

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

DATE: January 26, 2006

TO: Planning Commission

FROM: Patricia Grabski, Development Project Manager

SUBJECT: 4113 43<sup>rd</sup> Street TM – Project No. 75909 – Continuance from January 12,  
2006 Planning Commission Hearing

---

On January 12, 2006, the Planning Commission continued the project to January 26, 2006, due to a noticing error. The project has been renoticed.

Sincerely,

---

Patricia Grabski  
Development Project Manager  
Customer Support and Information Division  
Development Services Department

**DATE ISSUED:** January 19,2006 **REPORT NO.** PC-06-028

**ATTENTION:** Planning Commission, Agenda of January 26, 2006

**SUBJECT:** 4113 43<sup>rd</sup> STREET TENTATIVE MAP PROJECT NO. 75909  
PROCESS FOUR

**OWNER/** 4113 43<sup>rd</sup> Street, LLC (Attachment 8)

**APPLICANT:** **Landmark Engineering**

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of six existing residential units into condominium units and a waiver of the requirement to underground existing overhead utilities at 4113 43<sup>rd</sup> Street within the Mid-Cities Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 233593.
2. **Approve** waiver from the requirement to underground existing adjacent overhead utilities.

**Community Planning Group Recommendation:** On November 7, 2005, the City Heights Area Planning Committee voted 10:4:1 to recommend approval of the application for the Tentative Map to convert the six apartments to condominium ownership. They also voted to deny the request to waive the requirement to underground the adjacent utilities. The Committee also strongly recommended that the applicant install motion sensitive floodlighting for the alley and install the address number on the rear of the building to facilitate fire and life safety services. The applicant has agreed to these two recommendations (Attachment 7).

**Environmental Review:** This project is exempt from environmental review pursuant to Article 19, Section 15301(k), of the California Environmental Quality Act (CEQA) on the basis that they are existing facilities. This project is not subject to a pending appeal.

**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 the six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium conversion project is required to comply with the Inclusionary Affordable Housing Ordinance and tenant relocation assistance which have been included as a condition of the Tentative Map. The subdivider has elected to pay the In-Lieu Fee to satisfy the Inclusionary Affordable Housing Ordinance.

## **BACKGROUND**

The 010 8-acre site is located at 4113 43<sup>rd</sup> Street, between Polk Avenue and Orange Avenue (Attachment 1) in the RM-1-3 Zone and the Transit Overlay Zone in the Mid-Cities Community Plan area which designates the site for medium density residential (Attachment 2). The site is presently developed with a two story structure on two lots (Attachment 3). The two story structure contains five, one bedroom units and one, two bedroom unit. The site also provides six off-street parking spaces, three spaces are located in the front of the units and three are located at the rear of the property.

The existing improvements were constructed in 1972 when the site was zoned R-4. The R-4 zone allowed one unit per 400 square feet of lot area and would have permitted fifteen (15) units on the 6,250 square foot site. No building or zoning code violations have been recorded against the property.

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 0.108-acre site to convert six existing dwelling units into condominiums on one lot (Attachment 3). The applicant is also requesting that the requirement for the undergrounding of the existing adjacent 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 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 under-grounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines. All utilities serving this property have been conditioned 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 Residential District 3M's allocation year to be 2022(Attachment 9).

### **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 by July 5, 2005(Attachment 10).

This project was Deemed Complete on June 29,2005 . All condominium conversion projects Deemed Complete after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. The draft Tentative Map resolution requires compliance with this ordinance (Attachment 6).

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of the six residential units into condominiums and the request to waive the requirements of the undergrounding of adjacent

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 Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. Approve Tentative Map No. 233593, and the waiver to underground the existing utilities with modifications.
2. Deny Tentative Map No. 233593, if the findings required approving the project cannot be affirmed.

**Respectfully submitted,**

---

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

---

**Patricia Grabski, AICP**  
**Development Project Manager**  
**Development Services Department**

STROHMINGER/PG

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Photos
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation and Minutes
8. Ownership Disclosure Statement
9. City's Undergrounding Master Plan –M3
10. Copy Of Tenant Notice and Certification