



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 8, 2007 **REPORT NO:** PC-07-149

ATTENTION: Planning Commission, Agenda of November 15, 2007

SUBJECT: 4133 KANSAS STREET TENTATIVE MAP; PROJECT NO. 83998
PROCESS FOUR

OWNERS: Charles Warner (Sole Owner)

APPLICANT: Melissa Cooper, Lintvedt, McColl & Associates

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of forty-three (43) existing residential units to condominiums at 4133 Kansas Street, including a waiver of the requirement to underground the existing overhead utilities, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 264794; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On July 18, 2006, the Greater North Park Planning Committee voted 15-0-0 to recommend approval of the proposed project with recommendations as detailed in 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 September 28, 2005, and the opportunity to appeal that determination ended October 20, 2005.

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 43 existing apartments to condominiums, there would be a loss of 43 rental units and a gain of 43 for-sale units. This condominium conversion project was deemed complete on September 19, 2005, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The 0.64-acre project site is located at 4133 Kansas Street in the MR-1250B Zone of the Mid-City Communities Planned District, and the Transit Area Overlay Zone within the Greater North Park Community Plan. (Attachment 3). The site is presently developed with a three-story structure containing 33, two-bedroom units and 10, one-bedroom units. Forty-three off-street parking spaces are provided on the site. Thirty-eight spaces are accessed from the alley and five spaces are accessed from Kansas Street. The site is bounded on the north, west, and south sides by multi-family residential uses and by commercial to the east.

The existing improvements were constructed in 1969. The site was zoned R-4, which permitted multi-family residential development at an unlimited density. The site is currently zoned MR-1250B, which would allow one unit for every 1,250 square feet or 28 units on the subject site. Current parking regulations would require 81 parking spaces on site and 43 parking spaces are provided. 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 not conform with the current maximum density of 28 units; however, 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 project proposes a Tentative Map for the subdivision of a 0.64-acre site into one lot to convert 43 existing dwelling units into condominiums (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*, in that the conversion involves a short span of overhead facility (less than 600 feet in length), 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 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. 20 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in the alley. The utility lines to these poles extend to other properties located north and south within the alley. The poles closest to this property, which carry the lines serving this site, are located within the rear alley right-of-way. 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 3GG, and the date for undergrounding has been established for the year 2038 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On July 18, 2006, the Greater North Park Community Planning Committee voted 15-0-0 to recommend approval of the proposed project with the following recommendations:

1. 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 firmly scheduled to be placed underground 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.

2. 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.*
3. 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.*
4. 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. *The proposed project was reviewed per the Landscape Requirement (Development Regulations for Condo Conversions 144.0507) and was found to be in conformance.*
5. 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:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

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 September 6, 2005 (Attachment 11).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

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 is required to set aside at least 10 percent of the units for households with an income at or below 100 percent AMI, to satisfy the Inclusionary Housing requirement, as allowed by the City's Condominium Conversion Ordinance (Chapter 14, Article 4, Division 5 of the Land Development Code).

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all noticing requirements for condominium conversions.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 43 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. 264794, with modifications.**
2. **Deny Tentative Map No. 264794, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Michelle Sokolowski
Development Project Manager
Development Services Department

WESTLAKE/MS/RM

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. Project Chronology
9. Sample 60-Day Notice
10. Undergrounding Master Plan 3GG
11. Building Conditions Report (Provide by the Applicant)
12. Photos of Existing Elevations
13. Applicant's proposed schematic presented to Community Planning Group
14. Landscape Development Plan