

**DATE ISSUED:** July 6, 2006 **REPORT NO. PC-06-204**

**ATTENTION:** **Planning Commission, Agenda of July 13, 2006**

**SUBJECT:** HUNTERS GLEN CONDOMINIUMS – PROJECT NO. 87744  
PROCESS FOUR

**OWNER:** Mark Bustamante, a Single Man (Attachment 8)

**APPLICANT:** Kevin Gaynor, Landmark Consulting

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of five existing residential units to condominiums at 4010 – 4016 Texas Street, within the Greater North Park Community Planning Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 279376; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On February 21, 2006, the Greater North Park Planning Committee (GNPPC) voted 11-0-1 to approve the project with conditions (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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 20, 2005, and was originally appealed by Briggs Law Corporation on December 28, 2005. On February 23, 2006, the appeal was withdrawn by the Appellant.

**Fiscal Impact Statement:** 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 5 existing apartments to condominiums, there would be a loss of 5 rental units and a gain of 5 for-sale units. This condominium conversion project was deemed complete on December 7, 2005, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance, adopted by the City Council on March 15, 2004. The project has been conditioned to require the subdivider conform with 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. To meet these requirements, the applicant has agreed to restrict the sale of 10% of the units (one unit) at prices affordable to households earning no more than 100% AMI, and the Tentative Map Resolution has been so conditioned. Because the project proposes to set aside 10% of the units at prices affordable to households earning no more than 100% AMI, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

## **BACKGROUND**

The 0.167-acre site is located at 4010 – 4016 Texas Street in the MR-1250B zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with one 2 story structure (adjacent to the alley) containing one 2 bedroom unit above four enclosed parking spaces, and two 1-story structures containing three 1-bedroom and one 3-bedroom units respectively. Four off-street parking spaces are provided on the site, all provided in enclosed garages with access off the alley. The site is bounded by multi-family residential use to the north, east, and west, with single-family residential use to the south.

The existing improvements were constructed between the years of 1950 and 1957. At the time the site was zoned R-4 and would have allowed for 18 dwelling units. Parking requirements effective at the time of construction required four parking spaces to be provided for the five dwelling units. 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 conforms to the current density requirement of one unit per 1,250 square feet in the MR-1250B Zone, which would allow for 5 units. Under current criteria, 8 off-street parking spaces would be required. 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 016 7-acre site to convert 5 existing dwelling units into condominiums on one existing lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 of Existing Utilities**

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*, the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 15 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 17 of the draft Tentative Map resolution.

The neighborhood currently contains power poles and overhead utilities lines on the alley. The utility lines from these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is on the west side of the alley about thirty feet north of the northerly property line. As indicated above, all utilities serving this property will be required 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 the site within Block 3R, and the date for undergrounding has been established for the year 2016 (Attachment 10).

### **Community Planning Group and Neighborhood Recommendations:**

On February 21, 2006, the Greater North Park Community Planning Group (GNPCPG) voted 11-0-1 to approve the project with the following 5 standard conditions, as applicable: Historic

sidewalk stamps and scoring be preserved; first right of refusal for renters; new and appropriate landscaping as needed; on-site parking be maximized; and opposition to the exemption to underground existing overhead utilities, as shown in the February 21, 2006 GNPCPG minutes. (Attachment 74<sup>th</sup> page). Each of those conditions is discussed below.

1. Historic sidewalk stamps and scoring of existing sidewalks be preserved. *The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*
2. The first right of refusal to purchase a unit be given to current tenants. *The Tentative Map Resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.*
3. New and appropriate landscaping as needed. *There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. However, the applicant has replaced the existing landscaping with new plantings, trees, and flowers and has also installed an irrigation system for all landscaped areas; therefore, the landscaping meets the current landscaping requirements of the City's Land Development Code.*
4. Onsite parking shall be maximized. *There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*
5. Opposition to the exemption to underground existing overhead utilities. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*

### **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 to Convert to Condominiums were provided to the tenants March 31, 2006 (Attachment 11).

All condominium conversion projects Deemed Complete on or 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. This proposed project was deemed complete on December 7, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with 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. To meet these requirements, the applicant has agreed to

restrict the sale of 10% of the units (one unit) at prices affordable to households earning no more than 100% AMI, and the Tentative Map Resolution has been so conditioned.

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of five residential units into condominiums 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. 279376, with modifications.**
2. **Deny Tentative Map No. 279376, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Mike Westlake  
Program Manager  
Development Services Department

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Daniel Stricker  
Development Project Manager  
Development Services Department

WESTLAKE/DES

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. City's Undergrounding Master Plan – Map 3R
11. A sample of the 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations at Submittal