

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: April 13, 2006

TO: Planning Commission

FROM: Vena Lewis, Development Project Manager

SUBJECT: 4140 Mississippi TM – Project No. 76934
Continuance from January 19, 2006 Planning Commission Hearing

On December 8, 2005 the Planning Commission heard the staff report (Report No. PC-05361 (Attachment 5)) and public testimony for the 4140 Mississippi Tentative Map project requesting approval for a Tentative Map for the conversion of eight existing residential units to condominium ownership and to waive the requirement to underground existing overhead utilities at 4140 Mississippi Street within the Greater North Park Community Plan area. The Planning Commission continued the hearing and directed staff and the applicant (Letter from Applicant see Attachment 1) to return on January 19, 2006 to address the following items:

1. Provide conceptual plans for the façade and landscape.

Conceptual plans for the façade and landscaping (see Attachment 2).

2. Provide front, side and rear elevations.

See Attachment 3.

3. Provide an inspection report from owner.

The owner has provided a Property Condition Assessment Report (see Attachment 4).

On January 19, 2006, the Planning Commission heard staff report and public testimony regarding the above three items. The Planning Commission continued the hearing again and directed staff and the applicant (Letter from Applicant see Attachment A) to return (the project has been renoticed) to address the following three items:

1. Provide Concept Landscape Plans.

See Attachment B.

2. Provide a list of proposed improvements.

See Attachment C.

3. Provide Property Assessment Report signed by a licensed engineer.

See Attachment D.

Sincerely,

Vena Lewis
Development Project Manager
Customer Support and Information Division
Development Services Department

Attachments for April 13, 2006:

- A. Letter from Applicant
- B. Landscape Concept Plans
- C. List of proposed improvements
- D. Property Assessment Report

Attachments for January 19, 2006:

- 1. Letter from Applicant
- 2. Conceptual Façade and Landscape Plans
- 3. Photos of front, side and rear elevations
- 4. Property Condition Assessment Report
- 5. Planning Commission Report No. PC-05361

DATE ISSUED: December 1, 2005

REPORT NO. PC-05-361

ATTENTION: Planning Commission, Agenda of December 8, 2005

SUBJECT: 4140 MISSISSIPPI TM – PROJECT NO. 76934
PROCESS FOUR

OWNER/

APPLICANT: Norbert T. Brauburger (Attachment 8)

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential units to condominium ownership and to waive the requirement to underground existing overhead utilities at 4140 Mississippi Street within the Greater North Park Community Plan?

Staff Recommendation:

APPROVE Tentative Map No. 237892

Community Planning Group Recommendation: On September 22, 2005, the Greater North Park Planning Committee (GNPPC) voted 7-4-0 to recommend approval of the project with conditions (Attachment 7).

Environmental Review: The project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA) (Attachment 12). The project is not subject to a pending environmental appeal.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant through a deposit account with the City of San Diego.

Code Enforcement Impact: None with this action.

Housing Impact Statement: Approval of the proposed conversion of eight residential

units to condominium ownership would result in an increase of eight residential for sale market-rate units and the loss of eight residential rental units. There is no loss or addition to the supply or demand for housing in the Greater North Park Community Plan area.

BACKGROUND

The proposed project site is located at 4140 Mississippi Street between Howard Avenue to the north and Polk Avenue to the south (Attachment 3). The property is in the MR-1250B zone of the Mid-City Communities Planned District within the Greater North Park Community Plan (Attachment 2). The 9,215 square-foot site was previously zoned R-4 on June 7, 1930 changed to the R-3A zone on April 4, 1975; and then changed again on November 12, 1987 to the current MR-1250B zone.

The site is currently improved with an existing eight-unit apartment complex constructed in 1964. At that time the zone was R-4 (400 square feet per unit) and would have permitted up to 23 units on the site. However, the current MR-1250B zone would allow only seven (7) units to be built on the property today.

The project site is bounded on either side by existing residential development consisting of single-story or multi-level complexes. The immediate area is surrounded by sites with the same zoning and land use designation.

DISCUSSION

Project Description:

The project proposes a tentative map for the subdivision of a 0.211-acre site into one (1) lot for an eight-unit residential condominium conversion (Attachment 5). The existing two story apartment building consists of eight two bedroom units. There are twelve (12) existing on-site parking spaces where sixteen (16) are required. The project deviates from current density and parking regulations and may deviate from other development criteria. However, the project retains previously conforming rights (per Chapter 12, Article 7, Division 1 of the Land Development Code (LDC)) because neither the structure nor the use will change as a result of the proposed project.

The tenants that currently occupy the rental units have the right of first refusal to purchase his or her unit at the same or better terms than those that will be offered to the public. No other entitlements accrue to the Owner/Permittee through this action other than to the change of ownership to condominiums.

Waiver of Undergrounding:

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights of way. Staff has determined the undergrounding waiver request qualifies under the guidelines the San Diego Municipal Code regulating Map Waivers and 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) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. 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).

The neighborhood currently contains power poles and overhead utility lines in the alley public right of way. The utility lines to these poles extend to other properties located east and west within the alley. The waiver is requested (Attachment 11) specifically for approximately 66 feet of overhead service and one utility pole running along the north side of the alley. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3X and is proposed to be undergrounded in Fiscal Year 2009 (Attachment 10).

The applicant would however, be required to underground all onsite utilities serving the subdivision and as noted in Condition 13 of the draft Tentative Map Resolution and must provide proof the undergrounding has taken place.

Community Group Recommendation:

The Greater North Park Planning Committee voted to recommend approval for the project with the following conditions:

- 1) Retain deep overhang; and
- 2) Emphasize vertical break in facade.

Staff acknowledges the community group conditions for approval and has determined the conditions are not applicable to this discretionary action because the project as proposed does not include any type of construction, grading or alteration to the existing structure.

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 Notices of Intent Convert to Condominiums were provided to the tenants on May 27, 2005 (Attachment 13).

The subject project was deemed complete on July 18, 2005. All condominium conversion

projects deemed complete after February 7, 2004, are subject to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the LDC), and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5).

The property owner has opted to pay the in-lieu fee established by the Inclusionary Housing Ordinance rather than providing affordable housing units on site. Based on the date the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$0.875 per square foot. The gross floor area for this project is 8,070 square feet. The in-lieu fee will be \$7,061.25. Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map or prior to the recordation of the final map.

Conclusion:

The project is in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be made and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES:

1. Approve Tentative Map No. 237892 with modifications.
2. Deny Tentative Map No. 237892 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeff Strohminger, Acting Deputy Director
Customer Support and Information Division
Development Services Department

Vena Lewis, Project Manager
Customer Support and Information Division
Development Services Department

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. Block 3X Undergrounding Master Plan for Fiscal Year 2004
11. Waiver Letter
12. CEQA Exemption
13. Copy of 60-Day Notice