

DATE ISSUED: February 17, 2005

REPORT NO. PC-05-046

ATTENTION: **Planning Commission, Agenda of February 24, 2005**

SUBJECT: KANSAS STREET TENTATIVE MAP - PROJECT NO. 35939.
PROCESS 4

OWNER: Ma Family Living Trust

APPLICANT: Lintvedt, McColl & Associates

SUMMARY

Issue(s): Should the Planning Commission approve an application for a Tentative Map to convert twenty (20) existing residential units into condominiums on a 0.36-acre site located at 4120 Kansas Street in the RM-1250B Zone of Mid City Communities Planned District within the Greater North Park Community Plan?

Staff Recommendations:

1. APPROVE Tentative Map No. 102152; and
2. WAIVE the requirement to underground existing overhead utility lines.

Community Planning Group Recommendation: On August 17, 2004, the Greater North Park Community Planning Committee voted 12-0-0, conditionally approving a recommendation to approve the proposed Tentative Map (Attachment 7). The community recommendation is discussed in greater detail within this report.

Environmental Review: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), as an Existing Facility.

Fiscal Impact Statement: None. All of the cost of processing this application is paid for the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: With the proposed conversion of twenty existing apartments into condominiums, there would be a net loss of twenty rental units and a net gain of twenty for-sale units. This condominium conversion project was deemed complete on June 17, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance. This issue is discussed in greater detail within this report.

BACKGROUND

The project site is located at 4120 Kansas Street within the Greater North Park Community Plan area (Attachment 3). The 0.36-acre site is designated for residential use medium high residential development between 30 to 35 dwelling units per acre (Attachment 2). The property is in the RM-1250B Zone and subject to the development regulations of the Mid-City Planned District Ordinance. Surrounding land use within the area is almost exclusively multi-family development. The project site is located one block south of the El Cajon Boulevard commercial corridor.

Project Description:

The existing two-story twenty unit residential project was constructed in 1958 when the site was zoned R-4 and permitted up to 42 units. The twenty units are comprised of 10 one-bedroom and 10 two-bedroom units constructed around a central interior courtyard. A variance was granted (C-1452) to allow a 20-foot front setback where 23.5 feet was required. No other discretionary actions or code violations are recorded against the property. The current MR-1250B zone would allow 17 units and the twenty existing units would require 23 off-street parking spaces. The project includes twenty off-street parking spaces. Eleven of the spaces are located in the rear yard and accessed from the adjacent alley. The remaining nine spaces are within the front yard and accessed from Kansas Street. Although the existing structure does not comply with current zoning and density standards, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

The project proposes a Tentative Map for the subdivision of a 0.36-acre site to convert twenty existing dwelling units into condominiums and consolidate five existing parcels into one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

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 Condominium was provided to the tenants on May 5, 2004 (Attachment 9).

Condominium Conversions

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 regulations.

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 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 Tentative Map Resolution (Attachment 6).

There are no overhead lines along the project frontage on Kansas Street. The neighborhood currently contains power poles and overhead utility lines within the right-of-way on the both sides of the alley at the rear of the property. Overhead Electrical lines serving the project are located on the west side of the alley and while poles containing overhead cable lines are located adjacent to the property on the east side of the alley. Overhead electrical lines serving the property extend from an existing pole on the west side of the alley and cross over the right-of-way to connect to the side of the building. There is one power pole within the right-of-way abutting the subject property at the northwest corner of the lot. Staff has determined that the existing poles located within the right-of-way would have to be relocated or remain in their current locations to support the overhead utilities servicing the area. In either case, the number of poles within the alley would not be reduced and the underground effort (112 feet) would have a

minimal effect on the neighborhood. The Citywide Underground Conversion Program Master Plan indicates that the project site is located in Residential District 3-Y and tentatively scheduled for comprehensive undergrounding in 2008 (Attachment 10).

Affordable Housing

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This application was Deemed Complete on June 17, 2004, and is therefore subject to these regulations. 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 that the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$1.00 per square-foot of gross floor area (excluding garages) which totals approximately \$14,320.00. 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 (Attachment 6).

Community Planning Group recommendation

The Greater North Park Community Planning Committee recommended approval of the proposed project at their August 17, 2004, meeting by a vote of 12-0-0 (Attachment 7). The Committee's recommendation includes standard conditions applicable to all proposed condominium conversions in Greater North Park. The motion to approve the Tentative Map includes recommendations to deny the request to waive undergrounding requirements, to provide the existing tenants with the right of first refusal to purchase their units, to maintain or increase off-street parking, upgrade existing landscape to conform to current regulations, and to preserve historical sidewalk scoring patterns.

Staff has reviewed the Planning Committee's recommendations and conditioned the draft Tentative Map Resolution accordingly. The draft Resolution for Tentative Map No. 102152 includes specific conditions that would require the subdivider to provide existing tenants with the right of first refusal and to preserve historical sidewalk scoring patterns and contractor date stamps. However, as indicated within this report, the property has previously conforming rights pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code relative to the existing landscape and off-street parking. As discussed above, staff has determined that the project complies with the criteria within Council Policy 600-25 and recommends approval of the underground waiver.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of twenty residential units into condominiums and the request to waive the requirements of the undergrounding of 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 the State Map Act regulating the subdivision of real property. Staff has also determined the project is consistent with the Inclusionary Housing Regulations and City Council Policy 600-25 regulating the undergrounding of existing overhead utilities. The project is exempt from further CEQA review and has the conditional support of the Greater North Park Community Planning Committee. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as conditioned.

ALTERNATIVES:

1. Approve Tentative Map No. 102152, with modifications.
2. Deny Tentative Map No. 102152, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department**

**Patrick Hooper, Project Manager
Customer Support and Information Division
Development Services Department**

ESCOBAR-ECK/JPHS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft Subdivision Resolution with Findings and Map Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. 60-Day Notice (Sample)
10. Undergrounding Master Plan – Neighborhood 3-Y
11. Project Chronology