

CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
M E M O R A N D U M

DATE: January 3, 2008

TO: Planning Commission

FROM: Derrick Johnson, Development Project Manager

SUBJECT: 4631 KANSAS STREET TENTATIVE MAP (Project Number 83546),
Continued from December 13, 2007.

The subject project was originally scheduled for a Process 4 Planning Commission hearing on December 13, 2007. No public testimony was heard on this item. The Planning Commission continued the item until January 10, 2008, to allow the applicants an opportunity to provide copies of the Building Conditions Report and the Landscape Plan.

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal, therefore the project was not required to submit a Building Conditions Report or Landscape Plan to staff for review and approval.

All applicable dates within the Tentative Map documents will be modified in the final version following action of the Planning Commission.

A re-print of the report for the subject project is provided.



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 6, 2007 **REPORT NO. PC-07-172**

ATTENTION: Planning Commission, Agenda of December 13, 2007

SUBJECT: 4631 KANSAS STREET TENTATIVE MAP; PROJECT NO. 83546
PROCESS FOUR

OWNERS: Richard and Sharon Jones (Attachment 8)

APPLICANT: Westone Management Consultants

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units to condominiums at 4631 Kansas Street, in the MR-1500 Zone and the Transit Area Overlay Zone, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. Approve Tentative Map No. 262993; and
2. Approve waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On June 19, 2007, the Greater North Park Community Planning Committee voted 7-1-2 to recommend approval of the 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 October 13, 2005. 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 seven existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on October 10, 2005, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 0.16-acre project site is located at 4631 Kansas Street, in the MR-1500 Zone and the Transit Area Overlay Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan (Attachment 3). The site is presently developed with 1, two-story structure containing 5, two-bedroom units and 2, one-bedroom units. Eight off-street parking spaces are provided onsite: three spaces are accessed from Kansas Street along the front of the property and five spaces are accessed from the alley at the rear. The site is bordered by multi-family development on all sides.

The existing improvements were constructed in 1985. At the time of construction, the site was zoned R-3 and would have allowed one unit for every 1000 square feet of lot area, or 72-units on the subject site. Current density requirements in the MR-1500 zone allow for one unit for every 1,500 square feet, which would permit five units on the subject site. Current parking regulations in the MR-1500 and Transit Area Overlay Zone require 11-off street parking spaces. The eight parking spaces provided complied with the parking requirements 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 to the current maximum density and parking requirements; 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 0.16-acre site to convert seven 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.

The applicant will be required to underground all existing onsite service to the site per Condition No. 19 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 power poles which serve this site also serve adjacent properties and are located within the alley right-of-way at the rear of the property. 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 Utilities Undergrounding Program designates the site within Block 3Y2, and the date for undergrounding has been established for the year 2030 (Attachment 10).

Community Planning Group and Neighborhood Recommendations: On June 19, 2007, the Greater North Park Community Planning Committee voted 7-1-2 to approve this project with the following recommendations:

1. 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.*
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. 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 Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*
4. 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.*
5. 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 March 11, 2005 (Attachment 11).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

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 \$6,867.50 (5,494 square feet x \$1.25) 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 seven 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. 262993, with modifications.**
2. **Deny Tentative Map No. 262993, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Derrick Johnson
Development Project Manager
Development Services Department

WESTLAKE/DJ

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. Project Chronology
9. Undergrounding Master Plan 3Y2
10. Sample 60-Day Notice
11. Photos of Existing Elevations

