

**DATE ISSUED:** July 13, 2006

**REPORT NO. PC-06-195**

**ATTENTION:** Planning Commission, Agenda of July 20, 2006

**SUBJECT:** 445 WEST UNIVERSITY TENTATIVE MAP - PROJECT NO. 75019  
PROCESS FOUR

**OWNER/**

**APPLICANT:** 445 West University Limited Partnership/Westone Management  
Consultants (Attachment 8)

### **SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map to convert thirteen (13) existing residential units to condominiums and a request to waive the requirement to underground existing overhead utilities on a 0.31 acre site at 445 W. University Avenue in the MR-1000z one of Mid City Communities Planned District within the Uptown Community Plan?

### **Staff Recommendation:**

1. **APPROVE** Tentative Map No. 230565.
2. **APPROVE** request to waive the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On March 13, 2006, the Uptown Community Planning Committee voted 10-0-1 to recommend approval of the tentative map with conditions as discussed in the report (Attachment 7).

**Environmental Review:** The proposed activity is categorically exempt from CEQA pursuant to Article 19, Section 15301(k), Existing Facilities of the State CEQA Guidelines. As of this writing, this project is NOT the subject of a pending appeal. The environmental exemption determination for this project was made on July 13, 2005, and the opportunity to appeal that determination ended July 27, 2005.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are being paid by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** With the proposed conversion of thirteen (13) existing apartments to condominiums, there would be a loss of thirteen (13) rental units and a gain of thirteen (13) for-sale units. This condominium conversion project was deemed complete on June 28, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.311 acre site is located at 445 W. University Avenue, between W. Washington Street and University Place in the MR-1000 zone of Mid City Communities Planned District within the Uptown Community Plan area. The Community Plan designates this site for multi-family residential development and the residential use existing is consistent with this designation. The site is presently developed with a three-story structure consisting of twelve 2-bedroom units and one 1-bedroom unit. The structure was built in 1986 and provides a total of twenty-five (25) off-street parking spaces located underneath the units. If the property were redeveloped under current zoning, a total of thirteen units could be built on the site. All development complies with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations have been recorded against the property.

Surrounding land use consists of residential single family and multi-unit developments to the south, east, and west. Commercial and mixed use development is located to the north.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.31 acre site to convert thirteen (13) existing dwelling units into condominiums on one lot (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. 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 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 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 and the conversion would not represent a logical extension to an under-grounding 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). All onsite utilities serving the subdivision shall be undergrounded with appropriate permits per Condition No. 17 of the draft Tentative Map Resolution.

This project has one power pole located in the alley southeast of the property. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3U, with the allocation year for undergrounding to be 2013. (Attachment 10).

**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 Notice of Intent to Convert to Condominiums was provided to the tenants on December 13, 2004. (Attachment 11).

This project was Deemed Complete on June 28, 2005. All condominium conversion projects Deemed Complete after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. The property owner has opted to pay the in-lieu fee established by the Inclusionary Housing Ordinance rather than providing affordable units on site. Based on the date the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$1.75 per square foot. The gross floor area for this project is 11,488 square feet. The in-lieu fee will be \$20,104.00. Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map and prior to the recordation of the final map. Both the in-lieu fee and the relocation assistance are conditions of the Tentative Map Resolution.

### **Community Planning Group:**

On March 13, 2006, the Uptown Community Planning Committee voted 10-0-1 to recommend approval of the tentative map with the following conditions:

1. Applicant should explore having the property designated historically. *Applicant agrees to explore this request.*
2. No waiver or exemption shall be granted from state and local requirements that existing utility services for this property be placed underground. Exceptions may only be made for utilities located in back alleys, or for streets which have a definite schedule date to have their utilities placed underground within the next five years; *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
3. The right of first refusal to purchase a unit shall be given to the 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.*
4. Historic sidewalk stamps and scoring of existing sidewalks shall be preserved, and any replacement or new sidewalks shall be constructed so that the new 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.*
5. Landscaping shall be brought into conformance with the current Land Development Code regulations of the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual; *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.*
6. 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 should be no net loss of on street 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.*

**Conclusion:**

Staff has reviewed the request for a Tentative Map to convert thirteen (13) existing residential units to condominiums and a request to waive the requirement to underground 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. 230565 **with modifications.**
2. **Deny** Tentative Map No. 230565 **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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**John Cruz,  
Development Project Manager  
Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation and Minutes
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan - Map 3U
11. Copy Of Tenant Notice and Certification