



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 11, 2008 **REPORT NO.** PC-08-123

ATTENTION: Planning Commission, Agenda of September 18, 2008

SUBJECT: 3918 MISSISSIPPI STREET TENTATIVE MAP - PROJECT NO. 95317
PROCESS FOUR

OWNERS: James Mcinnis Jr. (Attachment 8)

APPLICANT: Anthony-Taylor Consultants

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential units to condominiums at 3918 Mississippi Street, including a waiver of the requirement to underground the existing overhead utilities, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 308422; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On May 20, 2008, the Greater North Park Community Planning Group voted 14-0-0 to deny this project with one recommendation 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 August 15, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 6, 2007. The scope of the subject hearing only includes the project, and 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. For the purpose of the review of this project, the project was deemed complete on February 3, 2006, and is therefore subject to the new 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 site is located at 3918 Mississippi Street in the MR-800B Zone of the Mid-City Planned District and the Transit Area Overlay Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with 1, two-story structure containing 8, two-bedroom units. Eight off-street parking spaces are provided on the site: three spaces are accessed from Mississippi Street along the front of the property and five 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 1957. The official building records were not available. The eight parking spaces provided complied with the parking requirements in effect at the time of construction. Current density requirements in the MR-800B Zone allow for one unit for every 800 square feet, which would permit five units on the subject site. Current parking regulations in the MR-800B and Transit Area Overlay Zone require 18-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 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 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.

The applicant will be required to underground all existing service to the site per Condition No. 16 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 two feet south 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 Utilities Undergrounding Program designates the site within Block 3R and the date for undergrounding has been established for the year 2037 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On May 20, 2008, the Greater North Park Community Planning Group voted 14-0-0 to deny this project with the following recommendation (Attachment 7).

1. Deny the project as it is under parked. *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 has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the applicants on June 11, 2008 (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 \$8,587.50 (6,870 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 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. 308422, with modifications.**
2. **Deny Tentative Map No. 308422, 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. Ownership Disclosure Statement
9. Project Chronology
10. Undergrounding Master Plan 3R
11. Sample 60-Day Notice
12. Photos of Existing Front and Rear Elevations