

DATE ISSUED: June 2, 2005 **REPORT NO.** PC-05-155

ATTENTION: Planning Commission, Agenda of June 9, 2005

SUBJECT: KENSINGTON PARK TENTATIVE MAP - PROJECT NO. 49622
PROCESS FOUR

**OWNER/
APPLICANT:** KENRIDGE PROPERTIES, LP (Attachment 8)
CARLOS ALANIZ

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the conversion of 131 existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4424 - 4464 44th Street, within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 147492.
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On March 9, 2005, the Kensington Talmadge Planning Committee considered the project and voted 13-0-1 to recommend approval of the Tentative Map subject to the Committee's five standard conditions, which are discussed in the report (Attachment 7).

Environmental Review – This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

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 131 existing apartments to condominiums, there would be a loss of 13 rental units and a gain of 131 for-sale units. This condominium conversion project was deemed complete on October 25, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 2.53-acre site is located at 4424- 4464 44th Street between Meade and Monroe Avenues in the RM-1-3 and OR-1-1 Zones, within the Central Urbanized Planned District and Kensington-Talmadge neighborhood of the Mid-City Communities Plan area (Attachment 3). The site is presently developed with four 2 and 3 story buildings consisting of a total of 131 residential units in a combination of 14 one-bedroom, 97 two-bedroom, and 20 three-bedroom units. The development also includes a pool area, courtyards, and an underground parking garage providing a total of 264 off-street parking spaces. Surrounding land use consists of single-unit residential development to the north and south, a mix of single- and multi-unit residential development to the east, and multi-unit residential and open space to the west.

The site is currently zoned RM-1-3 and OR-1-1 and is within the Central Urbanized Planned District applied to the area in October 2000. Approximately 70% of the site is in the RM-1-3 Zone. The site is also within the Transit Area Overlay Zone applied to the area in October 1992. Prior zoning of the site included the CN-1 and MR-1000B of the Mid-City Communities Planned District applied to the area in January 1986, the R3A (R-600) Zone established in May 1975, and the R-4 Zone applied in October 1930. The project has been constructed pursuant to Mid-City Development Permit No. 86-0887, which was granted by City Council on May 19, 1987 (Attachment 12). At the time, the majority of the property was in the MR-1000B Zone, with a small portion at the southwest corner of the site in the CN-1 Zone. The development permit allowed the development of a 131-unit residential project and required 260 off-street parking spaces. 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 meet the current density requirement of the RM-1-3 and OR-1-1 Zones, which would allow a total of 40 units on the subject 110,362-square-foot site. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Existing project parking exceeds the 228 spaces required per current Municipal Code regulations.

DISCUSSION

PROJECT DESCRIPTION:

The project proposes a Tentative Map for the subdivision of a 2.53-acre site to consolidate 8 lots into one lot and for the conversion of 131 multi-family dwelling units into condominiums

(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 involves a short span of overhead facility (less than 600 feet in length). 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).

The neighborhood currently contains power poles and overhead utility lines primarily within the western portion of Fairmont Avenue right-of-way. There are also power poles and overhead lines along private property that is located to the north of the project site. These lines run in a westerly direction across Fairmont Avenue, serving the adjacent development. There is one pole located at the southwest corner of the subdivision, which serves to support the overhead lines across Fairmont Avenue through the use of steel cables. Utility service to the project site is underground. The City's Undergrounding Master Plan for Fiscal Year 2005 designates the site within Block 3-HH. Undergrounding in this area is scheduled for funding in Fiscal Year 2006 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Kensington-Talmadge Planning Committee (KTPC) considered the project on March 9, 2005 and voted 13-0-1 to recommend approval of the project subject to the following five KTPC standard conditions:

1. *No waiver of exemption from state and local undergrounding requirements. Exceptions may include alleyway above ground utilities or any utility planned and programmed to be undergrounded in the next five years as identified and verified by the local council district office:* The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by Engineering staff, who determined that the waiver request met the requirements of City Council Policy 600-25. Service to the project site is underground. The waiver is for utilities serving adjacent sites.

2. *Grant first right of refusal to current tenants:* This is a standard condominium conversion Tentative Map condition. Please see Condition No. 8 of the Resolution (Attachment 6).
3. *Preservation of historic sidewalk stamps and scoring pattern:* This is an existing requirement of the Municipal Code.
4. *Bring existing landscape into compliance with current requirements:* The applicant would maintain the existing landscaping that was provided at the time of project construction. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.
5. *Preserve and maximize on-street and off-street parking:* The project provides 264 off-street parking spaces, which exceeds the 228 spaces required per current Municipal Code regulations.

PROJECT RELATED ISSUES:

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

All condominium conversion projects Deemed Complete on or after February 7, 2004 must conform with the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on October 25, 2004, and is therefore subject to these new regulations. With their application submittal, the applicant indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$280,000.00 based on a \$1.75 fee per residential square footage, pursuant to the Affordable Housing Requirements of 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.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of 131 residential units into condominiums and the request to waive the requirement 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. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 147492 with modifications.**

2. **Deny Tentative Map No. 147492 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Attachments:

1. Aerial Photograph of Project Site
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 3-HH
11. Copy of Sample Notice to Tenants
12. Mid-City Development Permit No. 86-0887

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