

**DATE ISSUED:** October 5, 2006

**REPORT NO. PC-06-256**

**ATTENTION:** **Planning Commission, Agenda of October 12, 2006**

**SUBJECT:** 319 WEST HAWTHORN STREET TENTATIVE MAP;  
PROJECT NO. 81829, PROCESS FOUR

**OWNERS:** 1805 Columbia Street, LLC., Mo Sirey, Sole Member (Attachment 8)

**APPLICANT:** Kappa Surveying and Engineering

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units to condominiums at 319 W. Hawthorn Street, in the MR-1000 zone of the Mid-City Communities Planned District, within the Uptown Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 256429 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On April 4, 2006, the Uptown Community Planning Committee voted 9-0-1 to approve this project with recommendations as detailed within this report (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on October 5, 2005. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, not the environmental determination.

**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 October 4, 2005, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.15-acre project site is located at 319 W. Hawthorn Street, in the MR-1000 zone of the Mid-City Communities Planned District and the Uptown Community Plan (Attachment 3). The site is presently developed with one, three-story structure containing seven, two bedroom units. Sixteen off-street parking spaces are provided onsite; six spaces are provided in the rear and ten spaces are provided within garages under the structure. The site is surrounded by multi-family development.

The existing improvements were constructed in 2000. At the time of construction, the site was zoned MR-1000 and would have allowed seven units on the subject site. Current density requirements in the MR-1000 zone allow for one unit for every 1,000 square feet, which would still permit seven units on the subject site. Current parking regulations in the MR-1000 require 12 parking spaces. The 16 parking spaces provided complies with the parking requirements that were in effect at the time of construction. 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 conform with the current maximum density of seven units and provides 16 parking spaces where 12 are currently required. The project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

Please note this project is not subject to the condominium conversion ordinance that was passed by the City Council on June 13, 2006. Projects such as this that had a valid appeal of the environmental exemption determination pending at the time of the ordinance adoption were specifically excluded from the new ordinance. On July 31, 2006, the City Council denied the environmental appeal for this project.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.15-acre site to convert seven existing dwelling units into condominiums on one 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 decision maker 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*, the conversion involves a short span of overhead facility (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. 21 of the draft Tentative Map 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. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines along Albatross Street. 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 Master Plan for Fiscal Year 2006 designates the site within Block 2A, and the date for undergrounding will be determined by the City Council. (Attachment 10).

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

On April 4, 2006, the Uptown Community Planning Committee voted 9-0-1 to approve this project with the following recommendations (Attachment 7). Each recommendation and staff's response is listed below:

1. Applicant to insert in the CC&R's that the designated parking may not be used for storage. *The applicant has voluntarily agreed this.*
2. 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 scheduled to ndergrounded 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.*

3. 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.*
4. 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.*
5. 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. *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 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 certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to existing tenants on October 17, 2005 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding inclusionary housing adopted by the City Council. This project was deemed complete on October 4, 2005, and is therefore subject to these new regulations. Please note this project is not subject to the condominium conversion ordinance that was passed by the City Council on June 13, 2006. Projects such as this that had a valid appeal of the environmental exemption determination pending at the time of the ordinance adoption were specifically excluded from the new ordinance. On July 31, 2006, the City Council denied the environmental appeal for this project.

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 \$9,270.00 (7,416 square feet x \$ 1.25) 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).

**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. 256429 with modifications.**
2. **Deny Tentative Map No. 256429 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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**Paul Godwin**  
**Development Project Manager**  
**Development Services Department**

WESTLAKE/PBG

Attachments:

1. Aerial Photograph
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 2A
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations