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* as

described earlier in this report. Staff continues to support the waiver to underground existing utilities as the request is consistent with adopted City Council policy. Staff has not made this a condition of the tentative map.

2. The first right of refusal to purchase a unit be given to current tenants.

In accordance with the State Map Act and Government Code provisions regulating condominium conversions, renters have the first right of refusal to purchase the units which they occupy. The Subdivider is required to provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective. The tenants right runs for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right. This requirement is included in the Vesting Tentative Map resolution as condition number nine.

3. Historic sidewalk stamps and scoring be preserved. If sidewalks are missing or need replacement, new sidewalks will be built to match scoring, coloring, texture and contractor or date stamps.

The historic sidewalk stamps and scoring is important to the community and City. The City of San Diego Transportation Department, Streets Division as a course of their work preserves existing stamps and scoring patterns. Staff has made this a condition of the tentative map.

4. If existing or previously constructed landscaping does not meet the current land development code landscape requirements, the project will be brought into compliance as part of this permit. The sidewalk and parkway planter configuration will be brought into general compliance with the City of San Diego Street Design Manual including streetscape planting requirements.

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Landscaping the site may not be a requirement of this application. Staff has not made this a condition of the tentative map.

5. On-street parking be preserved in its current quantity and every effort be made to increase on-street parking where possible including restriping and removal of underutilized curb cuts.

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. The existing development provides seven-five parking spaces. Additional parking on the site may not be a requirement of this application. Staff has not

made this a condition of the vesting tentative map.

CONDOMINIUM CONVERSION REGULATIONS

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 Condominium was provided to the tenants on January 15, 2005 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on July 20, 2005, is subject to these regulations and has been conditioned to comply with the requirements. The applicant has elected to pay an in lieu fee in the amount of \$62,391.00 to meet these requirements.

CONCLUSION

Staff has reviewed the request for a Vesting Tentative Map for the conversion of 56 residential units into condominiums and to waive the requirement to underground existing overhead utilities and has determined the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Vesting Tentative Maps and the Council Policy 600-25 concerning underground utilities. Staff has provided draft findings to support approval of the vesting tentative map and waiver of requirement to underground existing overhead utilities (Attachment 5) and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Vesting Tentative Map No. 237281 and waive the requirement to underground existing utilities, with modifications.
2. Deny Vesting Tentative Map No. 237281 and the waiver of the requirement to underground existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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HALBERT/JSF

- Attachments:
1. Community Plan Land Use Map
 2. Aerial Photograph
 3. Project Location Map
 4. Tentative Map
 5. Draft Map Conditions and Subdivision Resolution
 6. Underground Project Schedule
 7. Community Planning Group Recommendation
 8. Ownership Disclosure Statement
 9. Government Code 66452.3; self-certification statement
 10. Project Chronology
 11. Project Data Sheet