

DATE ISSUED: August 24, 2006

REPORT NO. PC-06-246

ATTENTION: **Planning Commission, Agenda of August 31, 2006**

SUBJECT: 4330 43rd STREET TENTATIVE MAP; PROJECT NO. 90698
PROCESS FOUR

OWNERS: Eleni Koros (Attachment 8)

APPLICANT: Burkett & Wong Engineering

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential units to condominiums at 4330 43rd Street, in the CT-2-4 zone of the Central Urbanized Planned District, within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 290820and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On March 8, 2006, the Kensington-Talmadge Planning Committee voted 13-0-1 to approve this project with recommendations as detailed within this report (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on January 0 , 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, not the environmental determination.

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 eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on December 27, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.142 acre project site is located at 4330 43rd Street, in the CT-2-4 zone of the Central Urbanized Planned District, within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan Area and the Transit Area Overlay Zone. (Attachment 3). The site is presently developed with 1, two-story structure containing 4, two bedroom units and 4, one-bedroom units. Nine off-street parking spaces are provided onsite; four spaces are accessed from 43rd Street along the front of the property and five spaces are accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1971. At the time of construction, the site was zoned CO and would have allowed one unit for every 400 square feet of lot area, or 16 units on the subject site. Current density requirements in the CT-2-4 zone allow for one unit for every 1,500 square feet, which would permit four units. Current parking regulations in the CT-2-4 and Transit Area Overlay Zone require 12 parking spaces. The nine parking spaces provided complies with the parking requirements that were in effect at the time of construction. 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 conform with the current maximum density of four units and provides nine parking spaces where 12 are currently required. However, 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 0.142 acre site to convert eight 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 decision maker 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. 14 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. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines on the alley. The utility lines to 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 located within the rear alley right-of-way, approximately five feet west of this site. 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 3AA, and the date for undergrounding has been established for the year 2020 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On March 8, 2006, the Kensington-Talmadge Planning Committee voted 13-0-1 to approve this project with the following recommendations. (Attachment 7).

1. Applicant was asked to extend the raised planter in the front of the building, to provide landscape planting in the rear on grade, and to plant two street trees in the parkway. *The applicant has voluntarily agreed to install the landscaping and examine the feasibility of planting the two street trees in conjunction with the San Diego Municipal Code regulations.*

2. No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted. Placing of all overhead utility services underground is a critical infrastructure need in our community, and is typically paid for by the developer. Exceptions may be made for alleyway above ground utilities, or any above ground utilities that are firmly scheduled to be placed underground in the next five years. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
3. 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.*
4. Historic sidewalk stamps and scoring of existing sidewalks be preserved, and any replacement or new sidewalks be constructed so that the scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp. *The Municipal Code already requires the preservation of historic sidewalk stamps and scoring.*
5. Landscaping shall be brought into conformance with the current Land Development Code regulations for the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual. *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.*
6. Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. *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.*

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to existing tenants on January 22, 2006 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding inclusionary housing adopted by the City Council on March 15, 2004. This project was deemed complete on December 27, 2005, and is therefore subject to these new regulations. Please note this project is not subject to the condominium conversion ordinance that was passed by the City Council on June 13, 2006. Projects such as this that had a valid appeal of the environmental exemption determination pending at the time of the ordinance adoption were specifically excluded from the new ordinance. On July 31, 2006, the City Council denied the environmental appeal for this project.

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. The applicant has elected to pay an in-lieu fee of \$4 ,047.50 (5,619square feet x \$ 2.50) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of eight 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 requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 290820 with modifications.**
2. **Deny Tentative Map No. 290820if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Paul Godwin
Development Project Manager
Development Services Department

WESTLAKE/PBG

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 3AA
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations