

DATE ISSUED: December 8, 2005

REPORT NO. PC-05-359

ATTENTION: **Planning Commission, Agenda of December 15, 2005**

SUBJECT: 4033 FLORIDA STREET TENTATIVE MAP – PROJECT NO. 80410
PROCESS FOUR

**OWNER/
APPLICANT:** Erik Nowacki, Owner/Applicant (Attachment 15)

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of ten (10) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities for an Affordable/In-Fill Housing Expedite project located at 4033 Florida Street, within the Mid-City Communities Planned District of the Greater North Park Community Plan?

Staff Recommendation:

1. **Approve** Tentative Map No. 251258 and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation: On October 18, 2005, the Greater North Park Planning Board voted 14-0-0 to recommend approval of the proposed project with one condition (Attachment 9).

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), and is not subject to a pending appeal of the environmental determination to the City Council.

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 10 existing apartments to condominiums, there would be a loss of 10 rental units and a gain of 10 for-sale units. As a component of the application, the proposed project will conform to the Inclusionary Housing Ordinance Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent (one unit) of the total for-sale dwelling units on-site for households with an income at or below 100 percent Area Median Income (AMI), currently \$63,400 for a family of four. Furthermore, the proposed project is subject to the Tenant Relocation Assistance Regulations.

BACKGROUND

The 0.17-acre site is located at 4033 Florida Street, north of Lincoln Avenue within the Greater North Park Community Planning area, and falls within the MR-1250B zone of the Mid-City Communities Planned District (Attachment 2). The site is designated within the Greater North Park Community Plan for Residential use, 30-35 dwelling units per acre (Attachment 3). The site is presently developed with a two story, 10-unit apartment building. The building consists of eight 1-bedroom apartment units, two 2-bedroom apartment units, and 10 off-street parking spaces. The project is surrounded by multi-family residential development on all sides.

The 10-unit apartment building was built in 1961 when the zone was R-4, a multi-family residential zone, which permitted one unit per 400 square feet and would have allowed 10 units on the property. The site was incorporated into the MR-1250B zone of the Mid-City Communities Planned District in November of 1987, which permits one unit per 1,250 square feet and currently would allow six units on the property. At the time of the building permit, the parking regulations required one parking space per residential unit. The project provides 10 off-street parking spaces where current regulations require 14 for the project site. The project deviates from current landscape, parking, and may deviate from other development criteria. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 and Chapter 10, Article 3, Division 15 of the San Diego Municipal Code (SDMC).

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.17-acre site to convert 10 existing residential apartment units into condominiums and to consolidate two 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.

Section 125.0410 of the 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 SDMC. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the SDMC.

Undergrounding Waiver Request:

The project site is located on the east side of Florida Street, south of Polk Avenue and north of Lincoln Avenue, within Council District Three. A condition has been placed on the project requiring the subdivider to underground existing onsite utilities to the existing pole fronting the subject property and located within the alley right-of-way. This pole, together with other poles in the alley, are currently supplying utility service to the surrounding community (Attachment 6). The request is to waive the requirement of undergrounding this utility pole. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3R and is proposed to be undergrounded in Fiscal Year 2016 (Attachment 7).

SDMC 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 is being required to underground existing and any proposed new service runs within the subdivision per Conditions 4 and 5 of the draft Tentative Map resolution (Attachment 8).

Community Planning Group Recommendation:

The Greater North Park Planning Board considered the project on October 18, 2005, and voted 14-0-0 to recommend approval with the condition that 1) the applicant retain the Japanese-Craftsman style currently inherent in the curved roofline, rather than remove the curved roofline as originally proposed by the applicant; and 2) the exterior remodel of the project reflect and emphasize this Japanese-Craftsman style (Attachment 9). This style is unique and will continue to add to the diverse mix of styles desired in North Park as outlined in the North Park Community Plan. In response to the Community Group's request, the applicant worked with the Community Group to provide renderings of the proposed design to show how they plan to meet the Community Group's condition (Attachments 10 and 11).

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 May 26, 2005, and the list of names/addresses of persons receiving the notice (Attachment 1) . Copies of the notices are on

file in the Development Services Department. A sample of the “Information for Tenants” letter, the 60-day Notice, Statement Pursuant to SDMC Section 125.0431(b), and the 180 Day Notice of Intention to Convert that was provided by the applicant is also attached (Attachment 13).

The proposed project complies the Inclusionary Housing Ordinance Requirements and Council Policy 600-27(A) criteria for the Affordable/In-Fill Housing Expedite Program by setting aside at least 10 percent (one unit) of the total for-sale dwelling units on-site for households with an income at or below 100 percent Area Median Income, currently \$63,400 for a family of four. The project was deemed complete on August 3 , 2005; therefore, the project is subject to the Tenant Relocation Assistance Regulations.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 10 residential apartment units into condominiums and the request to waive the requirement to undergrounding the existing overhead utilities, and has found the project to be in conformance with the applicable sections of the SDMC regulating Tentative Maps and Council Policy 600-25 regulating the undergrounding of existing overhead utilities. Staff has determined that the development is consistent with the land use designation of the Greater North Park Community Plan and believes the required findings can be supported (Attachment 8). Therefore, staff recommends that the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

ALTERNATIVES:

1. **Approve** Tentative Map No. 251258 and the waiver to the requirement for the undergrounding of the existing overhead utilities, with modifications.
2. **Deny** Tentative Map No. 251258 and the waiver to the requirement for the undergrounding of the existing overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeffrey D. Strohminger
Assistant Deputy Director, Customer Support
and Information Division
Development Services Department

Leslie Goossens
Development Project Manager
Development Services Department

STROHMINGER/LAG

Attachments:

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Existing Overhead Utilities Photo
7. City's Undergrounding Master Plan – Block 3R
8. Draft Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Proposed Front Elevation
11. Proposed Rear Elevation
12. Certification of Tenant Notice and Tenant List
13. Sample of “Information for Tenants” letter and Tenant Notices
14. Environmental Exemption
15. Ownership Disclosure
16. Project Chronology